

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

#### 9 CFR Part 309

[Docket No. 84-023]

#### Biological Residues; Rescission of Obsolete Regulatory Provision Concerning Cattle Which Had Been Treated With DES

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) is rescinding an obsolete regulatory provision concerning cattle which had been treated, or were suspected of having been treated, with diethylstilbestrol (DES) on or after November 1, 1979. The program which was the subject of that provision has been terminated and the provision is, therefore, obsolete. A proposed rule was published in the Federal Register of September 5, 1985 which solicited public comments on this rescission. (50 FR 36094) No comments were received.

**EFFECTIVE DATE:** January 29, 1986.

**FOR FURTHER INFORMATION CONTACT:** Dr. John E. Spaulding, Director, Residue Evaluation and Planning Division, Food Safety and Inspection Service, Department of Agriculture, 14th and Independence SW., Washington, DC 20250, (202) 447-2807.

#### SUPPLEMENTARY INFORMATION:

##### Executive Order 12291/Effect on Small Entities

The Administrator has determined that this final rule is not a major rule under Executive Order 12291. It will not result in (1) an annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for

consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Additionally, the Administrator has determined that this 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 *et seq.*)

These determinations have been made because this amendment will simply rescind an obsolete regulatory provision without affecting current Agency policies or impacting upon industry or the consuming public.

#### Background

In 1979 the FDA withdrew approvals for use of diethylstilbestrol (DES) as a feed additive and as a subcutaneous implant. During March of 1980, it came to the attention of FDA and USDA that some cattle producers were continuing to treat cattle with DES implants under the mistaken impression that DES supplies on hand could be used until exhausted. This finding prompted a joint USDA/FDA program to identify violators or suspected violators of the ban, and provide for pre-slaughter segregation of treated and untreated cattle.

In the Federal Register of April 22, 1980, USDA took "emergency action . . . in order to protect the public health from animals exposed to DES." (45 FR 26947) This rule was codified at 9 CFR 309.16(c).

The new rule announced a special program requiring that cattle which had been treated with DES on or after November 1, 1979 would be processed for slaughter separately from untreated cattle. This program permitted the slaughter of treated cattle provided that the implant was surgically removed by or under the supervision of a USDA-accredited veterinarian, and imposed certain other procedural requirements to ensure meat safety. That program was brought to a successful conclusion. Paragraph 309.16(c) has since remained in the regulations, but is now considered obsolete and no longer needed to ensure meat safety.

On September 5, 1985, the Food Safety and Inspection Service (FSIS) published a proposed rule which would rescind this provision. (50 FR 36094) No public comments were received on this proposal, and FSIS is now proceeding with a final rule to remove that provision from the Federal Meat Inspection regulations.

#### Indexing Terms

Following are the indexing terms for this regulation.

#### List of Subjects in 9 CFR Part 309

Meat inspection, Livestock.

For reasons explained in the preamble, Part 309, Subchapter A, Chapter III of Title 9, Code of Federal Regulations, is amended as set forth below.

#### PART 309—ANTE-MORTEM INSPECTION

9 CFR Part 309 is amended as follows:

1. The authority citation for Part 309 continues to read as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C., 601 *et seq.*, 33 U.S.C. 1254(b), unless otherwise noted.

#### § 309.16 [Amended]

2. In Part 309, § 309.16 is amended to remove the reference to paragraph (c) in the first sentence of paragraph (a).

3. In Part 309, § 309.16(c) is removed and reserved for future use.

Dated: December 11, 1985.

Donald L. Houston,  
Administrator, Food Safety and Inspection Service.

[FR Doc. 85-30840 Filed 12-27-85; 8:45 am]  
BILLING CODE 3410-DM-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 85-NM-90-AD; Amdt. 39-52011]

#### Airworthiness Directives; Boeing Model 757 Series Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adds a new airworthiness directive (AD) that requires inspection of the cargo compartment blowout panel assemblies on certain Boeing Model 757 airplanes for adhesive bonding and subsequent rework, if necessary, and reinstallation. Several blowout panels have been detected that were glued to the retainer. Gluing may prevent proper separation during a sudden decompression which could result in overloading of the main deck floor.

**DATE:** Effective February 3, 1986.

**ADDRESSES:** The service bulletin specified in this AD may be obtained upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

**FOR FURTHER INFORMATION CONTACT:** Mr. Stanton R. Wood, Airframe Branch, ANM-120S; telephone (206) 431-2924. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

**SUPPLEMENTARY INFORMATION:** A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive that would require inspection of the cargo compartment blowout panel assemblies on certain Boeing Model 757 airplanes for adhesive bonding was published in the Federal Register on September 5, 1985 (50 FR 36098). The comment period for the proposal closed on October 27, 1985.

Interested parties have been afforded an opportunity to participate in the making of this amendment. Only one comment was received, the commenter had no objections to the contents of the proposed rule.

After a careful review of the available data, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 29 airplanes of U.S. registry will be affected by this AD, that it will take approximately 10 manhours per airplane to accomplish the required actions, and that the average labor cost will be \$40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be \$11,600.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and

Procedures [44 FR 11034; February 26, 1979]; and it is certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because few, if any, Boeing Model 757 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

#### List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

#### Adoption of the Amendment

#### PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(s), 1421 and 1423; 49 U.S.C. 106(g) (Revised) Pub. L. 97-449, January 12, 1983; and 14 CFR 11.89.

2. By adding the following new airworthiness directive:

**Boeing:** Applies to Model 757 airplanes listed in Boeing Service Bulletin Number 757-25-0047, Revision 1, certificated in any category. To prevent the overloading of the main deck floor as the result of a sudden decompression, accomplish the following within 120 days after the effective date of this AD, unless already accomplished:

A. Inspect and, if necessary, rework and reinstall the cargo compartment blowout panel assemblies in accordance with Paragraph III of Boeing Service Bulletin 757-25-0047, Revision 1, or later FAA-approved revision.

B. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective February 3, 1986.

Issued in Seattle, Washington, on December 18, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85-30729 Filed 12-27-85; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 85-NM-67-AD; Amdt. 39-52051]

#### Airworthiness Directives; Boeing Model 737 Series Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends an existing airworthiness directive (AD) applicable to certain Boeing Model 737 airplanes. The existing AD requires repetitive inspection and repair, as necessary, of the wing to body drag angles and provides for a terminating modification. However, the terminating action did not include acceptable modifications as specified in previous versions of the manufacturer's service bulletin. This action would allow those modifications as a terminating action.

**DATE:** Effective February 3, 1986.

**ADDRESSES:** The applicable service documents may be obtained upon request from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

**FOR FURTHER INFORMATION CONTACT:** Mr. Carlton Holmes, Airframe Branch, ANM-120S; telephone (206) 431-2926. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

**SUPPLEMENTARY INFORMATION:** A proposal to amend Part 39 of the Federal Aviation Regulations to include an amendment to an existing AD which requires inspection and repair, as necessary, of the wing to body drag angles at Body Station 540 on certain Boeing Model 737 airplanes, was published in the Federal Register on October 7, 1985 (50 FR 40866). The comment period for the proposal closed on November 26, 1985.

The existing rule, Amendment 39-4998 (50 FR 5569; February 11, 1985), AD 85-03-06, was prompted by numerous reports of cracking and allows as terminating action, modification in

accordance with Boeing Service Bulletin 737-53-1031, Revision 3, or later FAA-approved revisions. The terminating action consists of replacing the aluminum angles with titanium parts. The FAA has determined that replacement of the angles in accordance with Revision 1 or Revision 2 of Boeing Service Bulletin 737-53-1031 is also acceptable terminating action.

This amendment was prompted by several requests from operators who had modified airplanes in accordance with earlier versions of the service bulletin.

Interested persons have been afforded an opportunity to participate in the making of this AD and due consideration has been given to all comments received.

Only one comment was received in response to the NPRM. The Air Transport Association of America (ATA), on behalf of its operator members, supports the amendment.

After careful review of all available data and the comment received, the FAA has determined that air safety and the public interest require adoption of the amendment as proposed.

This amendment will allow as terminating action to AD 85-03-06, modification in accordance with Boeing Service Bulletin 737-53-1031, Revision 1 or Revision 2. Since the amendment provides clarifying information that expands terminating action for an existing AD, there is no significant economic or regulatory impact on affected operators.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic impact on a substantial number of small entities because few, if any, Boeing Model 737 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

#### List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

#### Adoption of the Amendment

#### PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

1. The authority Citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.85.

2. By amending Airworthiness Directive 85-03-06, Amendment 39-3998 (50 FR 5569; February 11, 1985), by revising paragraphs B. and C. to read as follows:

"B. If cracks are found, replace cracked parts with new aluminum parts and continue the inspections of paragraph A., above, or modify in accordance with the Accomplishment Instructions in Boeing Service Bulletin 737-53-1031, Revision 1, or later FAA-approved revisions.

C. Modification of airplanes in accordance with Accomplishment Instructions of Boeing Service Bulletin 737-53-1031, Revision 1, or later FAA-approved revisions, constitutes terminating action for this AD."

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective February 3, 1986.

Issued in Seattle, Washington, on December 20, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85-30726 Filed 12-27-85; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 84-NM-133-AD; Amdt. 39-5204]

#### Airworthiness Directives; British Aerospace Viscount Model 700 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This amendment adds a new airworthiness directive (AD) that requires modification of the aircraft hydraulic system cut out valve on British Aerospace (BAe) Viscount Model 700 series airplanes. This action is prompted by a report of an inadvertent withdrawal of the mechanical nose landing gear downlock, which caused the nose landing gear to collapse.

**DATE:** Effective February 3, 1986.

**ADDRESSES:** The service information specified in this AD may be obtained upon request to British Aerospace Inc., Box 17414, Dulles International Airport, Washington, D.C. 20041, or may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

**FOR FURTHER INFORMATION CONTACT:** Mr. Harold N. Wantiez, Standardization Branch, ANM-113; telephone (206) 431-2977. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

**SUPPLEMENTARY INFORMATION:** A proposal to amend Part 39 of the Federal Aviation regulations to include an airworthiness directive which requires modification to the hydraulic system cut out valve on British Aerospace Viscount Model 700 series airplanes was published in the Federal Register on June 20, 1985 (50 FR 25584).

Interested parties have been afforded an opportunity to participate in the making of this amendment. A comment was received from the manufacturer which stated that an AD was not necessary since monitoring of the system cycle times and gauge readings provide adequate warning of developing conditions. The FAA does not concur with the commenter since one failure has already occurred and since the conditions which initiated that failure are likely to exist or develop on other airplanes of the same type design.

Paragraph A. of the final rule has been clarified to reflect the correct hydraulic system cut out valve part number, to correct a typographical error in the Automotive Products Modification Standard number, and to add a reference to a British Aerospace Technical News Sheet.

After careful review of available data, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed, with minor clarifying editorial changes mentioned above.

It is estimated that 14 airplanes of U.S. registry will be affected by this AD, that it will take approximately 10 manhours per airplane to accomplish the required actions, and that the average labor cost will be \$40 per manhour. Repair parts are estimated at \$600 per airplane. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be \$14,000.

For the reasons discussed above, the FAA has determined that this regulation