Federal Register
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Wednesday, August 18, 1993

Presidential Documents

Title 3—

The President

Presidential Determination No. 93–30 of July 2, 1993

Determination Under Section 405(a) of the Trade Act of 1974, as Amended—Romania

Memorandum for the Secretary of State

Pursuant to the authority vested in me under the Trade Act of 1974 (Public Law 93–618, January 3, 1975; 88 Stat. 1978), as amended (the "Trade Act"), I determine, pursuant to section 405(a) of the Trade Act (19 U.S.C. 2435(a)), that the "Agreement on Trade Relations between the Government of the United States of America and the Government of Romania" will promote the purposes of the Trade Act and is in the national interest.

You are authorized and directed to transmit copies of this determination to the appropriate Members of Congress and publish it in the **Federal Register**.

William J. Clinton

THE WHITE HOUSE,
Washington, July 2, 1993.

[FR Doc. 93–20141
Filed 8–16–93; 4:07 pm]
Billing code 4710–10–M

Editorial note: For the President's letter to Congressional leaders and the proclamation on trade with Romania, see the *Weekly Compilation of Presidential Documents* (vol. 29, p. 1224).

Rules and Regulations

Federal Register
Vol. 58, No. 158
Wednesday, August 18, 1993

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 317, 320, and 381

[Docket No. 91-006F-C]

RIN 0583-AB34

Nutrition Labeling of Meat and Poultry Products; Corrections

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule; corrections.

SUMMARY: The Food Safety and Inspection Service (FSIS) is making corrections to its final rule on nutrition labeling of meat and poultry products, which was published in the Federal Register on January 6, 1993 (58 FR 632).

EFFECTIVE DATE: July 6, 1994.

FOR FURTHER INFORMATION CONTACT: Charles R. Edwards, Director, Product Assessment Division, Regulatory Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC (202) 254-2565.

SUPPLEMENTARY INFORMATION:

Background

The final rule on nutrition labeling that is the subject of these corrections was published in the Federal Register on January 6, 1993 (58 FR 632). The final rule amends the Federal meat and poultry products inspection regulations by permitting voluntary nutrition labeling on single-ingredient, raw meat and poultry products, and by establishing mandatory nutrition labeling for all other meat and poultry products, with certain exceptions.

Need for Corrections

As published, the final rule contains errors which may be misleading; these errors, therefore, must be corrected.

FSIS inadvertently included the term "unsaturated fatty acids" in the nutrient content claims regulations (9 CFR 317.354 and 381.454) for "good source," "high," and "more." FSIS is deleting this term from the regulations because there is no Daily Reference Value (DRV) for unsaturated fat.

In addition, the Agency is correcting various nutrient content claims provisions because of errors made in cross-referencing the Food and Drug Administration's (FDA) regulations. FSIS failed to cross-reference 21 CFR 101.54(e) in § 317.354 and § 381.454, pertaining to relative claims using the terms "more," "fortified," "enriched," and "added." FSIS is adding that cross-reference.

FSIS cross-referenced several provisions in 21 CFR 101.54, 101.56, 101.60, 101.61, and 101.62, which provide FDA's definitions for meal products and main dish products. FSIS clearly explained its position on meal-type products in the preamble to its final rule, published on January 6, 1993. The Agency explained that FDA, in response to comments received on its proposed meal products definition, established a separate definition, "main dish product," that would represent a significant portion of the meal and have separate criteria for claims on these products. However, FSIS received strong support for its proposed meal-type products definition and deemed it unnecessary to create a separate criteria for main dish products. In cross-referencing FDA's regulations, FSIS inadvertently cross-referenced several provisions providing FDA's definitions for meal products and main dish products. Because FDA and FSIS have different definitions for meal products, FSIS is clarifying that the meal-type products definition, as it pertains to meat and poultry products, shall be as prescribed in 9 CFR part 317 and part 381, and that FSIS's regulations do not provide a definition for main dish products.

FSIS also incorrectly cross-referenced several provisions in 21 CFR 101.62 which provide disclosure levels for total fat and cholesterol. As the Agency explained in the preamble of its final rule, FSIS is clarifying that its regulations do not provide disclosure levels for total fat and cholesterol.

The provision providing the synonym for percent fat free was unintentionally omitted from the final nutrition labeling regulations. In the preamble of its final rule on nutrition labeling, FSIS clearly explained that it is adopting FDA's definition for "______ percent fat free" claims and providing the synonym "______ percent lean" as an alternative for meat and poultry products. FSIS is, therefore, adding to § 317.362(a) and § 381.462(a) of the regulations a provision providing the synonym for percent fat free.

FDA published final nutrition labeling regulations on January 6, 1993 (58 FR 2065). On April 1 and 2, 1993, FDA published corrections to its final regulations on nutrition labeling. In its final nutrition labeling regulations, FSIS cross-referenced all the provisions of FDA's regulations where the provisions were identical, and provided codified language only for those provisions where there were variations from FDA because of the different products that FSIS regulates. FDA has now made corrections to its final regulations. FSIS has carefully reviewed those corrections, and agrees that they are necessary and appropriate. FSIS is adopting the corrections FDA made to its final regulations on nutrition labeling since both agencies are committed to providing consumers with the most consistent food labeling system possible. FSIS adopts the corrections made to cross-referenced provisions as follows: Food Labeling; Serving sizes (58 FR 17085); Food Labeling; Reference daily intakes and daily reference values (58 FR 17104); Food Labeling; mandatory status of nutrition labeling and nutrient content revision, format for nutrition label (58 FR 17328); and Food Labeling; Nutrient content claims, general principles, petitions, definition of terms, definitions of nutrient content claims for the fat, fatty acid, and cholesterol content of food (58 FR 17341).

Correction of Publication

Accordingly, the final rule on nutrition labeling of meat and poultry products, published January 6, 1993 (58 FR 632), is corrected as follows:

Preamble [corrected]

1. On page 643, Table 2, under the nutrient "Cholesterol," the Increments rounding column is corrected from "Nearest .5 mg" to "Nearest 5 mg."

2. On page 650, first column, #7, second line of the title, the word "her" is corrected to read "per."

3. On page 653, first column, #3, seventh line from the bottom, the words "and the calories" is corrected to read "or the calories."

4. On page 654, Table 7, under the Nutrient "Total Fat," the "Low" column is corrected to read "Reference Amount: > 30g or > 2 T: <=3 g/RACC <=30g or <=2 T: <=3 g/RACC & /50g."

5. On page 657, first column, second paragraph, fifth line from the bottom, after the word "Administration," the words "200 C Street, SW." are added, and after "Washington, DC," the zip code "20240" is corrected to read "20204."

§ 317.309 [Corrected]

6. On page 665, second column, eighth line of § 317.309(b), the reference to "§ 317.400(b)" is corrected to read "§ 317.400(c)."

7. On page 665, third column, the second sentence of § 317.309(f)(1) is corrected to read "Nutrition information may be given in a linear fashion only if the label will not accommodate a tabular display and, in that case, any subcomponents declared shall be listed parenthetically after principal components (e.g., saturated fat shall be declared in parenthesis after total fat)."

8. On page 665, third column, last line, after the words "core nutrients" (§ 317.309(g)(1)), the following parenthetical phrase is added: "(i.e., calories, total fat, sodium, total carbohydrate, and protein)."

9. On page 666, third column, eighth line, in § 317.309(h)(5), the word "below" is corrected to read "above."

§ 317.312 [Corrected]

10. On page 667, in § 317.312(b) Table 2, under the Reference Amount for Ready-to-cook for the ninth Product Category entry (Entrees without sauce, . . .), "106 g." is corrected to read "114 g."

§ 317.313 [Corrected]

11. On page 669, third column, second line (§ 317.313(i)), the reference to "21 CFR 101.13(i) (1) through (3)" is corrected to read "21 CFR 101.13(i)."

12. On page 669, third column, last line of § 317.313(p), the reference to "101.13(p) (1)" is corrected to read "101.13(p)."

§ 317.354 [Corrected]

13. On page 670, third column, the section heading for § 317.354 is corrected to read as follows: § 317.354 *Nutrient content claims for "good source," "high," and "more."*

14. On page 670, third column, fifth line of § 317.354, the reference to "101.9(c)(11)(iv)" is corrected to read "101.9(c)(8)(iv)."

15. On page 670, third column, seventh line of § 317.354, the reference to "CFR 101.9(c)(12)(i)" is corrected to read "CFR 101.9(c)(9)."

16. On page 670, third column, eighth and ninth lines of § 317.354, the words "and unsaturated fatty acids" are removed.

17. On page 671, first column, the second line (§ 317.354) is corrected to read "101.54, except the meal products definition shall be as prescribed in § 317.313(l), and there shall be no provision for main dish products."

§ 317.356 [Corrected]

18. On page 671, first column, the last line of § 317.356(a) is corrected to read "101.56, except the meal products definition shall be as prescribed in § 317.313(l), and there shall be no provision for main dish products."

§ 317.360 [Corrected]

19. On page 671, first column, the last line of § 317.360 is corrected to read "with 21 CFR 101.60, except the meal products definition shall be as prescribed in § 317.313(l), and there shall be no provision for main dish products."

§ 317.361 [Corrected]

20. On page 671, first column, the last two lines of § 317.361 are corrected to read "accordance with 21 CFR 101.61, except the meal products definition shall be as prescribed in § 317.313(l), and there shall be no provision for main dish products."

21. On page 671, first column, § 317.362(a) is corrected to read as follows:

§ 317.362 Nutrient content claims for fat, fatty acids, and cholesterol content of meat products.

(a) A claim about the level of fat, fatty acid, and cholesterol in a meat product may only be made on the label and in the labeling of the product in accordance with:

(1) 21 CFR 101.62(a);

(2) 21 CFR 101.62(b), except the meal products definition shall be as prescribed in § 317.313(l), there will be no provision for main dish products, and the following provision shall be added: A synonym for the term "— percent fat free" is "— percent lean";

(3) 21 CFR 101.62(c), except there will be no disclosure of the level of total fat and cholesterol in the food in immediate proximity to such claim each time the claim is made, the meal products definition shall be as prescribed in § 317.313(l), and there will be no provision for main dish products;

(4) 21 CFR 101.62(d)(1);

(5) 21 CFR 101.62(d)(1)(i) (A) through (D) and (d)(1)(ii)(F), except there will be no provision for main dish products;

(6) 21 CFR 101.62(d)(2), except the meal products definition shall be as prescribed in § 317.313(l) and there will be no provision for main dish products;

(7) 21 CFR 101.62(d)(2)(i), except for the phrase "and contain 13 g or less of fat per reference amount customarily consumed";

(8) 21 CFR 101.62(d)(2)(i) (A) through (C);

(9) 21 CFR 101.62(d)(2)(ii), except for the phrase "and contain 13 g or less of total fat per reference amount customarily consumed, per labeled serving, and per 50 g (for dehydrated foods that are typically consumed when rehydrated with only water, the per 50 g refers to the 'as prepared' form)";

(10) 21 CFR 101.62(d)(2)(ii) (A) through (C);

(11) 21 CFR 101.62(d)(2)(iii)(E);

(12) 21 CFR 101.62(d)(4), except the meal products definition shall be as prescribed in 317.313(l) and there will be no provision for main dish products;

(13) 21 CFR 101.62(d)(4)(i) (A) through (C);

(14) 21 CAR 101.62(d)(4)(iii);

(15) 21 CFR 101.62(d)(5), except the meal products definition shall be as prescribed in 317.313(l), and there will be no provision for main dish product; and

(16) 21 CFR 101.62(d)(5)(i) (A) through (C).

* * * * *

§ 317.380 [Corrected]

22. On page 674, third column, the last line of § 317.380(c), the reference to "§ 317.360(b)(2) and (3)" is corrected to read "§ 137.360."

§ 381.409 [Corrected]

23. On page 676, first column, eighth line of § 381.409(b), the reference to "§ 381.500(b)" is corrected to read "§ 381.500(c)."

24. On page 676, second column, the second sentence of § 381.409(f)(1) is corrected to read "Nutrition information may be given in a linear fashion only if the label will not accommodate a tabular display and, in that case, any subcomponents declared shall be listed parenthetically after principal components (e.g., saturated fat shall be declared in parenthesis after total fat)."

25. On page 676, second column, last line, after the words "core nutrients" (§ 381.409(g)(1)), the following parenthetical phrase is added: "(i.e., calories, total fat, sodium, total carbohydrate, and protein)."

26. On page 677, second column, twelfth line of § 381.409(h)(5), the word "below" is corrected to read "above."

§ 381.412 [Corrected]

27. On pages 677 and 678, in § 381.412(b) Table 2, the column headings which read "Reference" are corrected to read "Reference Amount."

28. On page 678, in § 381.412(b) Table 2, under the Reference Amount for Ready-to-cook for the first Product Category entry (Entrees without sauce, * * *, "106g" is corrected to read "114g."

§ 381.413 [Corrected]

29. On page 680, first column, last line of § 381.413(i), the reference to "21 CFR 101.13(i)(1) through (3)" is corrected to read "21 CFR 101.13(i)."

30. On page 680, second column, last line of § 381.413(p), the reference to "101.13(p)(1)" is corrected to read "101.13(p)."

31. On page 681, second column, the section heading for § 381.454 is corrected to read as follows:

§ 381.454 Nutrient content claims for "good source," "high," and "more."

32. On page 681, second column, fifth line of § 381.454, the reference to "101.9(c)(11)(iv)" is corrected to read "101.9(c)(8)(iv)."

33. On page 681, second column, seventh line of § 381.454, the reference to "CFR 101.9(c)(12)(i)" is corrected to read "CFR 101.9(c)(9)."

34. On page 681, second column, eighth and ninth lines of § 381.454, the words "and unsaturated fatty acids" are removed.

35. On page 681, second column, the last line of § 381.454 is corrected to read" 101.54, except the meal products definition shall be as prescribed in § 381.413(1), and there shall be no provision for main dish products."

§ 381.456 [Corrected]

36. On page 681, second column, the last line of § 381.456(a) is corrected to read "101.56, except the meal products definition shall be as prescribed in § 381.413(1), and there shall be no provision for main dish products."

§ 381.460 [Corrected]

37. On page 681, second column, the last line of § 381.460 is corrected to read " with 21 CFR 101.60, except the meal products definition shall be as prescribed in § 381.413(1), and there shall be no provisions for main dish products."

§ 381.461 [Corrected]

38. On page 681, second column, the last two line of § 381.461 are corrected to read "accordance with 21 CFR 101.61, except the meal products definition shall be as prescribed in § 381.413(1), and there shall be no provision for main dish products."

39. On page 681, third column, § 381.462 is corrected to read as follows:

§ 381.462 Nutrient content claims for fat, fatty acids, and cholesterol content of poultry products.

(a) A claim about the level of fat, fatty acid, and cholesterol in a poultry product may be made on the label and in the labeling of the product in accordance with:

(1) 21 CFR 101.62(a);

(2) 21 CFR 101.62(b), except the meal products definition shall be as prescribed in § 381.413(1), there will be no provision for main dish products, and the following provision shall be added: "A synonym for the term "_____ percent fat free" is _____ percent lean";

(3) 21 CFR 101.62(c), except there will be no disclosure of the level of total fat and cholesterol in the food in immediate proximity to such claim each time the claim is made, the meal products definition shall be as prescribed in § 381.413(1) and there will be no provision for main dish products;

(4) 21 CFR 101.62(d)(1);

(5) 21 CFR 101.62(d)(1)(i) (A) through (D) and (d)(1)(ii)(F), except there will be no provision for main dish products;

(6) 21 CFR 101.62(d)(2), except the meal products definition shall be as prescribed in § 381.413(1) and there will be no provision for main dish products;

(7) 21 CFR 101.62(d)(2)(i), except for the phrase "and contain 13 g or less of fat per reference amount customarily consumed";

(8) 21 CFR 101.62(d)(2)(i) (A) through (C);

(9) 21 CFR 101.62(d)(2)(ii), except for the phrase "and contain 13 g or less of total fat per reference amount customarily consumed, per labeled serving, and per 50 g (for dehydrated foods that are typically consumed when rehydrated with only water, the per 50 g refers to the "as prepared" form)";

(10) 21 CFR 101.62(d)(2)(ii) (A) through (C);

(11) 21 CFR 101.62(d)(2)(iii)(E);

(12) 21 CFR 101.62(d)(4), except the meal products definition shall be as prescribed in § 381.413(1) and there will be no provision for main dish products;

(13) 21 CFR 101.62(d)(4)(i) (A) through (C);

(14) 21 CFR 101.62(d)(4)(iii);

(15) 21 CFR 101.62(d)(5), except the meal products definition shall be as prescribed in § 381.413(1), and there will be no provision for main dish product; and

(16) 21 CFR 101.62(d)(5)(i) (A) through (C).

* * * * *

§ 381.480 [Corrected]

40. On page 685, first column, the last line of § 381.480(c), the reference to "§ 381.460(b)(2) and (3)" is corrected to read "§ 381.460."

Done at Washington, DC, on August 4, 1993.

Eugene Branstool,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–19886 Filed 8–17–93; 8:45 am]

BILLING CODE 3410–DM

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 93–NM–16–AD; Amendment 39–8657; AD 93–15–12]

Airworthiness Directives; SAAB–SCANIA Models SAAB SF340A and SAAB 340B Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain SAAB–SCANIA Models SAAB SF340A and SAAB 340B series airplanes, that currently requires replacement of certain life-limited components associated with the main landing gear (MLG) and nose landing gear (NLG) in accordance with revised life limits. This amendment requires replacement of additional life-limited components. This amendment is prompted by the identification of life limits for additional landing gear components on the affected airplanes. The actions specified by this AD are intended to prevent reduced structural capability of the MLG and the NLG.

DATES: Effective on September 17, 1993.

The incorporation by reference of SAAB Service Bulletin SAAB 340–32–066, Revision 2, dated June 12, 1992, as listed in the regulations, is approved by the Director of the Federal Register as of September 17, 1993.

The incorporation by reference of SAAB–Scania Service Bulletin SAAB 340–32–066, Revision 1, dated October 17, 1990 (including Attachments 1 through 8), as listed in the regulations, was approved previously by the Director of the Federal Register as of March 16, 1992 (57 FR 5376, February 14, 1992).

ADDRESSES: The service information referenced in this AD may be obtained from SAAB–SCANIA AB, SAAB Aircraft Product Support, S–581.88, Linkoping, Sweden. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mark Quam, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2145; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations by superseding AD 92–03–08, Amendment 39–8163 (57 FR 5376, February 14, 1992), which is applicable to certain SAAB–SCANIA Models SAAB SF340A and SAAB 340B series airplanes, was published in the **Federal Register** on April 12, 1993 (58 FR 19071). The action proposed to require replacement of certain life-limited components associated with the main landing gear (MLG) and nose landing gear (NLG) in accordance with revised life limits.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supports the proposed rule.

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

The FAA estimates that 210 airplanes of U.S. registry will be affected by this AD, that it will take approximately 48 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Required parts will cost approximately $4,700 per airplane. (These work hours and parts cost estimates are reiterated from AD 92–03–08.) This AD will not add any new additional economic burden on affected operators, other than minimal costs associated with replacing additional life-limited landing gear components identified in Attachment 9 of the referenced service bulletin. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,541,400, or $7,340 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "**ADDRESSES**."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–8163 (57 FR 5376, February 14, 1992), and by adding a new airworthiness directive (AD), amendment 39–8657, to read as follows:

93–15–12 SAAB-Scania: Amendment 39–8657. Docket 93–NM–16–AD. Supersedes AD 92–03–08, Amendment 39–8163.

Applicability: Model SF340A series airplanes, serial numbers 004 through 159, inclusive; and SAAB 340B series airplanes, serial numbers 160 and subsequent; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure proper operation of the main landing gear (MLG) and the nose landing gear (NLG), accomplish the following:

(a) Remove the MLG and NLG components identified in the attachments (listed below) to SAAB Service Bulletin SAAB 340–32–066, Revision 1, dated October 17, 1990, and replace them with serviceable components prior to the accumulation of the number of landings listed in the "Fatigue Life Flights" column of the applicable "Life Limited Parts List," or within 60 days after April 15, 1991 (the effective date of AD 91–07–02, Amendment 39–6932), whichever occurs later. Thereafter, replace these components with serviceable components at intervals not to exceed the number of landings listed in the "Fatigue Life Flights" column of the applicable "Life Limited Parts List."

SAAB SERVICE BULLETIN SAAB 340–32–066 ATTACHMENTS

AP Precision Hydraulics Service Bulletin Number	Date Issued	Attachment Number
AIR83530–32–07 ..	January 1990.	1
AIR83570–32–04 ..	January 1990.	2
AIR83572–32–01 ..	January 1990.	3
AIR84306–32–07 ..	January 1990.	4
AIR84350–32–01 ..	January 1990.	5
AIR83022–32–18 REV 1.	August 1990	6

(b) Remove the MLG and NLG components identified in the attachments (listed below) to SAAB Service Bulletin SAAB 340–32–066, Revision 1, dated October 17, 1990, and replace them with serviceable components prior to the accumulation of the number of landings listed in the "Fatigue Life Flights" column of the applicable "Life Limited Parts List," or within 60 days after March 16, 1992 (the effective date of AD 92–03–08, Amendment 39–8163), whichever occurs later. Thereafter, replace these components with serviceable components at intervals not to exceed the number of landings listed in the "Fatigue Life Flights" column of the applicable "Life Limited Parts List."

SAAB SERVICE BULLETIN SAAB 340–32–066 ATTACHMENTS

AP Precision Hydraulics Service Bulletin Number	Date Issued	Attachments Number
AIR83064–32–02 ..	January 1990.	7
AIR84310–32–07 ..	January 1990.	8

(c) Remove the MLG and NLG components identified in the attachments (listed below) to SAAB Service Bulletin SAAB 340–32–066, Revision 2, dated June 12, 1992, and replace them with serviceable components prior to the accumulation of the number of landings listed in the "Fatigue Life Flights" column of the applicable "Life Limited Parts List," or within 60 days after the effective date of this AD, whichever occurs later. Thereafter, replace these components with serviceable components at intervals not to exceed the number of landings listed in the "Fatigue Life Flights" column of the applicable "Life Limited Parts List."

SAAB SERVICE BULLETIN SAAB 340–32–066 ATTACHMENTS

AP Precision Hydraulics Service Bulletin Number	Date Issued	Attachment Number
AIR83530–32–07 Rev 1.	January 1992.	1
AIR83570–32–04 Rev 1.	January 1992.	2
AIR83572–32–01 Rev 1.	January 1992.	3
AIR84306–32–07 Rev 1.	January 1992.	4
AIR84350–32–01 Rev 1.	January 1992.	5
AIR83022–32–18 Rev 2.	January 1992.	6
AIR83064–32–02 Rev 1.	January 1992.	7
AIR84310–32–07 Rev 1.	January 1992.	8
AIR83608–32–01 ..	January 1992.	9

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(e) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) The modifications shall be done in accordance with SAAB Service Bulletin SAAB 340–32–066, Revision 2, dated June 12, 1992, and SAAB Service Bulletin SAAB 340–32–066, Revision 1, dated October 17, 1990. Revision 2 of SAAB Service Bulletin SAAB 340–32–066 contains the following list of effective pages:

Page number	Revision level shown on page	Date shown on page
Title Page, 1.	2	June 12, 1992.
Attachment 1		
1	1	January 1992.
2–3	Original	January 1990.
Attachment 2		
1–2	1	January 1992.
Attachment 3		
1	1	January 1992.
2	Original	June 1990.
Attachment 4		
1–2	1	January 1992.
Attachment 5		
1–2	1	January 1992.
Attachment 6		
1, 3	2	January 1992.
2, 4	Original	January 1990.
Attachment 7		
1, 3	1	January 1992.
2	Original	January 1990.
Attachment 8		
1	1	January 1992.
2–3	Original	January 1990.
Attachment 9		
1–2	Original	January 1992.

The incorporation by reference of SAAB Service Bulletin SAAB 340–32–066, Revision 2, dated June 12, 1992, is approved by the Director of the **Federal Register** in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The incorporation by reference of SAAB Service Bulletin SAAB 340–32–066, Revision 1, dated October 17, 1990, was approved previously by the Director of the **Federal Register** in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of March 16, 1992 (57 FR 5376, February 14, 1992). Copies may be obtained from SAAB-SCANIA AB, SAAB Aircraft Product Support, S–581.88, Linköping, Sweden. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the **Federal Register**, 800 North Capitol Street, NW., suite 700, Washington, DC.

This amendment becomes effective on September 17, 1993.

Issued in Renton, Washington, on August 4, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–19953 Filed 8–17–93; 8:45 am]

BILLING CODE 4910–13–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 4

Commodity Pool Operators; Exclusion for Certain Otherwise Regulated Persons From the Definition of the Term "Commodity Pool Operator"

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: On June 9, 1993, the Commodity Futures Trading Commission ("Commission" or "CFTC") published for comment proposed amendments to Regulation 4.5 ("the proposal"),[1] which excludes certain otherwise regulated persons from the definition of the term "commodity pool operator" ("CPO") under conditions specified in § 4.5 (c)–(f). Currently, § 4.5(a)(4) (i)–(iii) provides that the definition of the term "commodity pool" (as set forth in § 4.10(d)) shall not be construed to include certain pension plans subject to the Employee Retirement Income Security Act of 1974 ("ERISA") and pension plans defined as government plans in ERISA. Therefore, these pension plans do not have to meet the conditions specified in § 4.5 (c)–(f). The proposed amendments would have extended this "pool exclusion" provision to certain ERISA and government employee welfare benefit plans. In addition, the Commission proposed to permit a person who is a "designated" fiduciary of a pension plan or an employee welfare benefit plan subject to ERISA to be excluded from the definition of the term CPO with respect to such person's operation of such plans and subject to compliance with the provisions of § 4.5. Only named fiduciaries of these ERISA plans currently are so excluded. Finally, the Commission clarified an issue which is related to the calculation of the five percent margin/premium operating constraint specified in § 4.5(c)(2)(i).

The comment period ended on July 9, 1993, and no written comments were received. However, in consideration of certain technical information provided by telephone by staff of the U.S. Department of Labor to Commission staff during the comment period, the Commission has determined to adopt the proposed amendments to Regulation 4.5 in slightly modified form, as discussed herein. Specifically, since under no employee welfare benefit plans subject to ERISA are plan benefits tied to the performance of the plan investments, under the final rule all such plans will be excluded from the term "commodity pool."

EFFECTIVE DATE: September 17, 1993.

FOR FURTHER INFORMATION CONTACT: Ronald Hobson, Supervisory Economist, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K St. NW., Washington, DC 20581, (202) 254–6990.

SUPPLEMENTARY INFORMATION:

I. Background

Section 4m(1) of the Commodity Exchange Act ("Act") makes it unlawful for any person to engage in business as

[1] 56 FR 32314 (June 9, 1993).

a CPO without being registered as such.[2] Part 4 of the Commission's regulations governs the operations and activities of CPOs through certain operational, disclosure, reporting and recordkeeping requirements set forth in subpart B thereof.[3]

Regulation 4.5 (50 FR 15868–84, April 23, 1985), which became effective on April 23, 1985, and was amended effective March 1, 1993 (58 FR 6371–74, January 28, 1993), provides for the exclusion from the CPO definition, under specified conditions, of certain otherwise regulated persons—registered investment companies, state or federally regulated financial depository institutions, state regulated insurance companies, and trustees and named fiduciaries of pension and employee welfare benefit plans covered by ERISA—in connection with their operation of "qualifying entities".

In addition, the rule provides that the definition of the term "commodity pool" (as set forth in § 4.10(d)) shall not be construed to include certain pension plans so that such plans do not have to meet these specified conditions. Specifically, § 4.5(a)(4) (i)–(iii) excludes from the commodity pool definition (1) noncontributory pension plans covered under title I of ERISA, (2) contributory defined benefit plans covered by title IV of ERISA (which commit no voluntary employee contributions to margin or premium for futures or option contracts), and (3) plans defined as governmental plans in section 3(32) of title I of ERISA.

II. Discussion

When the Commission amended § 4.5 earlier this year, it made the operators of employee welfare benefit plans covered by ERISA eligible for exclusion from the CPO definition under the conditions of the rule but did not exclude any such plans from the definition of a commodity pool. In the proposed rulemaking, the Commission stated that the arguments made previously for the current pension plan pool exclusion could be articulated for specific types of employee welfare benefit plans and that parallel treatment therefore should be afforded to such employee welfare benefit plans. However, the Commission now believes that such parallel treatment can be effected by excluding from the commodity pool definition all employee welfare plans that are subject to the fiduciary responsibility provisions of ERISA and that the distinctions that were made in the proposal between contributory and noncontributory plans are unnecessary. This because all employee welfare plans subject to ERISA specify benefits which are not tied to the performance of the plan investments regardless of whether employees contribute to the plan or not.

As proposed, the Commission also is amending § 4.5 to permit ERISA fiduciaries other than named fiduciaries to avail themselves of the CPO exclusion. Also as proposed, the final rule continues to permit such non-named fiduciaries to claim the exclusion through the notice of eligibility filed by the named fiduciary.

In addition to these amendments to § 4.5, the Commission wishes to reiterate herein the clarification concerning computation of the rule's five percent initial margin/premium constraint on the assumption or non-hedge positions. As stated in the proposed rulemaking, it is the Commission's intent that unrealized profits and losses on a qualifying entity's existing futures and option positions are to be accounted for in the calculation of the liquidation value of the entity's portfolio only when additional futures and option positions would be assumed. This will prevent funds from assuming additional positions when substantial amounts of money have previously been committed to existing positions but not require funds to liquidate positions as a result of market forces beyond the control of the fund. The Commission notes that its staff has received several informal inquiries on this aspect of the rule since the rule was amended earlier this year and believes that the clarification made herein is responsive to such questions.

III. Other Matters

A. Paperwork Reduction Act

The Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, ("PRA") imposes certain requirements on Federal agencies (including the Commission) in connection with their conducting or sponsoring any collection of information as defined by the PRA. In compliance with the PRA, the Commission has previously submitted this rule in its proposed form and its associated information collection requirements to the Office of Management and Budget. While this rule has no burden, the group of rules (3038–0005) of which this is a part has the following burden:

Average Burden Hours Per Response—29.10
Number of Respondents—2,822
Frequency of Response—Monthly, Quarterly, Semi-Annually, Annually, on Occasion

Copies of the OMB approved information collection package associated with this rule may be obtained from Gary Waxman, Office of Management and Budget, room 3220, NEOB Washington DC 20503, (202) 395–7340.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act ("RFA"), 5 U.S.C. 601 *et seq.*, requires that agencies, in promulgating rules, consider the impact of these rules on small entities. The definitions of small entities that the Commission has established for this purpose do not address the persons and qualifying entities set forth in § 4.5 because, by the very nature of the rule, the operations and activities of such persons and entities generally are regulated by Federal and State authorities other than the Commission. Assuming, arguendo, that such persons and entities would be small entities for purposes of the RFA, the Commission believes that § 4.5 as amended would not have a significant economic impact on them because it would not require the refiling of a notice with the Commission. Moreover, the Commission notes that the amended rule potentially would relieve a greater number of those persons (and entities) from the requirement to register as a CPO and from the disclosure, reporting and recordkeeping requirements applicable to registered CPOs.

Accordingly, the Acting Chairman, on behalf of the Commission, certifies pursuant to section 3(a) of the RFA, 5 U.S.C. 605(b), that the amended § 4.5 will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 17 CFR Part 4

Commodity pool operators, Commodity trading advisors, Commodity futures, Commodity options.

In consideration of the foregoing and pursuant to the authority contained in the Commodity Exchange Act and, in particular, sections 1a, 4k, 4l, 4m, 4n,

[2] The term commodity pool operator is defined in section 1a(4) of the Commodity Exchange Act, as amended, to mean:

"[A]ny person engaged in a business which is of the nature of an investment trust, syndicate, or similar form of enterprise, and who, in connection therewith, solicits, accepts, or receives from others, funds, securities or property, either directly or through capital contributions, the sale of stock or other forms of securities, or otherwise, for the purpose of trading in any commodity for future delivery on or subject to the rules of any contract market, but does not include such persons not within the intent of this definition as the Commission may specify by rule or regulation or by order."

[3] Sections 4.20–4.23. Commission rules referred to herein are found at 17 CFR ch. I (1992).

4o, 8a and 14 thereof, 7 U.S.C. 2, 6k, 6l, 6m, 6n, 6o, and 12a and 18, the Commission is amending part 4 of Chapter I of Title 17 of the Code of Federal Regulations as follows:

PART 4—COMMODITY POOL OPERATORS AND COMMODITY TRADING ADVISORS

1. The authority citation for part 4 continues to read as follows:

Authority: Sections 1a, 4b, 4c, 4*l*, 4m, 4n, 4*o*, 8a, and 19 of the Act, 7 U.S.C. 2, 6b, 6c, 6*l*, 6m, 6n, 6*o*, 12a and 23.

2. Section 4.5 is proposed to be amended by revising paragraphs (a)(4), (b)(4), the introductory text in paragraph (c), and adding a new paragraph (a)(4)(iv) to read as follows:

§ 4.5 Exclusion for certain otherwise regulated persons from the definition of the term "commodity pool operator."

(a) * * *

(4) A trustee of, a named fiduciary of (or a person designated or acting as a fiduciary pursuant to a written delegation from or other written agreement with the named fiduciary) or an employer maintaining a pension plan that is subject to title I of the Employee Retirement Income Security Act of 1974; *Provided, however,* That for purposes of this § 4.5 the following employee benefit plans shall not be construed to be pools:

(i) * * *

(ii) * * *

(iii) * * *

(iv) Any employee welfare benefit plan that is subject to the fiduciary responsibility provisions of the Employee Retirement Income Security Act of 1974.

* * * * *

(b) * * *

(4) With respect to any person specified in paragraph (a)(4) of this section, and subject to the proviso thereof, a pension plan that is subject to title I of the Employee Retirement Income Security Act of 1974; *Provided, however,* That such entity will be operated in the manner specified in paragraph (c)(2) of this section.

(c) Any person who desires to claim the exclusion provided by this section shall file with the Commission a notice of eligibility; *Provided, however,* That a plan fiduciary who is not a named fiduciary but who has an agreement with a named fiduciary as described in paragraph (a)(4) of this section may claim the exclusion through the notice filed by the named fiduciary.

* * * * *

Issued in Washington DC, on August 11, 1993, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93-19812 Filed 8-17-93; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Oxytetracycline Hydrochloride Soluble Powder

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Fermenta Animal Health Co. under the National Academy of Sciences/National Research Council, Drug Efficacy Study Implementation Program. The supplemental application provides for: (1) Expanding the "me-too" use of oxytetracycline hydrochloride (OTC HCl) soluble powder to the drinking water of chickens for the control of infectious synovitis, chronic respiratory disease, air sac infections, and fowl cholera caused by bacteria susceptible to oxytetracycline (21 CFR 520.1660d(e)(1)(i)); and (2) decreasing the preslaughter withdrawal period of medicated turkey drinking water from 5 to 4 days.

EFFECTIVE DATE: August 18, 1993.

FOR FURTHER INFORMATION CONTACT: Dianne T. McRae, Center for Veterinary Medicine (HFV-102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-594-1623.

SUPPLEMENTARY INFORMATION: Fermenta Animal Health Co., 10150 North Executive Hills Blvd., Kansas City, MO 64153, is the sponsor of NADA 38-200 which provides for use of OTC HCl soluble powder in the drinking water of turkeys for the control of specific diseases caused by bacteria susceptible to oxytetracycline. The firm has filed a supplemental application providing for: (1) Expanding the "me-too" use of OTC HCl soluble powder to the drinking water of chickens for the control of infectious synovitis, chronic respiratory disease, air sac infections, and fowl cholera caused by bacteria susceptible to oxytetracycline (21 CFR 520.1660d(e)(1)(i)); and (2) decreasing the preslaughter withdrawal period of medicated turkey drinking water from 5 to 4 days. The supplemental NADA is approved as of July 9, 1993, and 21 CFR 520.1660d is amended to reflect the approval. The basis for approval is discussed in the freedom of information summary. The agency is further amending this section by adding new paragraph (a)(5) to list the concentration of OTC HCl (i.e., the grams of drug product containing 1 gram of OTC HCl) in Fermenta's several products.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), this approval does not qualify for an exclusivity period because no new clinical or field investigations (other than bioequivalence or residue studies) and, in the case of food-producing animals, human food safety studies (other than bioequivalence or residue studies) conducted or sponsored by the applicant were essential to the approval of the supplemental NADA.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).