

amended (7 U.S.C. 601-674). The action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that these actions will tend to effectuate the declared policy of the Act.

These actions are consistent with the marketing policy for 1983-84. The marketing policy was recommended by the committee following discussion at a public meeting on September 27, 1983. The committee met again publicly on January 24, 1984 at Bakersfield, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the *Federal Register* (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information on views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the Act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 907

Marketing agreements and orders, California, Arizona, Oranges (Navel).

1. § 907.891 is added as follows:

§ 907.891 Navel Orange Regulation 591.

The quantities of navel oranges grown in California and Arizona which may be handled during the period February 3, 1984, through February 9, 1984, are established as follows:

- (a) District 1: 1,500,000 cartons;
- (b) District 2: Unlimited cartons;
- (c) District 3: Unlimited cartons;
- (d) District 4: Unlimited cartons.

2. § 907.890 Navel Orange Regulation 590 paragraphs (a) through (d) are hereby revised to read:

§ 907.890 Navel Orange Regulation 590.

- (a) District 1: 1,650,000 cartons;
- (b) District 2: Unlimited cartons;
- (c) District 3: Unlimited cartons;

(d) District 4: Unlimited cartons.

3. § 907.889 Navel Orange Regulation 589 (49 FR 1980) paragraphs (a) through (d) are hereby revised to read:

§ 907.889 Navel Orange Regulation 589.

- (a) District 1: 2,000,000 cartons;
- (b) District 2: Unlimited cartons;
- (c) District 3: Unlimited cartons;
- (d) District 4: Unlimited cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 25, 1984.

Russell L. Hawes,

Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 84-2502 Filed 1-27-84; 8:45 am]

BILLING CODE 3410-02-M

Food Safety and Inspection Service

9 CFR Part 381

[Docket No. 80-084F]

Removal of Kidneys From Mature Chickens and Mature Turkeys

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This is a final rule amending the Federal poultry products inspection regulations by requiring the removal of kidneys from mature chicken and mature turkey carcasses after the inspectors complete post-mortem inspection of the poultry viscera, but before completion of eviscerating operations, and to prohibit the use of such kidneys for human food. High concentrations of cadmium, a heavy metal injurious to human health, are found in these kidneys causing them to be adulterated under the Poultry Products Inspection Act. Prohibiting kidneys from mature chicken and mature turkey carcasses to be used for human food will prevent a substantial amount of cadmium from entering the American diet. Additionally, the Department is amending the definition of "Ready-to-cook poultry" to include the removal of kidneys from mature chickens and mature turkeys.

EFFECTIVE DATE: February 29, 1984.

FOR FURTHER INFORMATION CONTACT: Dr. John C. Prucha, Director, Slaughter Inspection Standards and Procedures Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250; (202) 447-3219.

SUPPLEMENTARY INFORMATION: Executive Order 12291

The Department has determined in accordance with Executive Order 12291 that this final rule is not a "major rule." It will not result in an annual effect on the economy of \$100 million or more. There will be no major increase in cost or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not have a significant adverse effect on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Five options were considered during the developmental phase of this regulatory action. These options included removal of kidneys from all poultry; or from all poultry destined for mechanical deboning; or from all mature chickens and mature turkeys destined for mechanical deboning; or from all mature poultry; or from all mature chickens and mature turkeys. The option of removal of kidneys from all mature chickens and mature turkey carcasses was selected as the most efficient and least costly option. This option will be relatively easy to enforce without being burdensome to the industry. It focuses on only those birds with a high probability of having kidneys contaminated with unacceptably high levels of cadmium and which comprise the vast majority of mature birds used commercially.

There are two types of costs which would be incurred by the poultry industry due to the removal of kidneys. The first is increased personnel costs for additional manpower on the production line to remove the kidneys. The second is product cost due to the loss of yield from the absence of kidney weight. Total industry costs are estimated to range between \$1.5 million and \$1.9 million annually. These figures assume total recovery of such kidneys (i.e., that all mature chickens and turkeys are sold with kidneys) compared with total loss. The figures may be inflated because the costs do not reflect that kidneys are presently being removed from some poultry. No significant impacts are expected on competition, innovation or foreign trade since the final rule will affect less than 5 percent of the poultry slaughtered under Federal inspection (less than 5 percent of all chickens slaughtered and only 1 percent of all turkeys slaughtered).

Effect on Small Entities

The Administrator, Food Safety and Inspection Service, has determined that this final rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601), because the rule only requires the removal of kidneys from mature chickens and mature turkeys at the time of slaughter. It does not address all processed poultry products. It is not anticipated to have a significant economic impact because it affects less than 5 percent of the poultry slaughtered under Federal inspection (less than 5 percent of all chickens slaughtered and only 1 percent of all turkeys slaughtered).

Proposal

In the March 2, 1983, *Federal Register* (48 FR 8821) the Department published a proposal to amend the Federal poultry products inspection regulations to provide for the removal of kidneys from the carcasses of mature chickens and mature turkeys after USDA inspectors complete their post-mortem inspection of the poultry viscera, but before completion of eviscerating operations, and to prohibit the use of such kidneys for human food. The action resulted from a review of data that indicated that the kidneys of mature poultry are an adulterant because of their high cadmium concentration and should therefore be considered to be unfit for human food.

Cadmium is associated with acute and chronic health problems in humans. Acute toxic effects have been manifested in man through kidney, lung, and bone disorders. However, chronic kidney disease is the principal human health hazard associated with ingestion. The human body does not excrete all the cadmium ingested which results in its accumulation primarily in the kidneys and liver. Because of the low rate of excretion, once cadmium induced kidney disease begins, it is likely to continue even when exposure to the cadmium has stopped.

Comments

The Department received nine comments in response to the proposal. Two comments were submitted by trade associations, two by poultry processors, one by a nutritionist and four by private citizens. All of the comments expressed general support of the Department's intention to reduce dietary cadmium levels that could result in significant health problems. However, the comments from the trade associations and the processors raised three issues.

Three of the comments questioned the validity of the data relied upon by the Department. Two of these three went on to suggest that mandatory kidney removal should only be applied to birds destined for mechanical separation. Finally, one of the poultry processors recommended that an Acceptable Quality Level (AQL) be established that would provide for those instances when kidney fragments were left in the carcass.

1. *Validity of the relied upon data.*

Three of the commenters questioned the data the Department relied upon in formulating the proposal. One of the commenters argues that the inclusion of poultry kidneys in processed products does not result in a significant increase in dietary cadmium. This comment continues that "[b]eef, lamb and pork kidneys are readily available and consumed as a complete meat product." A second commenter states that the data does not support the cost of the requirement when examined in light of the anticipated benefit.

The Department takes the position that the reliance on the data referenced in the proposal is proper in the absence of any contradictory data. The commenter's arguments are judgmental, and unsupported by additional data.

The Department recognizes that cadmium is widespread in the environment and that exposure is unavoidable. However, the present levels of cadmium in the American diet are approaching the maximum tolerable levels proposed by the Food and Agriculture Organization/World Health Organization. It is the Department's position that the removal of mature chicken and mature turkey kidneys will eliminate an unnecessary source of dietary cadmium.

The Department is also aware that organ meats, particularly beef, lamb and pork kidneys, contain measurable amounts of cadmium. However, its data show that such levels are lower than those found in mature chicken and mature turkey kidneys. There remains the possibility that new evidence, including increased cadmium levels, will put the wholesomeness of such products into question. The Department will continue to be alert to the occurrence and the health implications of cadmium in organ meats, especially beef, lamb and pork kidneys. In any event, the status of cadmium in organ meats from other food animal species does not bear on this rule, nor does it preclude rulemaking in other areas should it be deemed appropriate.

Additionally, the overall cost of the requirement is being kept to a minimum

in that only mature birds will be affected, and in that the removal can be accomplished without added equipment. The worst case total industry costs are estimated to range between \$1.5 and \$1.9 million, annually. As previously noted, these figures assume all mature chickens and turkeys are sold with kidneys, which is not the case because the kidneys of some poultry destined for export are now removed.

The Department has determined that the potential human health hazards associated with high cadmium ingestion justify the prohibition of mature chicken and mature turkey kidneys as a human food, particularly since such kidneys are not considered traditional items of human food, nor are they an expected product ingredient. Furthermore, this prohibition can be accomplished without resulting in unreasonable costs to producers.

2. *Application only to mechanically separated poultry.* Two of the commenters suggested that the removal of mature kidneys should only apply to those birds that will be mechanically separated. One of the commenters supported the suggestion on the basis that the rule was designed to prohibit the use of such kidneys in mechanically separated product; therefore, the requirement should only apply to those birds. The commenter also points to the fact that when mature chickens are marketed as whole birds, the kidneys are not consumed and thus there is no potential health risk.

Making the kidney removal requirement applicable only to mature chickens and turkeys destined for mechanical separation would require additional control procedures on the part of the inspection program and the industry. The slaughterer would have to know the ultimate destination and use of all mature poultry. The additional controls needed under such conditions would have a more onerous impact on industry and the inspection program than that being implemented under this rule. Further, such a limited removal requirement could not adequately prevent these kidneys from contributing cadmium to other products made from the carcasses of mature birds, e.g., commercial soup stock.

3. *Establishment of an AQL program.* A poultry processor supported the proposal provided an AQL sampling system was developed that would address questions likely to occur when the rule was implemented. For example, would a mature bird be considered ready to cook (R.T.C.) if kidney fragments were present in the carcass?

If not, would all birds from that lot be subject to reprocessing?

The inspection program is developing additional criteria for kidneys and kidney fragments which will address these and similar concerns. These criteria will be included in the poultry carcass inspection program directive 918.1 which currently applies to the R.T.C. reinspection procedures.

After careful consideration of the available data and the comments received, the Department has determined that the high concentration of cadmium in the kidneys of mature chickens and mature turkeys render each such kidney unfit for human food and otherwise adulterated under the Poultry Products Inspection Act (21 U.S.C. 453(g)), and, therefore, the kidneys of mature chickens and mature turkeys should not be permitted to be used for human food.

The Department is revising section 381.1(b)(44) of the regulations (9 CFR 381.1(b)(44)) which defines "Ready-to-cook poultry." This is poultry which has undergone processing to remove all unsuitable parts and organs and is ready for marketing. This change merely references the requirement that the kidneys of mature poultry be removed, as stated in the new section 381.65(d) of the regulations (9 CFR 381.65(d)) which requires that the kidneys of mature chickens and mature turkeys be removed from their carcasses after the inspectors complete their post-mortem inspection of the viscera, but before completion of the eviscerating operations, and would prohibit the use of such kidneys for human food.

List of Subjects in 9 CFR Part 381

Definitions, Mature poultry, Meat inspection, Poultry and poultry products, Poultry products inspection, Preparation of poultry products.

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Accordingly, Part 381 of the Federal poultry products inspection regulations is amended as follows:

1. The authority citation for Part 381 reads as follows:

Authority: Section 14 of the Poultry Products Inspection Act, as amended by the Wholesome Poultry Products Act (21 U.S.C. 451 et seq.); the Talmadge-Aiken Act of September 28, 1962 (7 U.S.C. 450); and Subsection 21(b) of the Federal Water Pollution Control Act, as amended by Pub. L. 91-224 and by other laws (33 U.S.C. 1254).

2. Section 381.1(b)(44) is revised to read as follows:

§ 381.1 Definitions.

(44) Ready-to-cook poultry. "Ready-to-cook poultry" means any slaughtered poultry free from protruding pinfeathers, vestigial feathers (hair or down as the case may be) and from which the head, feet, crop, oil gland, trachea, esophagus, entrails, mature reproductive organs, and lungs have been removed, and in the case of certain mature poultry, as defined in § 381.170(a) (1)(vi), (vii) and (2)(iv), the kidneys have been removed in accordance with the requirements of § 381.65(d), and with or without the giblets, and which is suitable for cooking without need of further processing. Ready-to-cook poultry also means any cut-up or disjointed portion of poultry or other parts of poultry such as reproductive organs, head, or feet that are suitable for cooking without need of further processing.

3. Section 381.65 is amended by adding a new paragraph (d) to read as follows:

§ 381.65 Operations and procedures, generally.

(d) Kidneys of mature chickens and mature turkeys (poultry defined in § 381.170(a) (1)(vi) and (vii) and (2)(iv)) shall be removed from their carcasses after the inspectors complete their post-mortem inspection of the poultry viscera, but before completion of the eviscerating operations, and shall not be used for human food.

Done at Washington, DC, on January 13, 1984.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 84-2427 Filed 1-27-84; 8:45 am]

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CIVIL AERONAUTICS BOARD

14 CFR Part 241

Approval of Extension of Reporting Requirements by OMB

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Approval of Extension of Reporting Requirements by the Office of Management and Budget.

SUMMARY: The Civil Aeronautics Board has extended the Form 41 reporting requirements found in Section 22 and the Service Segment Data reporting requirements found in Section 19-3 of Part 241 of the Board's Economic Regulations governing accounting and

reporting by certificated air carriers. The Office of Management and Budget approved the extension of these requirements through October 31, 1984, under OMB Nos. 3024-0013 and 3024-0014, respectively. OMB approval is required under the Paperwork Reduction Act of 1980.

DATES: Effective: January 11, 1984 (Service Segment Data), January 16, 1984 (Form 41 Report).

DATED: January 25, 1984.

FOR FURTHER INFORMATION CONTACT:

Jack Calloway, Data Requirements Section, Information Management Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-6042.

SUPPLEMENTARY INFORMATION:

List of Subjects in 14 CFR Part 241

Air carriers, and Uniform System of Accounts and Reports.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 84-2501 Filed 1-27-84; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 154 and 273

[Docket No. RM77-22-000]

Rate of Interest on Amounts Held Subject to Refund for Oil Pipelines, and Eliminating Undertaking Requirements for Gas Pipelines and Producers

Issued: January 23, 1984.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule; technical amendments.

SUMMARY: This document amends the portions of the final rule concerning the rate of interest on amounts held subject to refund for oil pipelines and eliminating the undertaking requirements for gas pipelines and procedures in Docket No. RM77-22-000, by making certain additional conforming changes that were inadvertently omitted from the final rule issued on December 28, 1982 (48 FR 1279, January 12, 1983).

FOR FURTHER INFORMATION CONTACT:

Cathy Ciaglo, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426; (202) 357-8033.

Accordingly, the Federal Energy Regulatory Commission is making the following technical amendments to Title 18 of the Code of Federal Regulations:

PART 154—[AMENDED]

§ 154.102 [Amended]

1. In § 154.102(c)(1), the reference to "paragraph (d)(2)" is revised to read "paragraph (c)(2)."

2. In § 154.102(c)(2)(iii)(B), the reference to "paragraph (d)(2)(iii)(A)" is revised to read "paragraph (c)(2)(iii)(A)."

PART 273—[AMENDED]

§ 273.204 [Amended]

3. In § 273.204(c)(5), the reference to "§ 154.102(d)" is revised to read "§ 154.102(c)."

(Department of Energy Organization Act, 42 U.S.C. 7101-7352; E.O. 12009, 43 CFR 142; Interstate Commerce Act, 49 U.S.C. 1, *et seq.*; Natural Gas Act, 15 U.S.C. 717-717w)

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-2364 Filed 1-27-84; 8:45 am]

BILLING CODE 6717-01-M

18 CFR Part 282

[Docket No. RM79-14]

Natural Gas Policy Act of 1978; Publication of Incremental Pricing Acquisition Cost Thresholds

January 24, 1984.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order prescribing incremental pricing thresholds.

SUMMARY: The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATE: February 1, 1984.

FOR FURTHER INFORMATION CONTACT:

Kenneth A. Williams, Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, D.C. 20426, (202) 357-8500.

SUPPLEMENTARY INFORMATION: Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of February 1984 is issued by the publication of a price table for the applicable month. See FERC Statutes and Regulations ¶ 24.764.

List of Subjects in 18 CFR Part 282

Natural gas.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

TABLE I—INCREMENTAL PRICING ACQUISITION COST THRESHOLD PRICES

	January	February	March	April	May	June	July	August	September	October	November	December
Calendar Year 1980												
Incremental pricing threshold.....	\$1.702	\$1.738	\$1.750	\$1.762	\$1.776	\$1.790	\$1.804	\$1.819	\$1.834	\$1.849	\$1.863	\$1.877
NGPA section 102 threshold.....	2.358	2.381	2.404	2.428	2.453	2.478	2.504	2.532	2.560	2.588	2.614	2.640
NGPA section 109 threshold.....	1.786	1.799	1.812	1.825	1.839	1.853	1.867	1.883	1.899	1.915	1.929	1.943
130 percent of No. 2 fuel oil in New York City threshold.....	7.170	7.260	7.410	7.110	7.380	8.040	7.840	7.380	7.400	7.400	7.450	7.580
Calendar Year 1981												
Incremental pricing threshold.....	1.891	1.908	1.925	1.942	1.954	1.967	1.980	1.990	2.000	2.010	2.025	2.041
NGPA section 102 threshold.....	2.667	2.698	2.729	2.761	2.787	2.813	2.840	2.863	2.886	2.909	2.940	2.971
NGPA section 109 threshold.....	1.957	1.975	1.993	2.011	2.024	2.037	2.050	2.060	2.070	2.080	2.096	2.112
130 percent of No. 2 fuel oil in New York City threshold.....	7.610	7.760	8.260	9.010	9.510	9.430	9.360	9.260	8.860	8.700	8.930	8.990
Calendar Year 1982												
Incremental pricing threshold.....	2.057	2.071	2.085	2.099	2.106	2.113	2.120	2.129	2.139	2.149	2.159	2.169
NGPA section 102 threshold.....	3.003	3.033	3.063	3.093	3.112	3.132	3.152	3.176	3.200	3.224	3.249	3.274
NGPA section 109 threshold.....	2.128	2.143	2.158	2.173	2.180	2.187	2.194	2.204	2.214	2.224	2.234	2.244
130 percent of No. 2 fuel oil in New York City threshold.....	9.180	9.340	9.470	9.340	9.280	8.000	8.170	8.670	8.660	8.950	8.640	8.890
Calendar Year 1983												
Incremental pricing threshold.....	2.179	2.187	2.195	2.203	2.214	2.225	2.236	2.245	2.254	2.263	2.270	2.277
NGPA section 102 threshold.....	3.299	3.321	3.344	3.367	3.394	3.421	3.448	3.472	3.496	3.520	3.542	3.564
NGPA section 109 threshold.....	2.254	2.262	2.270	2.278	2.289	2.300	2.311	2.320	2.329	2.338	2.345	2.352
130 percent of No. 2 fuel oil in New York City threshold.....	9.420	9.320	8.820	8.120	7.550	6.950	7.540	7.610	7.440	7.550	7.670	7.860
Calendar Year 1984												
Incremental pricing threshold.....	2.283	2.291										
NGPA section 102 threshold.....	3.586	3.609										
NGPA section 109 threshold.....	2.359	2.367										
130 percent of No. 2 fuel oil in New York City threshold.....	7.730	7.570										

[FR Doc. 84-2400 Filed 1-27-84; 8:45 am]

BILLING CODE 6717-01-M