

§ 381.172 Requirements for substitute standardized poultry products named by use of an expressed nutrient content claim and a standardized term.

(a) *Description.* The poultry products prescribed by this general definition and standard of identity are those products that substitute, in accordance with § 381.413(d), for a standardized product defined in this subpart and use the name of that standardized product in their statements of identity, but that do not comply with the established standard because of a compositional deviation that results from reduction of a constituent that is described by an expressed nutrient content claim that has been defined by regulation in this subpart. The expressed nutrient content claim shall comply with the requirements of § 381.413 and with the requirements in subpart Y of this part which define the particular nutrient content claim that is used. The poultry product shall comply with the relevant standard in this part in all other respects, except as provided in paragraphs (b) and (c) of this section.

(b) *Performance characteristics.* The performance characteristics, such as physical properties, functional properties, and shelf-life, of the poultry product shall be similar to those of the standardized poultry product produced under subpart P of this part. If there is a significant difference in a performance characteristic that materially limits the use of the product compared to the use of the standardized product defined in subpart P of this part, the label shall include a statement in accordance with § 381.413(d)(1) and (2) of this part, that informs the consumer of such differences (e.g., if appropriate, “not recommended for frozen storage” or “not suitable for roller grilling”). Deviations from the ingredient provisions of the standard must be the minimum necessary to qualify for the nutrient content claim, while maintaining similar performance characteristics.

(c) *Ingredients used in substitute products.* (1) Ingredients used in the product shall be those ingredients provided for in the standard as defined in subpart P of this part, except that safe and suitable ingredients permitted for use in poultry products as provided in a regulation permitting that use in this subchapter or in 9 CFR Chapter III, Subchapter E, or in 21 CFR Chapter I, Subchapter A or Subchapter B, may be used at the minimum level necessary to improve texture and prevent syneresis, so that the substitute product is not inferior in performance characteristics from the standardized product defined

in subpart P of this part for which it is a substitute.

(2) An ingredient that is specifically required by the standard prescribed in subpart P of this part shall not be replaced or exchanged with a similar ingredient from another source, for example, extruded turnips shall not replace noodles in poultry with noodles.

(3) An ingredient that is specifically prohibited from use in any poultry product by subpart P of this part shall not be added to the substitute poultry product under this section.

(4) Unless otherwise specified in this part, a substitute poultry product must meet all other requirements of the applicable standards of identity or composition.

(5) Water and fat-replacers (e.g., binders), in combination, may be added to replace fat in accordance with paragraph (c) of this section.

(6) Textured vegetable protein may be used by itself or in combination with other binders and water as a fat replacer in accordance with paragraph (c) of this section.

(d) *Nomenclature.* The name of a substitute poultry product that complies with this section is the appropriate expressed nutrient content claim and the applicable standardized term.

(e) *Label declaration.* (1) Each of the ingredients used in the substitute poultry product shall be declared on the label as required by this section and subpart N of this part.

(2) Ingredients not provided for, and ingredients used in excess of those levels provided for, by the standard as defined in subpart P of this part, shall be identified as such with an asterisk in the ingredients statement. The statement “*Ingredients not in regular _____” (the blank shall be filled in with the name of the traditional standardized product) or “***Ingredients in excess of amounts permitted in regular _____” (the blank shall be filled in with the name of the traditional standardized product), or both, as appropriate, shall immediately follow the ingredients statement in the same type and size.

Done in Washington, DC, on June 6, 2005.

Barbara J. Masters,

Acting Administrator.

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NUCLEAR REGULATORY COMMISSION

10 CFR Parts 170 and 171

RIN 3150-AH61

Revision of Fee Schedules; Fee Recovery for FY 2005

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule appearing in the **Federal Register** on May 26, 2005 (70 FR 30526) concerning the licensing, inspection, and annual fees charged to NRC applicants and licensees in compliance with the Omnibus Budget Reconciliation Act of 1990, as amended. This action is necessary to correct typographical and printing errors.

EFFECTIVE DATE: July 25, 2005.

FOR FURTHER INFORMATION CONTACT: Tammy Croote, telephone 301-415-6041; Office of the Chief Financial Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

SUPPLEMENTARY INFORMATION:

1. On page 30531, in the first column, under Response, in the fourteenth line, the word “commenters?” is corrected to read “commenters.”

2. On page 30535, in the second column, under 4. *Charging Fees for Unlicensed Sites in Decommissioning*, in the eleventh line, the word “licensees?” is corrected to read “licensees.”

3. On page 30537, in TABLE III.—REBASELINED ANNUAL FEES FOR FY 2005, the first number under the *FY 2005 Annual Fee* column “\$3,115,000” is corrected to read “\$3,155,000.”

4. On page 30540, in the second column, in the fourth line of the continued paragraph under Table VIII, the number “\$2,966,000” is corrected to read “\$2,996,000.” Also, in the tenth line in the same paragraph, the number “\$3,115,000” is corrected to read “\$3,155,000.”

PART 170—[AMENDED]

§ 170.31 [Corrected]

■ 5. On page 30547, in § 170.31, in the table entitled SCHEDULE OF MATERIALS FEES, the Category of materials licenses and type of fees column entry for 14.B. “(insert date 1 year from effective date of final rule)” is corrected to read “July 25, 2006.”

PART 171—[AMENDED]**§ 171.15 [Corrected]**

■ 6. On page 30548, in § 171.15(b)(1), the number “\$3,115,000” is corrected to read “\$3,155,000.”

§ 171.16 [Corrected]

■ 7. In § 171.16 (c), the table entitled SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC, the Annual Fees column entry for 15. C. On page 30552, the entry “0N/A⁸” is corrected to “8N/A.”

Dated in Rockville, Maryland, this 2nd day of June, 2005.

For the Nuclear Regulatory Commission.

Jesse L. Funches,
Chief Financial Officer.

[FR Doc. 05-11495 Filed 6-9-05; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2005-21092; Directorate Identifier 2005-CE-20-AD; Amendment 39-14118; AD 2005-12-02]

RIN 2120-AA64

Airworthiness Directives; Revo, Incorporated Models Colonial C-2, Lake LA-4, Lake LA-4A, Lake LA-4P, and Lake LA-4-200 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) to supersede Airworthiness Directive (AD) 98-10-12, which applies to all Revo, Incorporated (REVO) (Type Certificate 1A13 formerly held by Colonial Aircraft Company, Lake Aircraft Corporation, Consolidated Aeronautics, Inc., and Global Amphibians LLC) Models Colonial C-2, Lake LA-4, Lake LA-4A, Lake LA-4P, and Lake LA-4-200 airplanes. AD 98-10-12 currently requires you to ensure adequate clearance between the attachment fitting and the horizontal stabilizer rear beam and between the attachment fitting and the stabilizer skin with inspections, possible replacement, and adjustments as necessary. This new AD is the result of several reports of fatigue cracks found in the horizontal stabilizer attachment fitting (part number 2-2200-21) of Model LA-4-200 airplanes that were in compliance with AD 98-10-12. This

includes an airplane accident with a fatality attributed to a fatigue crack in the horizontal stabilizer attachment fitting. Consequently, this AD requires either a dye penetrant inspection of the horizontal stabilizer attachment fitting for any evidence of fretting, cracking, or corrosion (with necessary replacement and modification) or replacement of the fittings depending on the number of operational hours on the fitting. The AD also requires you to repetitively replace the fitting every 850 hours time-in-service (TIS), repetitively inspect (visually) the fittings between replacement times, and report to FAA the results of the initial inspection and any cracks found on repetitive inspections. We are issuing this AD to detect, correct, and prevent future cracks in the horizontal stabilizer attachment fitting, which could result in failure of the horizontal stabilizer attachment fitting. This failure could result in loss of control of the airplane.

DATES: This AD becomes effective on July 8, 2005.

As of July 8, 2005, the Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulation.

We must receive any comments on this AD by August 8, 2005.

ADDRESSES: Use one of the following to submit comments on this AD:

- *DOT Docket Web site:* Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

- *Government-wide rulemaking Web site:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-001.

- *Fax:* 1-202-493-2251.

- *Hand Delivery:* Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

To get the service information identified in this proposed AD, contact Revo, Incorporated, 1396 Grandview Boulevard, Kissimmee, FL 34744.

To view the comments to this AD, go to <http://dms.dot.gov>. The docket number is FAA-2005-21092; Directorate Identifier 2005-CE-20-AD.

FOR FURTHER INFORMATION CONTACT:

Cindy Lorenzen, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone: (770) 703-6078; facsimile: (770) 703-6097.

SUPPLEMENTARY INFORMATION:

Has FAA taken any action to this point? A report of loss of control on a Revo, Incorporated (REVO) Lake LA-4 series airplane during flight caused us to issue AD 98-10-12, Amendment 39-10524 (63 FR 26964, May 15, 1998). AD 98-10-12 currently requires the following on all REVO (Type Certificate 1A13 formerly held by Colonial Aircraft Company, Lake Aircraft Corporation, Consolidated Aeronautics, Inc., and Global Amphibians LLC) Models Colonial C-2, Lake LA-4, Lake LA-4A, Lake LA-4P, and Lake LA-4-200 airplanes:

- Measuring for a clearance of $\frac{5}{32}$ of an inch between the attachment fitting and the horizontal stabilizer rear beam.
- If this minimum measurement is not met, removing the affected horizontal tail half from the airplane and inspecting the attachment fitting for any evidence of fretting, cracking, or corrosion.

- If cracks, fretting, or corrosion are/is present, replacing the attachment fitting with a new fitting, ensuring a clearance of $\frac{1}{16}$ of an inch exists between the attachment fitting, and, if needed, trimming the stabilizer skin to provide a positive clearance for the fitting.

What has happened since AD 98-10-12 to initiate this AD action? The FAA has received more reports of fatigue cracks found in the horizontal stabilizer attachment fitting (part number (P/N) 2-2200-21) of REVO Model LA-4-200 airplanes. These airplanes were in compliance with AD 98-10-12. This includes one report of a REVO Model LA-4-200 airplane accident with a fatality attributed to a fatigue crack in the horizontal stabilizer attachment fitting.

The cracks occurred with as little as 942 hours time-in-service (TIS) on the horizontal stabilizer attachment fitting.

What is the potential impact if FAA took no action? Failure of the horizontal stabilizer attachment fitting (P/N 2-2200-21) could result in loss of control of the airplane.

Is there service information that applies to this subject? REVO has issued Service Bulletin B-78, dated April 3, 1998.

What are the provisions of this service information? The service bulletin includes procedures for:

- Removing the fitting and inspecting (both visual and dye penetrant) for cracks, fretting, or corrosion;
- Replacing the attachment fitting with a new fitting;
- Measuring the gap between the attachment fitting and the horizontal