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Friday, April 12, 1985

Presidential Documents

Title 3—

The President

Presidential Determination No. 85–9 of March 29, 1985

Military Assistance for El Salvador

Memorandum for the Secretary of State

By virtue of the authority vested in me by section 614(a)(1) of the Foreign Assistance Act of 1961, as amended (the Act), I hereby:

(1) determine that the furnishing of up to an additional $10 million for El Salvador under Chapter 2 of Part II of the Act, without regard to the limitations and restrictions on such assistance contained in P.L. 98–396, is important to the security interests of the United States; and

(2) authorize the furnishing of such assistance.

Such assistance shall be in addition to amounts otherwise available for El Salvador.

You are requested to report this determination to the Congress immediately, and none of the assistance provided for herein shall be furnished until after such report has been made.

This determination shall be published in the **Federal Register.**

Ronald Reagan

THE WHITE HOUSE,
Washington, March 29, 1985.

cc: The Secretary of Defense

[FR Doc. 85-9010
Filed 4-10-85; 4:02 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register

Vol. 50, No. 71

Friday, April 12, 1985

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 54

Regulations for Federal Meat Grading and Certification Services; Product Control Authority

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations governing the grading and certification of meat and meat products (7 CFR Part 54) by granting official graders and their supervisors the authority to control the movement and use of meat and meat products which do not comply with the regulations or that need to be held pending the results of an examination.

EFFECTIVE DATE: May 13, 1985.

FOR FURTHER INFORMATION CONTACT: Eugene M. Martin, Chief, Meat Grading and Certification Branch, Livestock Division, Agricultural Marketing Service, USDA; 14th Street and Independence Avenue, SW., Room 2638-S; Washington, D.C. 20250. (Telephone 202/382-1113.)

SUPPLEMENTARY INFORMATION:

Regulatory Impact Analysis

This action was reviewed under USDA procedures established to implement Executive Order 12291 and was classified as a nonmajor rule pursuant to sections 1(b) (1), (2), and (3) of that Order because (1) it would not have an annual effect on the economy of $100 million or more; (2) it would not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (3) it would not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S. based enterprises to compete with foreign based enterprises in domestic or export markets. Accordingly, a regulatory impact analysis is not required.

The requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601 *et seq.*) which deals with the impact of regulations on small entities were also satisfied in that William T. Manley, Deputy Administrator, Agricultural Marketing Service, certified that this rule will not have a significant impact on a substantial number of small entities. The final rule grants authority to official graders and their supervisors to control the movement and use of meat and meat products which do not comply with the regulations (7 CFR Part 54) or that need to be held pending the results of an examination. On a nationwide basis, the final rule will not measurably affect the average cost-per-unit graded and/or certified currently borne by all entities using the services. Consequently, the final rule will not significantly affect meatpackers, meat processors, consumers or any other small entity, and will not affect normal competition in the marketplace.

Background

The Agricultural Marketing Act (AMA) of 1946, as amended, 7 U.S.C. 1621 *et seq.*, authorizes the Secretary of Agriculture to provide voluntary Federal meat grading and certification services to facilitate the orderly marketing of meat and meat products and to enable consumers to obtain the quality of meat which they desire. In this regard, official graders and their supervisors, as authorized in 7 CFR Part 54, grade and certify approximately 14 billion pounds of meat and meat products each year.

During the grading and certification processes, official graders and their supervisors control meat and meat products which comply with applicable regulations to maintain the integrity of officially graded and certified products. Certified meat and meat products and graded meats are controlled by applying official identification marks, sealing meat product containers, continuous supervision, or a combination of these methods. However, meat and meat products which do not comply with applicable regulations or those meat and meat products held pending the results of an examination cannot be controlled adequately by official graders or their supervisors under current regulations. In certain cases, such meat and meat products may be incorrectly labeled or processed into certified product. The amendment of the regulation to grant official graders and their supervisors the authority to control adequately such meat and meat products consists primarily of describing and designating an official identification device and explaining its use in 7 CFR Part 54. In actual use, official graders and their supervisors would attach the identification device to meat and meat products or product containers not complying with the regulations or that need to be held pending further examination. Attaching the official identification device identifies the meat and meat products or product containers as being controlled under the authority of the AMA. Consequently, any meat or meat product so identified could not be used, moved, or altered in any manner without the express permission of an authorized USDA representative. The unauthorized removal or alteration of the official identification device or the identified meat or meat product would be a violation of the AMA and regulations issued thereunder. The amendment would facilitate the effective control of noncomplying meat or meat products or those held pending the results of an examination.

The proposal to revise the meat grading and certification regulations (7 CFR Part 54) to grant authority to official graders and their supervisors for control of meat and meat products which do not comply with applicable regulations or those meat and meat products held pending the results of an examination was published in the **Federal Register** on November 9, 1984 (Volume 49, No. 219, pages 44758-44760). Comments on the proposal were invited for 60 days ending on January 8, 1985. The need for the revision of the meat grading and certification regulations (7 CFR Part 54) and the justification of the proposed changes were detailed in the proposal.

Summary of Comments

During the comment period, a total of three comments were received. The distribution of these comments was as follows: national trade organizations—2 and meatpacking companies—1. Two of the three comments supported the proposal with recommendations for minor modifications. One comment expressed opposition to the proposal on the grounds that the authority to control meat and meat products not in compliance with applicable regulations or held pending the results of an examination was unnecessary and would place undue burden on the meat industry. Each area raised by these comments is dealt with below.

The two supporting comments recommended a total of three modifications to the proposal. The first recommended modification was to limit the use of Agricultural Marketing Service (AMS) product control authority to meat and meat products in compliance with Food Safety and Inspection Service (FSIS) wholesomeness requirements. The commenter supported the recommendation by stating that Government effort would be duplicated and an unneccesary regulatory burden placed on the industry if both FSIS retention authority and AMS product control authority were used simultaneously by the two Agencies to restrict the movement and use of one product. The Agency recongizes that it is entirely possible for meat and meat products to fail to comply with both AMS and FSIS regulations. However, in any case involving noncompliance of meat and meat products with FSIS regulatory requirements, FSIS will have the primary responsibility of ensuring proper retention and disposition. AMS will only control meat and meat products for appropriate cause that are in compliance with FSIS regulatory requirements.

Another recommended modification was to permit an "authorized USDA representative" to release meat and meat products controlled under AMS product control authority in lieu of limiting the authority to release meat and meat products to "official graders or supervisors of grading" as stated in the proposal. Incorporating this recommendation would permit authorized FSIS personnel, under certain conditions, to release meat and meat products controlled by AMS. The commenter pointed out that in the Alternatives section and Figure 1 of the proposal the Agency states that an "authorized USDA representative" may release control of meat and meat products. However, in the regulatory language of the proposal, we limit the authority to release the control of meat and meat products to "official graders and supervisors of grading." This discrepancy has been corrected by modifying the language of Sections 54.11 and 54.17, as proposed, to permit the release of AMS controlled meat and meat products by an authorized USDA representative.

The final modification recommended by the supporting comments was for the Agency to address the conditions which must be met by an establishment for the timely release of controlled meat and meat products. AMS product control authority is designed to control only those meat and meat products that have been determined not to be in compliance with meat grading regulations (7 CFR Part 54) or are being held pending the results of an examination and are involved in, or in the vicinity of, an ongoing grading or certification program. The Agency will not control meat and meat products by use of the product control authority that are outside of the grading and certification programs conducted by AMS. For example, in a certification program, once a controlled product is removed from the processing area and designated by an establishment for commercial channels, the product will be released from AMS control. Therefore, exercising product control authority in this manner should not restrict normal commercial marketing or result in extended control periods that may lead to product deterioration and loss.

The one opposing comment stated that product control authority was unnecessary because the Agency could control noncomplying meat and meat products within its existing authority by withholding or removing official grading or certification marks. This is correct for meat and meat products that are officially graded or certified or products certified contingent upon the results of subsequent examinations. However, in most cases, ungraded or uncertified meat and meat products that fail to comply with the regulations do not receive official grading and certification marks. Consequently, noncomplying meat and meat products cannot be controlled by removing or withholding official grading and certification marks as the commenter suggests.

Therefore, based on the analysis discussed in the proposed rule (49 FR, No. 219, pages 44758–44760) and the analysis of the comments outlined above, the regulations governing the grading and certification of meats, prepared meats, and meat products (7 CFR Part 54) are, except for the case noted above, finalized as proposed.

In summary, the change involved in this amendment to the meat grading and certification regulations (7 CFR Part 54) grants official graders and their supervisors the authority to control the movement and use of meat and meat products which do not comply with the regulations or that need to be held pending the results of an examination.

List of Subjects in 7 CFR Part 54

Beef carcasses, Meat and meat products, Grading and certification, Standards, Food grades and standards, Food labeling.

PART 54—MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

1. The authority citation for Part 54 continues to read as follows:

Authority: Agricultural Marketing Act of 1946, Sec. 203, 205, as amended; 60 Stat. 1087, 1090, as amended (7 U.S.C. 1622 and 1624).

Subpart A—Regulations

Service

2. Section 54.11 is amended by revising paragraph (a)(1)(ix) and adding paragraph (a)(1)(x) to read as follows:

§ 54.11 Denial or withdrawal of service.

(a) * * *

(1) * * *

(ix) has knowingly used, moved, or otherwise altered, in any manner, meat or meat products identified by an official product control device, mark, or other identification as specified in Section 54.17, or has removed such official device, mark, or identification from the meat or meat products so identified without the express permission of an authorized representative of the USDA; or (x) has in any manner not specified in this paragraph violated subsection 203(h) of the AMA: *Provided*, That paragraph (a)(1)(vi) of this section shall not be deemed to be violated if the person in possession of any item mentioned therein notifies the Director or Chief without such delay that he has possession of such item and, in the case of an official device, surrenders it to the Chief, and, in the case of any other item, surrenders it to the Director or Chief or destroys it or brings it into compliance with the regulations by obliterating or removing the violative features under supervision of the Director or Chief: *And provided further, That* paragraphs (a)(1)(ii) through (ix) of this section shall not be deemed to be violated by any act committed by any person prior to the making of an application of service under the regulations by the principal person. An application or a request for service may be rejected or the benefits of the service may be otherwise denied to, or withdrawn from, any person who operates an establishment for which he has made application for service if, with the knowledge of such operator, any other person conducting any operations in such establishment has committed any of the offenses specified in paragraphs (a)(1) (i) through (x) of this section after such application was made. Moreover, an application or a request for service made in the name of a person otherwise eligible for service under the regulations may be rejected, or the benefits of the service may be otherwise denied to, or withdrawn from, such a person (A) in case the service is or would be performed at an establishment operated (*1*) by a corporation, partnership, or other person from whom the benefits of the service are currently being withheld under this paragraph, or (*2*) by a corporation, partnership, or other person having an officer, director, partner, or substantial investor from whom the benefits of the service are currently being withheld and who has any authority with respect to the establishment where service is or would be performed; or (B) in case the service is or would be performed with respect to any product in which any corporation, partnership, or other person within paragraph (a)(1)(x)(A)(*1*) of this section has a contract or other financial interest.

* * * * *

3. Section 54.17 is amended by adding paragraph (g) to read as follows:

§ 54.17 Official identifications.

* * * * *

(g) A rectangular, serially numbered tag, on which a shield encloses the letters "USDA" and the words "Product Control," as shown in Figure 1, constitutes a form of official identification under the regulations for meat and meat products. Official graders and supervisors of grading may use "Product Control" tags or other methods and devices as approved by the Administrator for the identification and control of meat and meat products which are not in compliance with the regulations or are held pending the results of an examination. Any such meat or meat product so identified shall not be used, moved, or altered in any manner; nor shall official control identification be removed, without the express permission of an authorized representative of the USDA.

BILLING CODE 3410-02-M

FORM LS-10
(2-84)

NO. XXXXX

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
LIVESTOCK DIVISION

USDA
Product Control

DO NOT REMOVE TAG
OR
USE PRODUCT
WITHOUT AUTHORIZATION

(SEE REVERSE)

NO.

PRODUCT TAGGED

NO OF CONTAINERS

Obverse

The product(s) or container(s) to which this tag is attached is (are) controlled under authority of the Agricultural Marketing Act and is (are) not to be used, moved or altered in any manner without the expressed permission of an authorized representative of the United States Department of Agriculture. The unauthorized removal or alteration of this tag or utilization of the tagged product(s) is a violation of the Agricultural Marketing Act of 1946, as amended and regulations issued thereunder.

REMARKS:

AUTHORIZED EMPLOYEE DATE

PRODUCT CONTROL

LOCATION AND REMARKS:

AUTHORIZED EMPLOYEE DATE

FORM LS-10 (2-84) (Reverse)

Reverse

Figure 1

BILLING CODE 3410-02-C

Done at Washington, D.C. April 8, 1985.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 85-8741 Filed 4-11-85; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 910

[Lemon Reg. 511]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 295,000 cartons during the period April 14-20, 1985. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

DATES: Effective for the period April 14-20, 1985.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy currently in effect. The committee met publicly on April 9, 1985, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that the lemon demand pattern continues to be good on larger sizes, steady on middle sizes, and easy on smaller sizes of fruit.

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 is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. 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 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

Section 910.811 is added as follows:

§ 910.811 Lemon Regulation 511.

The quantity of lemons grown in California and Arizona which may be handled during the period April 14, 1985, through April 20, 1985, is established at 295,000 cartons.

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

Dated: April 10, 1985.

Thomas R. Clark,

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

[FR Doc. 85-8992 Filed 4-11-85; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Addition of LADECO Airlines

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adds Linea Aerea del Cobre, S.A. "LADECO" to the list of carriers which have entered into agreements with the Service to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

EFFECTIVE DATE: March 29, 1985.

FOR FURTHER INFORMATION CONTACT: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536, Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: The Commissioner of Immigration and Naturalization entered into an agreement with LADECO on March 29, 1985 to guarantee passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

The agreement provides for the waiver of certain documentary requirements and facilities the air travel of passengers on international flights while passing through the United States.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely makes an editorial change to the listing of transportation lines.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant impact on a substantial number of small entities.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

List of Subjects in 8 CFR Part 238

Airlines, Aliens, Government contracts, Travel, Travel restriction.

PART 238—CONTRACTS WITH TRANSPORTATION LINES

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

§ 238.3 [Amended]

In § 238.3, *Aliens in immediate and continuous transit,* the listing of transportation lines in paragraph (b) *Signatory lines* is amended by adding in alphabetical sequence, Linea Aerea del Cobre, S.A. "LADECO".

(Sections 103 and 238 of the Immigration and Nationality Act, as amended; (8 U.S.C. 1103 and 1228))

Dated: April 5, 1985.

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 85-8834 Filed 4-11-85; 8:45 am]

BILLING CODE 4410-10-M