

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 381

[Docket No. 97-054P]

RIN 0583-AC28

Retained Water in Raw Meat and Poultry Products; Poultry Chilling Performance Standards

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Correction to proposed rule.

SUMMARY: This document contains corrections to the proposed rule (Docket No. 97-054P) which was published Friday, September 11, 1998 (63 FR 48961). The proposed rule would limit the amount of water retained by raw, single-ingredient, meat and poultry products as a result of post-evisceration processing, such as carcass washing and chilling. The proposed rule also would revise the poultry chilling regulations to remove "command-and-control" features and make them consistent with current technological capabilities, good manufacturing practices, and the pathogen reduction/hazard analysis and critical control points (PR/HACCP) regulations.

DATES: Comments must be received on or before December 10, 1998.

ADDRESSES: Submit one original and one copy of written comments to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, Room 102, 300 12th Street, SW., Washington, DC 20250-3700. Please refer to docket number 97-054P in your comments. All comments submitted in response to this proposal, as well as research and background information used by FSIS in developing this document, will be available for public inspection in the Docket Clerk's Office between 8:30 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Patricia F. Stolfa, Assistant Deputy Administrator, Office of Policy, Program

Development, and Evaluation, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington DC 20250-3700; (202) 205-0699.

SUPPLEMENTARY INFORMATION:

Background

The proposed rule that is the subject of these corrections would limit the amount of water retained by raw, single ingredient, meat and poultry products as a result of post-evisceration processing, such as carcass washing and chilling. Meat and poultry carcasses and parts would not be permitted to contain water resulting from post-evisceration processing unless the establishment demonstrates that water retention is necessary to meet applicable food safety requirements, such as pathogen reduction performance standards. In addition, the establishment would have to disclose on the product label the maximum percentage of retained water that could be in the product.

FSIS is also proposing to revise the poultry chilling regulations to improve consistency with the Pathogen Reduction/Hazard Analysis and Critical Control Points (PR/HACCP) regulations, eliminate "command-and-control" features, and reflect current technological capabilities and good manufacturing practices.

Need for Correction

As published, the proposed rule contained errors in the regulatory text that could prove to be misleading because they reflect unintended changes in the current regulations and are inconsistent with the preamble explanation.

Correction of Publication

Accordingly, the publication on September 11, 1998, of the proposed rule (Docket No. 97-054P), which was the subject of FR Docket 98-24309, is corrected as follows:

§ 381.65 [Corrected]

Paragraph 1. On page 48968, in the third column, in § 381.65, after paragraph (e)(2), paragraph (f) is added to read:

"(f) Poultry carcasses contaminated with visible fecal material shall be prevented from entering the chilling tank."

§ 381.66 [Corrected]

Paragraph 1. On page 48969, in the first column, paragraph (c)(3) is revised to read as follows:

"(c)(3) Previously chilled poultry carcasses and major portions shall be maintained constantly at 40 °F or below until removed from the vats or tanks for immediate packaging. Such products may be removed from the vats or tanks prior to being cooled to 40 °F or below, for freezing or cooling in the official establishment. Such products shall not be packed until after they have been chilled to 40 °F or below, except when the packaging will be followed immediately by freezing at the official establishment."

* * * * *

Dated: October 20, 1998.

Thomas J. Billy,

Administrator.

[FR Doc. 98-28543 Filed 10-23-98; 8:45 am]

BILLING CODE 3410-DM-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-232-AD]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 747-400, 757, 767, and 777 Series Airplanes Equipped With Allied Signal RIA-35B Instrument Landing System (ILS) Receivers

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the superseding of an existing airworthiness directive (AD), applicable to certain Boeing Model 747-400, 757, 767, and 777 series airplanes, that currently requires a revision to the Airplane Flight Manual (AFM) to prohibit certain types of approaches. That action also requires repetitive inspections to detect certain faults of all RIA-35B ILS receivers, and replacement of discrepant ILS receivers with new, serviceable, or modified units; or, alternatively, an additional revision to the AFM and installation of a placard to prohibit certain operations. That AD was prompted by a report of errors in the

glide slope deviation provided by an ILS receiver. This action would require accomplishment of the previously optional terminating action. The actions specified by the proposed AD are intended to prevent erroneous localizer deviation provided by faulty ILS receivers, which could result in a landing outside the lateral boundary of the runway.

DATES: Comments must be received by December 10, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-232-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from AlliedSignal Aerospace, Technical Publications, Dept. 65-70, P.O. Box 52170, Phoenix, Arizona 85072-2170. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Jay Yi, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-1013; fax (425) 227-1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this

proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 98-NM-232-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-232-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

On June 29, 1998, the FAA issued AD 98-14-10, amendment 39-10643 (63 FR 36549, July 7, 1998), applicable to certain Boeing Model 747-400, 757, 767, and 777 series airplanes, to require a revision to the Airplane Flight Manual (AFM) to prohibit certain types of approaches if only one instrument landing system (ILS) receiver is operational. That action also requires repetitive inspections to detect certain faults of all RIA-35B ILS receivers, and replacement of discrepant ILS receivers with new, serviceable, or modified units; or, alternatively, an additional revision to the AFM and installation of a placard to prohibit certain operations. That action also provides for an optional terminating action for the AFM revisions and repetitive inspections. That action was prompted by a report indicating that errors were detected in the glide slope deviation provided by an ILS receiver. The requirements of that AD are intended to detect and correct faulty ILS receivers, and to ensure that the flightcrew is advised of the potential hazard of performing ILS approaches using a localizer deviation from a faulty ILS receiver and also advised of the procedures necessary to address that hazard. Erroneous localizer deviation could result in a landing outside the lateral boundary of the runway.

Actions Since Issuance of Previous Rule

When AD 98-14-10 was issued, it contained a provision for the optional replacement of all existing RIA-35B ILS receivers with modified units, which, if accomplished, would constitute terminating action for the AFM revisions and repetitive inspections required by that AD. In the preamble to AD 98-14-10, the FAA indicated that the actions required by that AD were considered "interim action" and that further rulemaking action was being

considered to require the replacement of all existing RIA-35B ILS receivers with modified parts. The FAA now has determined that further rulemaking action is indeed necessary, and this proposed AD follows from that determination.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 98-14-10, amendment 39-10643, to continue to require a revision to the AFM to prohibit certain types of approaches if only one ILS receiver is operational. This proposed AD also would continue to require repetitive inspections to detect certain faults of all RIA-35B ILS receivers, and replacement of discrepant ILS receivers with new, serviceable, or modified units; or, alternatively, an additional revision to the AFM and installation of a placard to prohibit certain operations. This proposed AD also would require replacement of all ILS receivers, part number 066-50006-0101, with modified ILS receivers, which would constitute terminating action for the repetitive inspections and AFM revisions described previously.

Cost Impact

There are approximately 74 airplanes of the affected design in the worldwide fleet. The FAA estimates that 74 airplanes of U.S. registry would be affected by this proposed AD.

The AFM revision to prohibit certain types of approaches that currently is required by AD 98-14-10, and retained in this proposed AD, takes approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the currently required AFM revision on U.S. operators is estimated to be \$4,440, or \$60 per airplane.

In lieu of the AFM revision and placard installation to prohibit certain types of operations, the visual inspection that currently is provided in AD 98-14-10 takes approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the inspection on U.S. operators is estimated to be \$4,440, or \$60 per airplane, per inspection cycle.

In lieu of the visual inspection, the AFM revision and placard installation that currently is provided in AD 98-14-10 takes approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based

on these figures, the cost impact of the AFM revision and placard installation on U.S. operators is estimated to be \$4,440, or \$60 per airplane.

The new replacement that is proposed in this AD action would take approximately 3 work hours per airplane (1 work hour per receiver, 3 receivers per airplane) to accomplish, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$235 per airplane (\$78.33 per receiver). Based on these figures, the cost impact of the replacement proposed by this AD on U.S. operators is estimated to be \$30,710, or \$415 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would 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 proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, 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 copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part

39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-10643 (63 FR 36549, July 7, 1998), and by adding a new airworthiness directive (AD), to read as follows:

Boeing: Docket 98-NM-232-AD. Supersedes AD 98-14-10, amendment 39-10643.

Applicability: Model 747-400, 757, 767, and 777 series airplanes; equipped with AlliedSignal RIA-35B Instrument Landing System (ILS) receivers, part number (P/N) 066-50006-0101; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent erroneous localizer deviation provided by faulty ILS receivers, which could result in a landing outside the lateral boundary of the runway, accomplish the following:

Restatement of the Requirements of AD 98-14-10

(a) Within 10 days after July 22, 1998 (the effective date of AD 98-14-10, amendment 39-10643), revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following statement. This may be accomplished by inserting a copy of this AD into the AFM.

"Any Instrument Landing System (ILS) or Localizer approach with only one operative AlliedSignal ILS receiver, P/N 066-50006-0101, installed is prohibited."

Note 2: On Model 747-400 and 777 series airplanes, the existence of only one operative ILS receiver is indicated by the Engine Indication and Crew Alerting System advisory message, "SNGI SOURCE ILS." On Model 757 and 767 series airplanes, failure of an ILS receiver is indicated by an ILS flag on the display of the Electronic Flight

Instrument System when approach mode is selected.

(b) Within 30 days after July 22, 1998, accomplish the requirements of either paragraph (b)(1) or (b)(2) of this AD.

(1) Perform a visual inspection of the 64 flight legs of the internal fault memory of all AlliedSignal RIA-35B ILS receivers, P/N 066-50006-0101, for fault codes "NI" (glide slope antialias fault) or "Nm" (localizer antialias fault). Repeat the inspection thereafter at intervals not to exceed 64 flight cycles. If any fault code "NI" or "Nm" is found, prior to further flight, replace the existing ILS receiver with a new or serviceable ILS receiver having the same P/N; or with an ILS receiver that has been modified to P/N 066-50006-1101 in accordance with AlliedSignal Electronic and Avionics Systems Service Bulletin M-4426 (RIA-35B-34-6), Revision 3, dated May 1998. Installation of an ILS receiver that has been modified (and the P/N converted) in accordance with the service bulletin constitutes terminating action for the inspection requirement of paragraph (b)(1) of this AD for that part.

(2) Accomplish the actions required by paragraphs (b)(2)(i) and (b)(2)(ii) of this AD.

(i) Revise the Limitations Section of the FAA-approved AFM to include the following statement. This may be accomplished by inserting a copy of this AD into the AFM. "Category II and III operations are prohibited with AlliedSignal ILS receiver P/N 066-50006-0101 installed."

(ii) Install a placard on the forward instrument panel of the cockpit in clear view of the pilots, which states: "Category II and III operations are prohibited."

(c) As of July 22, 1998, no person shall install on any airplane an RIA-35B ILS receiver, P/N 066-50006-0101, that has been found to be discrepant (that is, on which fault codes "NI" or "Nm" were found during an inspection of the internal fault memory) unless the discrepancy has been corrected by modifying the ILS receiver in accordance with AlliedSignal Electronic and Avionics Systems Service Bulletin M-4426 (RIA-35B-34-6), Revision 3, dated May 1998.

New Requirements of This AD

(d) Within 6 months after the effective date of this AD, replace all existing RIA-35B ILS receivers, P/N 066-50006-0101, with RIA-35B ILS receivers that have been modified in accordance with AlliedSignal Electronic and Avionics Systems Service Bulletin M-4426 (RIA-35B-34-6), Revision 3, dated May 1998; and that have had their P/N's converted to 066-50006-1101. Such replacement constitutes terminating action for the requirements of this AD. After the replacement has been accomplished, the AFM limitations required by paragraphs (a) and (b)(2)(i) of this AD may be removed from the AFM, and the placard required by (b)(2)(ii) may be removed from the cockpit.

Note 3: Modification of all AlliedSignal RIA-35B ILS receivers, P/N 066-50006-0101, prior to July 22, 1998, in accordance with Allied Signal Electronic and Avionics Systems Service Bulletin M-4426 (RIA-35B-

34-6), dated December 1997; Revision 1, dated January 1998; or Revision 2, dated April 1998; is considered acceptable for compliance with the applicable action specified in this amendment.

(e) 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, Seattle Aircraft Certification Office (ACO), 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, Seattle ACO.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on October 19, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-28538 Filed 10-23-98; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 3, 341, 342, 343, 346, 357, 362 and 385

[Docket No. RM99-1-000]

Revisions to Oil Pipeline Regulations

October 20, 1998.

AGENCY: Federal Energy Regulatory Commission. DOE.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is proposing to revise its regulations governing oil pipelines. The goals of these proposed revisions are to clarify the Commission's regulations and bring them up to date.

DATES: Comments are due November 25, 1998.

ADDRESSES: Federal Energy Regulatory Commission, 888 First Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Travis R. Smith, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 208-0696.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**,

the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in the Public Reference Room at 888 First Street, NE., Room 2A, Washington, DC 20426.

The Commission Issuance Posting System (CIPS) provides access to the texts of formal documents issued by the Commission. CIPS can be accessed via Internet through FERC's Homepage (<http://www.ferc.fed.us>) using the CIPS Link or the Energy Information Online icon. The full text of this document will be available on CIPS in ASCII and WordPerfect 6.1 format. CIPS is also available through the Commission's electronic bulletin board service at no charge to the user and may be accessed using a personal computer with a modem by dialing 202-208-1397, if dialing locally, or 1-800-856-3920, if dialing long distance. To access CIPS, set your communications software to 19200, 14400, 12000, 9600, 7200, 4800, 2400, or 1200 bps, full duplex, no parity, 8 data bits and 1 stop bit. User assistance is available at 202-208-2474 or by E-mail to CipsMaster@FERC.fed.us.

This document is also available through the Commission's Records and Information Management System (RIMS), an electronic storage and retrieval system of documents submitted to and issued by the Commission after November 16, 1981. Documents from November 1995 to the present can be viewed and printed. RIMS is available in the Public Reference Room or remotely via Internet through FERC's Homepage using the RIMS link or the Energy Information Online icon. User assistance is available at 202-208-2222, or by E-mail to RimsMaster@FERC.fed.us.

Finally, the complete text on diskette in WordPerfect format may be purchased from the Commission's copy contractor, RVJ International, Inc. RVJ International, Inc., is located in the Public Reference Room at 888 First Street, NE., Washington, DC 20426.

The Federal Energy Regulatory Commission (Commission) has reviewed its regulations governing oil pipelines and has determined that various provisions are either outdated or in conflict with other oil pipeline regulations. Accordingly, the Commission is proposing to revise 18 CFR parts 341, 342, 343, and 346 to remove these provisions. The Commission is also proposing to revise 18 CFR parts 3, 357, 362, and 385. The goals of these proposed revisions are to clarify the Commission's regulations and bring them up to date.

I. Background

Jurisdiction over oil pipelines, as it relates to the establishment of rates or charges for the transportation of oil by pipeline or to the establishment of valuations for pipelines, was transferred from the Interstate Commerce Commission (ICC) to the Commission pursuant to sections 306 and 402 of the Department of Energy Organization Act (DOE Act).¹ At the time the DOE Act transferred jurisdiction over oil pipeline rates to the Commission, the regulations governing oil pipelines were located in the ICC's regulations at Title 49 of the Code of Federal Regulations (CFR). Initially, the Commission ordered that the regulations concerning oil pipelines remain in effect until modified by the Commission. In Order No. 119,² the Commission started transferring some of the ICC's oil pipeline regulations from Title 49 of the Code of Federal Regulations to the Commission's regulations in Title 18, parts 357³ and 362⁴ were among some of the Commission's current regulations that were adopted from this initial transfer. In Order No. 225,⁵ the Commission adopted the ICC's rules pertaining to paper hearings called the "modified procedure," currently codified at 18 CFR sections 385.1404 through 385.1414, and to *ex parte* communications, presently located at 18 CFR 385.1415, from 49 CFR part 1100. Also, pursuant to Order No. 225, the Commission moved all of its Rules of Practice and Procedure from 18 CFR part 1 to 18 CFR part 385. Notwithstanding some limited revisions, most of the provisions in parts 357, 362, and 385 are the same as they were in Title 49.

The Energy Policy Act of 1992 (Act of 1992) required the Commission to promulgate new regulations to provide a simplified and generally applicable ratemaking methodology for oil pipelines, and to streamline its procedures in oil pipeline proceedings.⁶

¹ Department of Energy Organization Act, 42 U.S.C. 7155 and 7172(b) (1988).

² Regulation of Interstate Oil Pipelines, Order No. 119, 46 FR 9043 (January 28, 1981), FERC Stats. & Regs. (Regulations Preambles, 1977-1981) ¶ 30,226 (May 5, 1981).

³ Part 357 addresses the annual special or periodic reports that carriers subject to Part I of the Interstate Commerce Act are required to file.

⁴ Part 362 sets forth the various requirements for valuation.

⁵ Revisions of Rules of Practice and Procedure to Expedite Trial-Type Hearings, Order No. 225, 47 FR 19014 (May 3, 1982), FERC Stats. & Regs. (Regulations Preambles, 1982-1985) ¶ 30,358 (January 18, 1983).

⁶ The Energy Policy Act of 1992 (Act of 1992) contemplated two rulemakings—one on ratemaking