

The members of the TVA Board voted to approve the above findings and their approvals are recorded below:

Dated: May 6, 1986.

Approved.

C.H. Dean, Jr.

Director and Chairman.

John B. Waters,

Director.

[FR Doc. 86-10529 Filed 5-7-86; 9:40 pm]

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Part 135

Friday,
May 9, 1986

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Parts 121, 125, 127, 129, and 135
Special Federal Aviation Regulation No.
38; Certification and Operating
Requirements; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 121, 125, 127, 129, and 135

[Docket No. 18510; SFAR No. 38-3]

Special Federal Aviation Regulation No. 38; Certification and Operating Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment extends the effectiveness of Special Federal Aviation Regulation (SFAR) No. 38-2 (50 FR 23941; June 7, 1985). SFAR 38-2 revised SFAR 38 primarily by specifying and clarifying FAA requirements for operating certificates and operations specifications for persons who operate under Federal Aviation Regulations (FAR) Parts 121 and 135. The amendment brought SFAR 38 up to date in view of changes in the regulations and the aviation industry that had occurred since it was issued in 1978 and also as part of the FAA's response to the sunset of the Civil Aeronautics Board (CAB). Having generally reviewed the FAA regulations to determine the most appropriate response to the Airline Deregulation Act of 1978 (ADA) and the termination of CAB functions attendant on the CAB sunset, the FAA now concludes that it is necessary to extend the termination date of SFAR 38-2 to allow time for the FAA, in a separate rulemaking action, to propose and receive comments on the incorporation of SFAR 38-2 into the FAR. The termination date for SFAR 38-2 is extended to June 1, 1987. The FAA intends to publish a notice rescinding SFAR 38-2 and a final rule incorporating SFAR 38-2 into the FAR concurrently in the Federal Register.

DATES: Effective date May 8, 1986. Comments must be received on or before June 9, 1986.

ADDRESSES: Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 18518, 800 Independence Avenue, SW., Washington, DC 20591, or deliver comments in duplicate to: Federal Aviation Administration, Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, DC. Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT:

Mr. Michael Coffey, Project Development Branch, AFS-240, Air Transportation Division, Office of Flight Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 426-8096.

SUPPLEMENTARY INFORMATION:

Background

On December 12, 1978, the FAA promulgated SFAR 38 in consequence of the ADA (Pub. L. 95-504, 92 Stat. 1705). That Act embodies the Congressional intent that the Federal Government diminish its involvement in regulating the economic aspects of the airline industry. To accomplish this, Congress directed that the CAB be abolished on December 31, 1984. Anticipating its sunset, the CAB curtailed or suspended much of its regulatory activity during the period 1979-1984. On October 4, 1984, additional legislation was enacted further defining the process of CAB sunset. On January 1, 1985, those remaining CAB functions were transferred to the Department of Transportation (DOT).

Because some aspects of FAA safety regulation relied upon CAB definitions and authority, the FAA found it necessary in 1978 to adopt an interim measure to provide for an orderly transition from CAB and FAA interlocking authority to a regulatory regime with no CAB in existence. This action was consistent with the Congressional directive contained in Section 107(a) of the Act that the deregulation of airline economics result in no diminution of the high standard of safety in air transportation which existed when the ADA was enacted. SFAR 38 set forth FAA certification and operating requirements applicable to all "air commerce" and "air transportation" operations for "compensation or hire" (SFAR 38 did not address Part 133 External Load Operations, Part 137 Agriculture Aircraft Operations, or Part 91 training and other special purpose operations.)

On December 27, 1984, the FAA adopted SFAR 38-1 which merely extended the termination date of the regulation, and allowed the FAA time to propose and receive comments on revising SFAR 38.

On May 28, 1985, the FAA adopted SFAR 38-2, which updated SFAR 38 in light of changes since 1978 and clarified provisions that state which FAA regulations apply to each air carrier and each type of operation. This action was necessary because of the changes in the air transportation industry brought

about by economic deregulation. Before deregulation, economic certificates were fairly rigidly compartmentalized and each air carrier typically was authorized to conduct only one type of operation (domestic, flag, or charter (supplemental)). The safety certificate issued to the air carrier by the FAA paralleled the authorization granted in the air carrier's economic certificate. Economic deregulation broke down the barriers between the various types of operations. The economic authority granted an air carrier by the DOT is no longer indicative of the safety regulations applicable to the type of operation authorized by the FAA. Thus, it was necessary for the FAA to establish guidelines to determine what safety standards were applicable to an air carrier's particular operation.

Good Cause Justification for Immediate Adoption

The termination date for SFAR 38-2 and the operating certificates issued under SFAR 38, as amended, is May 1, 1986. The reasons which justified the adoption, and the subsequent revision, of SFAR 38 still exist. The FAA is currently preparing a Notice of Proposed Rulemaking (NPRM) which will consolidate the certification rules now in Parts 121 and 135 into a new Part of the FAR. This NPRM will also propose incorporating the necessary portions of SFAR 38-2 into the FAR. Therefore, it is in the public interest to extend the termination date of SFAR 38-2 from May 1, 1986 to June 1, 1987, although the FAA anticipates that a final rule incorporating SFAR 38-2 in the FAR will be published before then. If it is, a notice rescinding SFAR 38-2 will be published concurrently. This action is necessary to permit continued operations under operating certificates issued under SFAR 38, as amended, and to avoid confusion in the administration of FAA regulations regarding operating certificates and operating requirements.

In addition, since this amendment continues in effect the provisions of a currently effective SFAR and imposes no additional burden on any person, I find that notice and public procedures are unnecessary, impracticable, and contrary to the public interest, and that the amendment should be made effective in less than 30 days after publication. However, interested persons are invited to submit such comments as they may desire regarding this amendment. Communications should identify the docket number and be submitted in duplicate to the address above. All communications received on or before the close of the comment

period will be considered by the Administrator, and this amendment may be changed in light of the comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested parties.

Trade Impact Statement

The FAA finds that this amendment will have no impact on international trade.

Conclusion

The FAA has determined that this document involves a rule change which imposes no additional burden on any person. Accordingly, it has been determined that: The rule change does not involve a major rule under Executive Order 12291; it is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and its anticipated impact is so minimal that a full regulatory evaluation is not required.

List of Subjects

14 CFR Part 121

Aviation safety, Safety, Air carrier, Air transportation, Aircraft, Airmen.

14 CFR Part 125

Aircraft, Airports, Air traffic control, Flammable materials, Airmen, Drugs, Smoking, Air transportation, Airspace, Hazardous materials, Handicapped, Chemicals, Infants and children.

14 CFR Part 127

Aircraft, Air carriers, Airworthiness, Airmen.

14 CFR Part 129

Air carriers, Air transportation, Aircraft, Aviation safety, Safety.

14 CFR Part 135

Air carriers, Aviation safety, Safety, Air transportation, Air taxis, Airworthiness, Airmen, Aircraft.

Adoption of the Amendment

In consideration of the foregoing, SFAR 38-2 (14 CFR Parts 121, 125, 127, 129, and 135) of the Federal Aviation Regulations is revised as follows:

1. The authority citation for SFAR 38-2 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421, 1423, 1424, and 1502; 49 U.S.C. 106(g) (revised Pub. L. 97-449, January 12, 1983).

2. In Special Federal Aviation Regulation No. 38-2 in 14 CFR Parts 121, 125, 127, 129, and 135, the last paragraph is amended by removing the words "May 1, 1986, unless sooner superseded or revoked", and adding in place thereof the words, "June 1, 1987, or the effective date of the codification of SFAR 38-2 into the Federal Aviation Regulations, whichever occurs first."

Issued in Washington, D.C., on April 30, 1986.

Donald D. Engen,
Administrator.

[FR Doc. 86-10399 Filed 5-86; 11:40 am]

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Food and Drug Administration

Friday
May 9, 1986

Part III

Department of Agriculture

Agricultural Marketing Service

7 CFR Part 70

Voluntary Standards and Grades for Poultry; Final Rule

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 70

Voluntary Standards and Grades for Poultry

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This revises the regulations for the voluntary grading of poultry products and rabbit products and the voluntary U.S. standards and grades for poultry products. In conformity with requirements for periodic review of regulations, a review of 7 CFR Part 70 was made. As a result of this and the analysis of comments received, it has been determined that the following changes will make the regulations more useful and effective. The major revisions will:

1. Clarify the tolerances for exposed flesh and discoloration in the standards for ready-to-cook poultry carcasses and parts (§§ 70.220 and 70.221), and increase the "1 lb. 8 oz." lower end of the weight range for carcasses to "2 lb." to more accurately reflect the ready-to-cook weight range for Rock Cornish game hens and Cornish game hens.

2. Eliminate the requirements that boneless poultry breasts and thighs (§ 70.231) be examined before and after deboning. Instead, require that they be graded only in the deboned state.

3. Remove the U.S. Grade A—For Further Processing for ready-to-cook turkey carcasses (§ 70.260) because this grade is no longer used.

4. Make editorial changes for consistency within the standards for poultry products and with applicable definitions in the Poultry Products Inspection Regulations (9 CFR Part 381).

5. Provide an additional option for printing the USDA grademark for poultry and rabbit products (§ 70.51). This option permits flexibility in displaying the grademark on packaging materials of various colors as long as the grademark is visible and compatible with the colors used.

6. Eliminate the requirement that poultry meat used in the preparation of poultry roasts (§ 70.230) be examined twice. The meat will only be examined after deboning.

7. Make various miscellaneous editorial changes to clarify and update the regulations.

This rule will simplify the interpretation of the poultry grade standards, improve the uniformity of their application, and strengthen their effectiveness.

Two proposals published in the Federal Register of October 24, 1985 (50 FR 43204), will not be adopted. They are: (1) The revised standard for Boneless Poultry—A Quality and (2) a new standard for Boneless-Skinless Poultry Products—A Quality. From the comments received on the proposed rule, it appears that specifications between buyers and sellers are working well in the marketplace. Since private standards are presently adequate, the Agency finds that the revised standard for boneless poultry and the new standard for boneless-skinless poultry products are not needed.

EFFECTIVE DATE: June 9, 1986.

FOR FURTHER INFORMATION CONTACT: Merlin L. Nichols, Jr., Assistant Chief, Standardization Branch, Poultry Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-3507.

SUPPLEMENTARY INFORMATION:**Executive Order 12291**

The Agency has determined that this final rule is not a major rule under Executive Order 12291. It will not result in an annual effect on the economy of \$100 million or more; result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Also, pursuant to this Executive Order, it has been determined there will be no effect on trade sensitive activities.

This final rule has been reviewed for cost effectiveness under USDA Secretary's Memorandum 1512-1 implementing Executive Order 12291. It will simplify the interpretation of the poultry grade standards, improve their uniformity of application, strengthen their effectiveness, and provide revised grade standards which reflect current poultry production and marketing practices. As such, it is anticipated that the revisions would result in no monetary costs or other impacts offsetting the expected benefits. Alternatively, the Agency could retain the existing grade standards, but adherence to these standards would result in no offsetting benefits such as simplification of their interpretation and improving their effectiveness.

Effect on Small Entities

The Administrator of the Agricultural Marketing Service (AMS) 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 (5 U.S.C. 601 *et seq.*), because the revisions would reflect current production and marketing practices, and the use of the grading service is voluntary.

Paperwork Reduction Act

This final rule does not change or require any additional collection of information from the public under the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35. Existing information collection requirements in 7 CFR Part 70 have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and assigned OMB control number 0581-0127.

Background

The grading of poultry and rabbits by the AMS is a voluntary program, provided under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*), and is offered on a fee-for-service basis. The grading program is designed to assist orderly marketing of poultry products and rabbit products. In order to continue equity among all persons affected by grade standards, from the producer to the consumer, the standards must keep abreast of changes in industry production and marketing practices. In 1965, the standards for poultry carcasses were revised and a standard for raw poultry roast established. Standards were established for poultry parts and boneless breasts and thighs in 1969, so they could be graded on an individual basis after being separated from the carcass. Since then, constant innovations and accomplishments have occurred within the poultry industry: (1) Improved quality and uniformity (conformation and fleshing through technological advances and efficient production practices); (2) new processing techniques; (3) effective automation; (4) new products; and (5) new marketing trends.

Periodically, AMS reviews its regulations to determine their adequacy, clarity, and currentness. In conjunction with this, a review of 7 CFR Part 70 was conducted in accordance with requirements of Executive Order 12291 to determine their need, ways to maximize benefits, and to assure benefits outweigh costs.

As a result of the foregoing and in order for grading to be conducted as accurately and uniformly as possible and to be more useful to both industry and consumers, the Agency proposed revisions to keep pace with advancements and trends and to maximize the cost effectiveness of the poultry grade standards and the regulations.

Proposal

Proposed revisions were published in the *Federal Register* (50 FR 43204) on October 24, 1985. The major revisions proposed for 7 CFR Part 70 are summarized below:

For the poultry and rabbit regulations in 7 CFR Part 70, they were: (a) Provide an additional option for printing the grademark (§ 70.51) to permit flexibility in displaying it on packaging materials of various colors so the grademark will be visible and compatible with the colors used, (b) remove obsolete material, (c) correct erroneous wording, and (d) update and simplify provisions.

For the U.S. standards and grades applicable to poultry products, they were: (a) Establish a new standard for boneless-skinless poultry products (poultry meat), (b) revise the existing standard for boneless poultry breasts and thighs to permit the grading of other boneless poultry, (c) clarify the tolerances for exposed flesh and discoloration in the standards for ready-to-cook carcasses and parts (§§ 70.220 and 70.221), and increase the "1 lb. 8 oz." lower end of the weight range for carcasses to "2 lb." to more accurately reflect the ready-to-cook weight range for Rock Cornish game hens and Cornish game hens, (d) require that poultry meat used in poultry roasts (§ 70.230) be examined only after the meat has been deboned rather than examined on the carcasses or parts before deboning and examined again after deboning, (e) make editorial changes for consistency within the standards and with applicable definitions in the Poultry Products Inspection Regulations (9 CFR Part 381), and (f) remove the U.S. Grade A—For Further Processing for ready-to-cook turkey carcasses (§ 70.260) because this grade is no longer used.

Discussion of Comments

A notice of proposed rulemaking was published in the *Federal Register* (50 FR 43204) on October 24, 1985. The proposed rule comment period was to close on December 23, 1985, but was extended to February 28, 1986. The extension notice published in the *Federal Register* (50 FR 50310) on December 10, 1985, was based on a

request by two industry organizations for additional time to evaluate the proposed rule. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the AMS.

AMS received eight comments on the proposal within the allotted time period. Two of these were sets of comments from or on behalf of two firms. The following is a discussion of the substantive issues raised by those commenters and the Agency's response to each:

Comment: The revised standard for boneless poultry and the new standard for boneless-skinless poultry products should be adopted, because they will be meaningful and will help promote higher quality and better acceptance by customers.

Response: Traditionally, grade standards are developed to facilitate marketing and to provide customers with a uniform quality product. The Agency proposed the revised and new standards to determine their usefulness in accomplishing those objectives. Several letters were received which share the view stated in the comment.

Comment: The revised standard of quality for boneless poultry and the new standard for boneless-skinless poultry products are objectionable because they constrain innovation and development of new products.

Response: The Agency does not agree with the comment that the proposed standards constrain innovation and development of new products, because the use of the Grading Service is voluntary. Additionally, the standards were developed to permit the grading of products which were not permitted under the current voluntary program. Moreover, the proposed standards were designed to permit maximum flexibility for the grading of a wide range of products including products not yet developed or introduced into the marketplace.

Comment: Certain cities and States require that all product sold be Grade "A." In such instances, the proposed voluntary standards would, in effect, be mandatory.

Response: It is unclear whether the commenter is referring to Grade "A" or U.S. Grade A or both. The Agency is unaware of any State that requires all product sold to be U.S. Grade A. However, the Agency cannot control requirements imposed by State and local authorities.

Comment: The revised standard of quality for boneless poultry and the new standard for boneless-skinless poultry products are not needed because existing specifications between buyers

and sellers are working well in the marketplace today, and Government intervention is costly and does not provide an additional benefit.

Response: The Agency agrees that it should not adopt, even voluntary, product standards whenever private, informal standards provide products meeting buyers' expectations. The majority of commenters stated that private informal standards are presently adequate. For this reason, the Agency finds that the proposed revised and new standards are not needed at this time. Therefore, the Agency is withdrawing the revised standard for boneless poultry and the new standard for boneless-skinless poultry products.

However, the Agency will continue to keep abreast of the possible need for product standards in this area. Of particular concern is whether private incentives for adopting these informal standards remain strong and whether inferior product damage the demand for such products in the marketplace.

Comment: The proposed weight range changes for large Cornish hens in the 25- to 32-ounce range do not allow for exposed flesh and discolorations proportionate to the weight ranges currently in the regulations.

Response: The Agency has proposed to increase the maximum carcass weight for the upper end of the lowest weight range from "1 lb. 8 oz." to "2 lb." This change was proposed to more accurately reflect the present ready-to-cook weight range for Cornish game hens and Rock Cornish game hens. The comment addresses the fact that the tolerances for exposed flesh and discolorations of the skin and flesh were not increased to reflect the "½ lb." carcass weight increase of the proposed weight range. The Agency agrees with this comment and did not intend to make the tolerances more restrictive. From field experience, the Agency finds that applicable tolerances in the lowest weight range should be increased by "¼ in." in area. Therefore, the final rule provides A Quality tolerances, for the lowest weight range of "1 in." exposed flesh on the carcass except for the breast and legs, and "¾ in." discolorations of the skin and flesh on the breast and legs, and "1 ¼ in." elsewhere on the carcass. Also B Quality tolerances, for the lowest weight range, of "1 ¼ in." discolorations of the skin and flesh on the breast and legs, and "2 ¼ in." elsewhere on the carcass are provided.

Comment: Regarding the existing A Quality standard for boneless poultry breast and thigh (§ 70.231), the

duplicative practice requiring examination of breast and thighs prior to deboning and again after deboning should be eliminated. Examination after deboning using defect criteria similar to those in sections 70.230(b) and 70.231(c) of the existing regulations would prove expeditious to both the Department and the industry.

Response: The Agency agrees with this comment and will eliminate the duplicative requirement in the existing standard, since it merely eliminates an unnecessary practice.

Comment: The standards for A Quality whole turkeys should not be changed to allow additional cuts or tears that do not expand or significantly expose flesh, because this lowers quality and is reflective of a defect in processing or product.

Response: The proposed tolerances for cuts and tears that do not expand are based on the location, size of the defect, and weight of the carcass. The proposed standard for A Quality does not permit any types of cuts or tears on the breast or legs. The existing and proposed standards provide for exposed flesh tolerances, according to the weight of the carcass, elsewhere on the bird. Except for the breast or legs, the proposed standard would additionally permit cuts or tears that do not expand or significantly expose flesh elsewhere on the carcass (e.g., the back and wings). These cuts or tears would only be permitted within certain aggregate length tolerances. For example, in the "6 lb." to "16 lb." weight range, the proposed tolerance would permit such cuts up to an aggregate length of "2 in." Within the tolerances proposed, the Agency does not agree that such cuts or tears are objectionable, because they do not expand or expose flesh and are located elsewhere on the carcass other than on the breast and legs. While these types of nonexpanding cuts and tears are occasionally due to processing or product problems, they are more often reflective of what is possible under normal processing and manufacturing practices. Therefore, this provision will be retained in the final rule.

Comment: The proposed miscellaneous changes are supported because they: (1) Provide helpful clarifications which will promote better interpretation and uniformity of application, (2) make the regulations more effective without increasing the cost of compliance, and (3) provide editorial changes which improve consistency within the standards.

Response: The Agency agrees with this comment. Aside from the deletions or changes adopted because of comments received, the miscellaneous

changes are contained in the final rule. In addition, minor editorial changes are made in §§ 70.15(c) and 70.230(e) to improve clarity.

List of Subjects in 7 CFR Part 70

Poultry, Poultry products, Rabbit products, Voluntary grading service.

PART 70—VOLUNTARY GRADING OF POULTRY PRODUCTS AND RABBIT PRODUCTS AND U.S. CLASSES, STANDARDS, AND GRADES

For reasons explained in the preamble, Part 70 of Title 7 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 70 continues to read as follows:

Authority: Secs. 202–208 of the Agricultural Marketing Act of 1946, as amended, (60 Stat. 1087–1091; 7 U.S.C. 1621–1627).

2. In § 70.1, the definition for "Ready-to-Cook Poultry" is revised to read as follows:

§ 70.1 Definitions.

"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 the kidneys have been removed from certain mature poultry as defined in 9 CFR Part 381, 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 as defined in 9 CFR Part 381 that are suitable for cooking without need of further processing.

3. Section 70.15 is amended by revising paragraphs (c) and (d) to read as follows:

§ 70.15 Equipment and facilities to be furnished for use of graders in performing services on a resident basis.

(c) Scales graduated in ounces, tenths of a pound, or less for weighing individual birds and in one-quarter pound or less for containers of product up to 100 pounds and test weights for such scales.

(d) Scales graduated in one-pound graduation or less for weighing bulk containers of poultry and test weights for such scales.

4. Section 70.51 is amended by revising paragraph (a) and Figure 3 and

by removing paragraph (d) and Figure 4 as follows:

§ 70.51 Marking graded products.

(a) *Information required on grademark.* Except as otherwise authorized by the Administrator, each grademark, which is to be used, shall include the letters "USDA" and the U.S. Grade of the product it identifies, such as "U.S. A Grade," and such information shall be printed with the shield in a dark color and the wording within the shield in a light color or the shield in a light color and the wording within the shield in a dark color, provided that such design is legible and conspicuous on the material upon which it is printed. In addition, a term, such as "Federal-State Graded," or "Government Graded," may be used adjacent to but not within the grademark.



Figure 3

5. Section 70.80 is amended by revising the text, leaving the table unchanged, and removing the footnote, as follows:

§ 70.80 General.

Whenever grading service is provided for examination of quality, condition, or for test weighing on a representative sample basis, such sample shall be drawn and consist of not less than the minimum number of containers indicated in the following table. The number of representative samples for large bulk containers (combo bins, tanks, etc.) may be reduced by one-half. For quality or condition, all of the poultry and rabbits in each representative sample shall be examined except for individual ready-to-cook carcasses weighing under 6 pounds in large bulk containers. For individual carcasses weighing under 6 pounds in large bulk containers, 100 carcasses shall be examined for quality or condition. Procedures for test

weighing shall be in accordance with those prescribed by the Administrator.

6. Section 70.81 is amended by revising paragraph (b) to read as follows:

§ 70.81 Ready-to-cook poultry and rabbits and specified poultry food products.

(b) Only when ready-to-cook poultry carcasses, parts, poultry food products, including those used in preparing raw poultry food products, have been graded on an individual basis by a grader or by an authorized person pursuant to § 70.20(c) and thereafter checkgraded by a grader, and when poultry food products have been prepared under the supervision of a grader, may the individual container, carcass, part, or poultry food product be identified with the appropriate official letter grademark. Checkgrading will be accomplished in accordance with a statistical sampling plan prescribed by the Administrator. Grading with respect to quality factors for freezing defects and appearance of the finished products may be done on a sample basis in accordance with a plan prescribed by the Administrator.

7. Section 70.91 is amended by revising paragraph (b) to read as follows:

§ 70.91 Issuance and disposition.

(b) *Other than resident grading.* Each grader shall, in person or by his authorized agent, issue a grading certificate covering each product graded by him. A grader's name may be signed on a grading certificate by a person other than the grader if such person has been designated as the authorized agent of such grader by the national supervisor: *Provided*, That the certificate is prepared from an official memorandum of grading signed by the grader.

8. Section 70.110 is amended by revising the section heading and paragraph (a) to read as follows:

§ 70.110 Requirements for sanitation, facilities, and operating procedures in official plants.

(a) The requirements for sanitation, facilities, and operating procedures in official plants shall be the applicable provisions stated in 9 CFR Part 381 for poultry, and for rabbits the requirements shall be the applicable provisions stated in 9 CFR Part 354.

9. Section 70.210 is amended by revising paragraph (e)(2) to read as follows:

§ 70.210 General.

(e) * * *

(2) "Breasts with ribs" shall be separated from the back at the junction of the vertebral ribs and back. Breasts with ribs may be cut along the breastbone to make two approximately equal halves; or the wishbone portion, as described in paragraph (e)(3) of this section, may be removed before cutting the remainder along the breastbone to make three parts. Pieces cut in this manner may be substituted for lighter or heavier pieces for exact weightmaking purposes, and the package may contain two or more of such parts without affecting the appropriateness of the labeling as "breast with ribs." Neck skin shall not be included, except that "turkey breasts with ribs" may include neck skin up to the whisker.

10. Section 70.220 is amended by revising paragraphs (e) and (g) to read as follows:

§ 70.220 A Quality.

(e) *Exposed flesh.* Parts are free of exposed flesh, resulting from cuts, tears, and missing skin (other than slight trimming on the edge). The carcass is free of these defects on the breast and legs. Elsewhere, the carcass may have cuts or tears that do not expand or significantly expose flesh, provided the aggregate length of all such cuts and tears does not exceed three-quarter inch for poultry weighing up to 2 pounds; 1½ inches for poultry weighing over 2 pounds, but not more than 6 pounds; 2 inches for poultry weighing over 6 pounds, but not more than 16 pounds; and 3 inches for poultry weighing over 16 pounds. The carcass may have exposed flesh elsewhere other than on the breast and legs due to slight cuts, tears, and areas of missing skin, provided the aggregate area of all exposed flesh does not exceed an area equivalent to the area of a circle of the diameter specified in the following table:

Carcass weight		Maximum aggregate area permitted	
Minimum	Maximum	Breast and legs	Elsewhere
None	2 lb	None	1 in.
Over 2 lb	6 lb	do	1½ in.
Over 6 lb	16 lb	do	2 in.
Over 16 lb	None	do	3 in.

(g) *Discolorations of the skin and flesh.* The carcass or part is practically

free of such defects. Discolorations due to bruising shall be free of clots (discernible clumps of red or dark cells). Evidence of incomplete bleeding, such as more than an occasional slightly reddened feather follicle, is not permitted. Flesh bruises and discolorations of the skin such as "blue back," are not permitted on the breast or legs of the carcass, or on these individual parts, and only lightly shaded discolorations are permitted elsewhere. The total areas affected by flesh bruises, skin bruises, and discolorations, such as "blue back," singly, or in any combination, shall not exceed one-half of the total aggregate area of permitted discoloration. The aggregate area of all discolorations for a part shall not exceed an area equivalent to the area of a circle one-fourth inch in diameter for poultry weighing up to 6 pounds and one-half inch in diameter for poultry weight over 6 pounds. The aggregate area of all discolorations for a carcass shall not exceed an area equivalent to the area of a circle of the diameter specified in the following table:

Carcass weight		Maximum aggregate area permitted	
Minimum	Maximum	Breast and legs	Elsewhere
None	2 lb	¾ in.	1¼ in.
Over 2 lb	6 lb	1 in.	2 in.
Over 6 lb	16 lb	1½ in.	2½ in.
Over 16 lb	None	2 in.	3 in.

11. Section 70.221 is amended by removing the table in paragraph (e), and revising paragraphs (d), (e), and (g) to read as follows:

§ 70.221 B Quality.

(d) *Defeathering.* The carcass or part may have a few nonprotruding pinfeathers or vestigial feathers which are scattered sufficiently so as not to appear numerous. Not more than an occasional protruding pinfeather or diminutive feather shall be in evidence.

(e) *Exposed flesh.* A carcass may have exposed flesh, provided that no part of the carcass has more than one-third of the flesh exposed, and the meat yield of any such part on the carcass is not appreciably affected. A part may have no more than one-third of the flesh normally covered by skin exposed. A moderate amount of meat may be trimmed around the edges of a part to remove defects.

(g) *Discoloration of skin and flesh.* The carcass or part is free of serious defects. Discoloration due to bruising

shall be free of clots (discernible clumps of red or dark cells). Evidence of incomplete bleeding shall be no more than very slight. Moderate areas of discoloration due to bruises in the skin or flesh and moderately shaded discoloration of the skin, such as "blue back," are permitted, but the total areas affected by such discolorations, singly or in any combination, may not exceed one-half of the total aggregate area of permitted discoloration. The aggregate area of all discolorations for a part shall not exceed an area equivalent to the area of a circle having a diameter of one-half inch for poultry weighing up to 2 pounds; 1 inch for poultry weighing over 2 pounds, but not more than 6 pounds; and 1½ inches for poultry weighing over 6 pounds. The aggregate area of all discolorations for a carcass shall not exceed an area equivalent to the area of a circle of the diameter specified in the following table:

Carcass weight		Maximum aggregate area permitted	
Minimum	Maximum	Breast and legs	Elsewhere
None.....	2 lb.....	1½ in.....	2½ in.
Over 2 lb.....	6 lb.....	2 in.....	3 in.
Over 6 lb.....	16 lb.....	2½ in.....	4 in.
Over 16 lb.....	None.....	3 in.....	5 in.

12. Section 70.222 is amended by revising paragraph (c) to read as follows:

§ 70.222 C Quality.

(c) C quality backs shall include all the meat and skin from the pelvic bones, except that the meat contained in the ilium (oyster) may be removed. The vertebral ribs and scapula with meat and skin and the backbone located anterior (forward) of the ilia bones may also be removed (front half of back).

13. Section 70.230 is amended by revising the introductory text and paragraphs (a), (b), and (e) to read as follows:

§ 70.230 Poultry roast—A Quality.

The standard of quality contained in this section is applicable to raw poultry products labeled in accordance with 9 CFR Part 381 as ready-to-cook "Roasts" or similar descriptive terminology.

(a) The deboned poultry meat used in the preparation of the product shall be from young poultry.

(b) Bones, tendons, cartilage, blood clots, and discolorations shall be removed from the meat.

(e) The product shall be fabricated in such a manner that it can be sliced after

cooking and each slice can be served with minimal separation.

14. In § 70.231, paragraphs (b) and (c) are revised and new paragraphs (d) and (e) are added to read as follows:

§ 70.231 Boneless poultry breast and thigh—A Quality.

(b) The bone or bones shall be removed in a neat manner without undue mutilation of adjacent muscle.

(c) With skin, the breast or thigh shall meet A quality requirements for ready-to-cook poultry parts in § 70.220 (d), (e), and (g), and shall be free of tendons and cartilage.

(d) Skinless breast or thighs shall be free of tendons, cartilage, blood clots, and discolorations. Minor abrasions due to preparation techniques are permitted.

(e) Slight trimming is permitted around the edges and inner muscle surface of the part.

15. Section 70.240 is revised to read as follows:

§ 70.240 General.

(a) All terms in the United States standards for quality set forth in §§ 70.210 through 70.231 shall, when used in §§ 70.240 through 70.271, have the same meaning as when used in said standards.

(b) The United States Grades for ready-to-cook poultry and specified poultry food products are applicable to poultry of the kinds and classes set forth in §§ 70.200 through 70.206 when used as described in paragraphs (c) and (d) of this section.

(c) United States Consumer Grades for ready-to-cook poultry and specified poultry food products may be assigned only when (1) each carcass, part, or poultry food product, including those used in preparing a poultry food product, has been graded in an unfrozen state on an individual basis by a grader or by an authorized person pursuant to § 70.20(c) and thereafter checkgraded by a grader; (2) applicable poultry food product has been prepared under the supervision of a grader; and (3) identified in an unfrozen state.

(d) United States Procurement Grades may be assigned to a lot of ready-to-cook poultry when (1) graded as a lot on the basis of an examination of each carcass or part in the lot by a grader or by an authorized person pursuant to § 70.20(c) and thereafter checkgraded by a grader, or (2) graded on the basis of an examination of each carcass or part in a representative sample from the lot by a grader. Such ready-to-cook poultry carcasses or parts may be graded in a frozen or unfrozen state.

United States Ready-to-Cook Grade for Further Processing [Removed]

16. Section 70.260 and the preceding undesignated center heading are removed.

§ 70.260 [Removed]

17. Section 70.270 is revised to read as follows:

§ 70.270 U.S. Procurement Grade I.

Any lot of ready-to-cook poultry composed of one or more carcasses or parts of the same kind and class may be designated and identified as U.S. Procurement Grade I when:

(a) ninety percent or more of the carcasses or parts in such lot meet the requirements of A quality, with the following exceptions: (1) Fat covering and conformation may be as described in this subpart for B quality; (2) trimming of the skin and flesh to remove defects is permitted to the extent that not more than one-third of the flesh is exposed on a separated part or on any part on a carcass, and the meat yield of a separated part or any part on a carcass is not appreciably affected; (3) discoloration of the skin and flesh may be as described in this subpart for B quality; (4) one or both drumsticks on a carcass may be removed if the part is severed at the joint; (5) the back on a carcass may be trimmed in an area not wider than the base of the tail and extending to the area between the hip joints; (6) the wings or parts of wings on a carcass may be removed if severed at a joint; and

(b) The balance of the carcasses or parts meet the same requirements except they may have only a moderate covering of flesh.

18. Section 70.271 is revised to read as follows:

§ 70.271 U.S. Procurement Grade II.

Any lot of ready-to-cook poultry composed of one or more carcasses or parts of the same kind and class which fails to meet the requirements of U.S. Procurement Grade I may be designated and identified as U.S. Procurement Grade II: *Provided*, That (a) trimming of flesh from a separated part or from any part on the carcass does not exceed 10 percent of the meat; and (b) portions of a carcass weighing not less than one-half of the whole carcass may be included, if the portion approximates in percentage the meat to bone yield of the whole carcass.

Done at Washington, DC, on: May 5, 1986.
William T. Manley,
Deputy Administrator Marketing Programs.
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