regulated areas not designated as suppressive areas.

It appears that infestations of the imported fire ant occur throughout Puerto Rico. Further, eradication of the imported fire ant is not currently undertaken as an objective. Accordingly, under the specified criteria, all of Puerto Rico is designated as a generally infested area.

As specified above, soil is listed as a regulated article. In this connection, it should also be noted that § 330.300 of "Subpart—Movement of Soil, Sand, and Quarry Products" (7 CFR 330.300), among other things, prohibits the movement of soil (moved as such or incidentally adhering to means of conveyance or other articles) from Puerto Rico into or through any other Territory or possession or the Continental United States except under certain conditions specified in § 330.300 or incorporated by reference in § 330.300. Accordingly, in the "Imported Fire Ant" quarantine and regulations a footnote is added to explain that the movement of soil from Puerto Rico is also subject to the provisions in § 330.300. Further, a footnote is added to § 330.300 to explain that the movement of soil from Puerto Rico into or through any other State, Territory, or District of the United States is also subject to the provisions in the "Imported Fire Ant" quarantine and regulations. It is necessary to add the footnotes on an emergency basis in order to avoid confusion between the provisions in the two subparts.

List of Subjects

7 CFR Part 301

Agricultural commodities, Plant pests, Plants (agriculture), Quarantine, Transportation, Imported fire ant.

7 CFR Part 330

Customs duties and inspection, Imports, Plant diseases, Plant pests, Plants (agriculture), Quarantine, Transportation, Garbage, Soil, Stone and quarry products.

Accordingly, "Subpart—Imported Fire Ant" (7 CFR 301.81 through 301.81–10) and "Subpart—Movement of Soil, Stone, Quarry Products" (7 CFR 330.300 through 330.302) are amended as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. In § 301.81, paragraph (a) is revised to read as follows:

§ 301.81 Quarantine and regulations; restrictions on interstate movement of regulated articles.

(a) *Quarantine and regulations.* The Secretary of Agriculture hereby quarantines Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, and Texas in order to prevent the spread of the imported fire ant (*Solenopsis* spp.), a dangerous insect pest not theretofore widely prevalent or distributed within and throughout the United States; and hereby establishes regulations governing the interstate movement of regulated articles specified in paragraph (b) of this section.

* * * * *

§ 301.81–2a [Amended]

2. In § 301.81–2a, the following is added after the list of regulated areas for North Carolina:

* * * * *

Puerto Rico

(1) *Generally infested areas.* All of Puerto Rico.

(2) *Suppressive areas.* None.

§ 301.81 [Amended]

3. In § 301.81(b), "(1) Soil, separately or with other things;" is revised to read "(1) Soil, separately or with other things; [1]" and a corresponding footnote is added in the appropriate place to read as follows: "[1] The movement of soil from Puerto Rico is also subject to additional provisions in 7 CFR Chapter III. It is provided in 7 CFR 330.300 that the movement of soil (moved as such or incidentally adhering to means of conveyance, plants, or other articles) from Puerto Rico into or through any other Territory or possession or the Continental United States is prohibited except under certain conditions specified in said § 330.300 or incorporated by reference in said § 330.300."

§§ 301.81–2b and 301.81–3 [Amended]

4. In §§ 301.81–2b and 301.81–3, footnotes 1a, 2, 3, and 4 and the references thereto are renumbered as 3, 4, 5, and 6 respectively; and § 301.81–2b is further amended by changing "paragraphs:" to "paragraphs: [2]" and adding a corresponding footnote in the appropriate place to read as follows: "[2] The interstate movement of soil from Puerto Rico is also subject to additional provisions in 7 CFR Chapter III. It is provided in 7 CFR 330.300 that the movement of soil (moved as such or incidentally adhering to means of conveyance, plants, or other articles) from Puerto Rico into or through any other Territory or possession or the Continental United States is prohibited except under certain conditions specified in said § 330.300 or incorporated by reference in said § 330.300."

PART 330—FEDERAL PLANT PEST REGULATIONS; GENERAL; PLANT PESTS; SOIL, STONE, AND QUARRY PRODUCTS; GARBAGE

§ 330.300 [Amended]

5. The section heading for § 330.300 is amended by adding a [1] in footnote form at the end of the heading and a corresponding footnote is added in the appropriate place as follows: "[1] The movement of soil from Puerto Rico into or through any other State, Territory, or District of the United States is also subject to the provisions of the imported fire ant quarantine and regulations contained in 7 CFR 301.81 *et seq.*"

(Secs. 105, 106, 71 Stat. 32, 33 (7 U.S.C. 150dd, 150ee); 7 CFR 2.17, 2.51, 371.2)

Done at Washington, D.C., this 16th day of August 1982.

Murray T. Pender,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 82–22700 Filed 8–18–82; 8:45 am]

BILLING CODE 3410–34–M

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 304]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period August 20–August 26, 1982. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: August 20, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been

designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona Valencia orange crop for the benefit of producers and will not substantially affect costs for the directly regulated handlers.

This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act by establishing and maintaining, in the interests of producers and consumers, an orderly flow of oranges to market, and avoiding unreasonable fluctuations in supplies and prices. This action is not for the purpose of maintaining prices to farmers above the level which is declared to be the policy of Congress under the Act.

This action is consistent with the marketing policy for 1981–82 which was recommended by the committee following discussion at a public meeting on February 5, 1982. The committee met again publicly on August 17, 1982 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencias deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the Act to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

List of Subjects in 7 CFR Part 908

Marketing agreements and orders, California, Arizona, Oranges (Valencia).

1. Section 908.604 is added as follows:

§ 908.604 Valencia orange regulation 304.

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period August 20, 1982, through August 26, 1982, are established as follows:

(1) District 1: 259,000 cartons;
(2) District 2: 291,000 cartons;
(3) District 3: Unlimited cartons.

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

Dated: August 18, 1982.

D. S. Kuryloski,

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

[FR Doc. 82-22907 Filed 8-18-82; 11:48 am]

BILLING CODE 3410-02-M

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7 CFR Parts 915 and 944

[Florida Avocado Regulation 26; Avocado Import Regulation 32]

Avocados Grown in South Florida and Imported Avocados; Grade and Maturity Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: These regulations specify minimum grade and maturity requirements for shipments of fresh avocados grown in south Florida, and for avocados imported into the United States. Such action is necessary to assure the shipment of ample supplies of mature avocados of acceptable quality in the interests of producers and consumers.

DATES: Effective August 23, 1982, through April 30, 1983.

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

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. The action is designed to promote orderly marketing of the Florida avocado crop and of imported avocados for the benefit of producers, and will not substantially affect costs for persons directly regulated.

An interim rule was published in the **Federal Register** on May 21, 1982, (47 FR 22075) which specified grade and maturity requirements applicable to shipments of Florida avocados and imported avocados through August 22, 1982. That rule provided an opportunity to file comments through June 21, 1982. No comments were received. This final rule contains the same requirements as specified in the interim rule.

The Florida avocado regulation is issued under the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The avocado import regulation is issued under § 8e (7 U.S.C. 608e–1) of this act. The grade and maturity requirements applicable to Florida avocado shipments were recommended by the Avocado Administrative Committee, which locally administers this marketing order program.

The regulations establish U.S. No. 3 as the minimum grade, and prescribe minimum weights or diameters by specified dates as the maturity requirements for the various varieties of avocados. Minimum weights or diameters and picking dates are used as indicators during harvest to determine which avocados are sufficiently mature to complete the ripening process. Skin color is also authorized as a method of determining maturity, for those varieties which turn red or purple when mature. The requirements are designed to assure that the various varieties of avocados will be of suitable quality and maturity so they provide consumer satisfaction, which is essential for the successful marketing of the crop. They are also designed to provide the trade and consumers with an adequate supply of mature avocados of acceptable quality, in the interest of producers and consumers pursuant to the declared policy of the act.

The import requirements are issued under section 8e of the act, which requires that when specified commodities, including avocados, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity.

To minimize disruption as much as possible and still bring this marketing order into compliance with the Secretary's guidelines for fruit, vegetable, and specialty crop marketing orders, issued January 25, 1982, this regulation is being issued with the understanding that the Avocado Administrative Committee will initiate certain actions during 1982. These actions are necessary so that operations under the program will conform with the guidelines. The guidelines state that orders containing quality provisions, like the Florida avocado order, should not be used as a form of supply control. In evaluating quality control programs, emphasis is placed on (1) whether quality controls have varied significantly from season to season or within seasons, (2) whether the percentage of product meeting minimum quality standards has been declining, or (3) whether the standards have been tightened over the years. In addition, to conform with the guidelines, marketing orders should contain limitation on committee tenure and provide for periodic referenda.

For the 1982–83 season, the Avocado Administrative Committee estimates fresh shipments at a record 1,300,00 bushels (55 pounds), 33 percent more than the estimated 976,872 bushels shipped fresh in 1981–82, and 17 percent more than the 1,113,951 bushels shipped fresh in 1980–81. Shipments of fresh avocados from California are expected to reach 6,100,000 bushels during the California season ending October 31, 1982. Relatively small amounts of avocados are imported into the United States, mostly from the Dominican Republic. Florida avocado shipments began with light movement in June, while heavy movement is expected during the July–January period.

It is found that it is impracticable and contrary to the public interest to postpone the effective date of these regulations until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that: (1) No comments were received during the 30 days provided in the interim rule published in the **Federal Register**; (2) the grade and maturity requirements in this final rule are the same as those in the interim rule; and (3) the avocado import requirements are mandatory under section 8e of the act, and 30 days notice is provided as required.

List of Subjects in 7 CFR Part 915

Marketing Agreements and Orders, Avocados, Florida.

List of Subjects in 7 CFR Part 944

Food Grades and Standards, Imports, Avocados.

Therefore, new §§ 915.326 and 944.24 are added to read as follows: (§§ 915.326 and 944.24 expire April 30, 1983, and will not be published in the annual Code of Federal Regulations).

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Section 915.326 is added to read as follows:

§ 915.326 Florida Avocado Regulation 26.

(a) During the period August 23, 1982, through April 30, 1983, no handler shall handle any variety of avocados grown in the production area unless:

(1) Such avocados grade at least U.S. No. 3, except for avocados handled within the production area in containers other than those authorized in § 915.305.

(2) Such avocados have any portion of the skin of the individual fruit changed to the color normal for that fruit when mature for those varieties which normally change color to any shade of red or purple when mature, except for the Linda variety.

(3) Such avocados, except as provided in paragraph (a)(2) of this section, meet the minimum weight and diameter requirements for the specified effective periods for each variety listed in the following Table I: *Provided,* That avocados may not be handled prior to the earliest date specified in column 2 of such table for the respective variety: *Provided further,* That up to a total of 10 percent, by count, of the individual fruit in each lot may weigh less than the minimum specified or be less than the specified diameter, except that no such avocados shall be over 2 ounces lighter than the minimum weight specified for the variety: *Provided further,* That up to double such tolerance shall be permitted for fruit in an individual container in a lot.

TABLE 1

Avocado variety	Effective period		Minimum size	
	From	Through	Weight ounces	Diameter inches
West Indian Seedling [1]	7-26-82	8-29-82	16	
	8-30-82	9-26-82	14	
Cash	7-12-82	9-26-82	16	
B & B	7-26-82	8-29-82	16	3 5/16
Miguel (P)	8-23-82	9-05-82	18	3 13/16
Nesbitt	8-16-82	8-29-82	14	3 5/16
Beta	8-16-82	9-05-82	16	3 5/16
Mille-D	8-09-82	9-05-82	18	
K-9	8-09-82	8-29-82	16	
Gorham	8-23-82	9-05-82	27	4 3/16
Shula	8-09-82	8-29-82	22	
Tower-2	8-23-82	9-12-82	12	3 5/16
Christina	8-09-82	8-29-82	11	2 15/16
Tonnage	8-23-82	8-29-82	14	3 5/16

TABLE 1—Continued

Avocado variety	Effective period		Minimum size	
	From	Through	Weight ounces	Diameter inches
	8-30-82	9-05-82	12	3
Waldin	8-23-82	9-05-82	14	3 5/16
	9-06-82	9-19-82	12	3 5/16
The Franves	8-16-82	9-12-82	23	
Lisa (P)	8-23-82	8-29-82	11	3
Catalina	8-23-82	9-05-82	24	
	9-06-82	9-26-82	22	
Fairchild	8-23-82	9-05-82	16	3 15/16
	9-06-82	9-19-82	14	3 7/16
	9-20-82	9-26-82	12	3 5/16
Nirody	8-23-82	9-05-82	18	3 15/16
	9-06-82	9-19-82	16	3 13/16
Loretta	8-23-82	10-03-82	28	4 5/16
Blair	9-06-82	9-19-82	16	3 5/16
	9-20-82	10-10-82	14	3 5/16
Black Prince	9-06-82	9-19-82	23	3 15/16
	9-20-82	10-10-82	16	3 5/16
Booth 8	9-06-82	9-26-82	16	3 5/16
	9-27-82	10-10-82	14	3 5/16
	10-11-82	10-24-82	10	3 5/16
Booth 7	9-06-82	9-19-82	18	3 13/16
	9-20-82	10-03-82	16	3 13/16
	10-04-82	10-17-82	14	3 5/16
Booth 5	9-13-82	9-26-82	14	3 5/16
	9-27-82	10-10-82	12	3 5/16
Csonka	9-13-82	10-10-82	22	
Guatemalan Seedling [2]	9-13-82	10-10-82	15	
	10-11-82	12-12-82	13	
Marcus	9-13-82	9-26-82	32	4 13/16
	9-27-82	11-07-82	24	4 5/16
Brooks 1978	9-13-82	9-19-82	12	3 5/16
	9-20-82	9-26-82	10	3 5/16
	9-27-82	10-17-82	8	2 15/16
Chica	9-20-82	10-03-82	12	3 7/16
	10-04-82	10-17-82	10	3 5/16
Collinson	9-20-82	10-17-82	16	3 15/16
Rue	9-20-82	9-26-82	30	4 5/16
	9-27-82	10-10-82	24	3 15/16
	10-11-82	10-24-82	18	3 5/16
Hickson	9-20-82	10-03-82	12	3 5/16
	10-04-82	10-17-82	10	3
Vaca	9-27-82	10-17-82	16	3 5/16
Sherman	9-27-82	10-10-82	16	
	10-11-82	10-24-82	14	
	10-25-82	11-14-82	10	
Simpson	9-27-82	10-17-82	16	3 5/16
Choquette	9-27-82	10-10-82	24	4 5/16
	10-11-82	10-24-82	20	3 15/16
	10-25-82	11-07-82	16	3 5/16
Winslowson	10-04-82	10-24-82	18	3 15/16
Booth 10	10-04-82	10-31-82	16	3 15/16
Avon	10-04-82	10-24-82	15	3 13/16
Booth 11	10-04-82	10-24-82	16	3 13/16
Leona	10-04-82	10-17-82	18	3 15/16
Nelson	10-04-82	10-17-82	14	3 5/16
	10-18-82	10-31-82	12	3 5/16
	11-01-82	11-21-82	10	3 5/16
Hall	10-04-82	10-17-82	26	3 15/16
	10-18-82	10-31-82	20	3 5/16
	11-01-82	11-14-82	18	3 5/16
Herman	10-11-82	10-24-82	16	3 5/16
	10-25-82	11-07-82	14	3 5/16
Murphy	10-11-82	10-24-82	16	
	10-25-82	11-07-82	14	
	11-08-82	11-28-82	11	
Lula	10-11-82	10-24-82	18	3 15/16
	10-25-82	11-07-82	14	3 5/16
	11-08-82	11-21-82	12	3 5/16
Ajax (B-7)	10-18-82	11-07-82	18	3 15/16
Taylor	10-18-82	10-31-82	14	3 5/16
	11-01-82	11-14-82	12	3 5/16
Booth 3	10-18-82	10-24-82	16	3 5/16
	10-25-82	11-07-82	14	3 5/16
Dunedin	11-01-82	11-14-82	16	3 15/16
	11-15-82	11-28-82	14	3 5/16
	11-29-82	12-19-82	10	3 5/16
Byars	11-08-82	11-28-82	16	3 15/16
Linda	11-08-82	11-28-82	18	3 13/16
Nabal	11-08-82	11-28-82	14	3 5/16
Monroe	11-08-82	11-21-82	24	4 5/16
	11-22-82	12-05-82	20	3 15/16
	12-06-82	12-19-82	16	3 5/16
Booth 1	11-15-82	11-28-82	16	3 13/16
	11-29-82	12-12-82	12	3 5/16
Marclin	11-22-82	12-19-82	28	4 5/16
Zio (P)	11-22-82	12-05-82	12	3 5/16
	12-06-82	12-19-82	10	2 15/16

TABLE 1—Continued

Avocado variety	Effective period		Minimum size	
	From	Through	Weight ounces	Diameter inches
Wagner	11-29-82	12-12-82	12	3 3/16
	12-13-82	12-26-82	10	3 3/16
Schmidt	11-29-82	12-26-82	16	
Brookslate	12-13-82	12-26-82	18	3 13/16
	12-27-82	1-16-83	14	3 1/16
	1-17-83	1-30-83	12	3 1/16
	1-31-83	2-13-85	10	
Meya (P)	12-20-82	1-02-83	13	3 1/16
	1-03-83	1-16-83	11	3
Itzamna	2-07-83	2-13-83	12	

[1]Avocados of the West Indian type varieties and the West Indian type seedlings not listed elsewhere in Table 1.
[2]Avocados of the Guatemalan type varieties, hybrid varieties, and unidentified seedings not listed elsewhere in Table 1.

(b) The term "diameter" shall mean the greatest dimension measured at a right angle to a straight line from the stem to the blossom end of the fruit, and the term "U.S. No. 3" shall mean the same as in the U.S. Standards for Grades of Florida Avocados (7 CFR 51.3050–3069).

PART 944—FRUITS; IMPORT REGULATIONS

Section 944.24 is added to read as follows:

§ 944.24 Avocado Import Regulation 32.

(a) *Applicability to imports.* Pursuant to section 8e of the act and Part 944—Fruits; Import Regulations, the importation into the United States of any avocados is prohibited during the period August 23, 1982, through April 30, 1983, unless:

(1) Such avocados grade at least U.S. No. 3, as defined in § 915.326.

(2) Such avocados of the Pollack, Trapp, and Catalina varieties meet the maturity requirements specified in paragraph (a)(2), or in paragraph (a)(3) and Table 1 of § 915.326, for these varieties.

(3) Such avocados of the West Indian type varieties and West Indian type seedlings, except for the Pollack and Trapp varieties, meet the maturity requirements specified in paragraph (a)(2), or in paragraph (a)(3) and Table 1 of § 915.326, for West Indian Seedlings.

(4) Such avocados of the Guatemalan type varieties, hybrid varieties, and unidentified seedlings, except for the Catalina variety, meet the maturity requirements specified in paragraph (a)(2), or in paragraph (a)(3) and Table 1 of § 915.326, for Guatemalan Seedlings.

(b) It is hereby found that avocados imported into the United States shall meet the same grade and maturity requirements specified in § 915.326 for avocados grown in South Florida under M.O. 915 (7 CFR Part 915), except that all varieties of avocados, other than the Pollack, Catalina, and Trapp varieties, shall meet comparable weight and diameter maturity requirements, because it is not practicable to apply the same requirements due to the variations in characteristics between avocados grown in Florida and avocados imported into the United States.

(c) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is designated as the governmental inspection service for certifying the grade, size, quality, and maturity of avocados that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports. The inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51) and in accordance with the procedure for Requesting Inspection and Designating the Agencies to Perform Required Inspection and Certification (7 CFR Part 400).

(d) The term "importation" means the release from custody of the United States Customs Service.

(e) *Minimum quantity exemption.* Any person may import up to 55 pounds of avocados exempt from the requirements specified in this section, except for avocados which have been inspected and found not to meet such requirements.

(f) Any lot or portion thereof which fails to meet the import requirements prior to or after reconditioning may be exported or disposed of under the supervision of the Federal or Federal-State Inspection Service with the costs of certifying the disposal of said lot borne by the importer.

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

Dated: August 16, 1982, to become effective August 23, 1982.

D. S. Kuryloski,

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

[FR Doc. 82-22590 Filed 8-18-82; 8:45 am]

BILLING CODE 3410-02-M

Food Safety and Inspection Service

9 CFR Part 319

[Docket No. 79-768F]

Definitions and Standards of Identity or Composition Braunschweiger, Liver Sausage, Liverwurst

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the Federal meat inspection regulations to allow greater ingredient flexibility in the standards for "Braunschweiger" and "Liver Sausage". It permits the use of fresh, frozen and/or cured beef, veal and/or pork, individually or in combination, in the formulation of Braunschweiger and Liver Sausage. Further, it specifically allows the use of beef fat in Braunschweiger since beef fat has been traditionally used in Liver Sausage as a beef byproduct. Alternative names for these products such as "Liverwurst" and "Braunschweiger—A Liver Sausage" have previously been permitted under approved labeling guidelines and are now specifically authorized by this rule. The proposed requirements for a smoked taste characteristic in Braunschweiger and for species labeling in Braunschweiger and Liver Sausage, when formlated from a single species, have been made optional.

EFFECTIVE DATE: September 20, 1982.

FOR FURTHER INFORMATION CONTACT: Dr. Daniel D. Jones, Chief, Standards Branch, Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447–7503.

SUPPLEMENTARY INFORMATION: .

Executive Order 12291

The Agency has made a determination 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; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or 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. Implementation of this final rule will allow processors more

flexibility in meeting the product standards, as well as provide consumers with a wider choice of products.

Effect on Small Entities

The Administrator has determined that this final rule will not have a significant impact upon a substantial number of small entities as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601). It is anticipated that the economic impact upon small entities would be minimal as the final rule allows processors more ingredient flexibility in meeting the Braunschweiger and Liver Sausage standards. The only new costs identified would be those of ordering new labels should a processor change the ingredient formulation of the product. The cost of new labeling would be minimal.

Background

The Secretary of Agriculture is authorized under section 7(c) of the Federal Meat Inspection Act (21 U.S.C. 607(c)) to prescirbe definitions and standards of identity or composition for meat food products. Section 319.182 of the Federal meat inspection regulations (9 CFR 319.182) currently requires the use of fresh and/or frozen pork and pork livers and/or beef livers in the production of Braunschweiger and Liver Sausage, while the use of cured pork, beef and veal, and pork fat is optional. Liver sausage may also contain pork and beef byproducts pork skins, sheep livers and/or goat livers.

The Agency was petitioned by Fred Usinger, Inc., to amend the standards to allow the addition of beef fat in Braunschweiger. The petition states that a small amount of beef fat imparts the firmness and texture that the petitioner's customers have come to expect and that the use of beef fat in Braunschweiger is part of traditional formulations that predate the regulatory standard.

The Proposal

As a result of the Usinger petition, on July 10, 1981, the Agency published a proposal in the **Federal Register** (46 FR 35660-35662) to amend the standards for Braunschweiger and Liver Sausage. The comment period ended on September 8, 1981.

The proposal in general would have amended the standards as follows:

1. Permit the use of fresh, cured and/or frozen beef, veal and/or pork;
2. Permit specifically the use of pork and/or beef fat;
3. Permit specifically the use of veal livers;
4. Require species labeling for Braunschweiger and Liver Sausage formulated from a single species;
5. Establish "Liverwurst" as a synonym for "Liver Sausage"; and
6. Require that Braunschweiger possess a smoked taste characteristic.

The proposal discussed the inconsistency of the current standards in specifically permitting pork fat but not beef fat in Braunschweiger, though Liver Sausage may contain beef byproducts, which may include beef fat, and both Braunschweiger and Liver Sausage may contain beef, which may include varying amounts of beef fat. It also noted that both Liver Sausage and Braunschweiger must contain some pork with no minimum amount being specified. However, it appears this requirement may prevent some consumers from purchasing the product who for religious or dietary reasons do not eat pork.

Comments

The Agency received 17 comments in response to the proposed rule—11 from meat processors, 3 from meat associations, 2 from State universities, and 1 from a retired sausagemaker. In general, the comments supported the added ingredient flexibility in producing these products, but were against the other proposed changes to the current regulations. Only one comment fully supported the proposal.

Most of the commenters voiced their opposition to two major issues—the proposed mandatory species labeling of Liver Sausage and Braunschweiger when formulated from components of a single species and the smoked taste characteristic in Braunschweiger. The issues raised by the commenters are summarized and addressed as follows:

1. Eleven commenters opposed the proposed requirement of species labeling. Eight of these expressed the opinion that species labeling for either Braunschweiger or Liver Sausage made from either pork or beef should be made optional. Three comments opposed species labeling for products prepared from pork ingredients but not for products prepared only with beef ingredients. The commenters stated that both Braunschweiger and Liver Sausage have historically been made from pork and are traditionally known to consumers as pork products. They maintained that mandatory species labeling for "Braunschweiger" or "Liver Sausage" formulated from pork only may suggest a different product to consumers. The result could be a loss of current marketing position to manufacturers of these products. The new labeling requirement would, according to these comments, also result in the discarding of current label supplies and cause new expenditures to change labeling devices, shipping containers, and promotional materials. It would also necessitate the maintenance of additional label inventories—one for an "all pork" product and one for products containing beef or veal. The commenters believed that mandatory species labeling would provide no new additional information that consumers could not obtain from reading the ingredients statement.

The Agency strongly believes that it is important to avoid consumer confusion and disruption of the products' marketing, but anticipates that many processors who formulate liver sausages from beef ingredients only may choose to identify their products as such. However, as pointed out by the commenters, in the case of product made from pork only, no additional information would be provided to consumers by requiring species labeling for Braunschweiger and Liver Sausage. Therefore, the Agency has decided to make species labeling an optional feature for these products and has amended the final rule to reflect this change.

2. Nine comments opposed the proposed requirement of a smoked taste characteristic for Braunschweiger. Some commenters contended that Braunschweiger has always had a smoked taste characteristic while others stated that the Agency failed to consider those processers who have never used smoked meats or a smoking process in making their product. Several commenters believe the adoption of this proposed requirement would decrease a producer's ability to meet consumer preferences and add needless cost to the production of Braunschweiger.

The Agency acknowledges that the comments indicate some processors use a smoked taste characteristic for Braunschweiger and some do not. An optional smoked taste characteristic would allow processors to continue to meet the various consumer preferences which have developed in response to these products. Therefore, the Agency has decided to make the smoked taste characteristic optional for Braunschweiger.

3. A meat processor requested that the use of less than 30 percent liver in Braunschweiger be permissible. The commenter stated that the minimum level of 30 percent liver gives Braunschweiger and Liver Sausage a bitter taste.

The Agency notes that the commenter did not submit any taste panel data or other data to support his claim. The

Agency further notes that the minimum level of 30 percent liver in Braunschweiger and Liver Sausage has been an acceptable level to processors and expected by consumers for many years. Product that does not contain 30 percent liver does not meet the standard and should not bear the name of the standardized product. Such product may be called "Imitation Braunschweiger" or some other suitable descriptive name. Therefore, the Agency concludes that it is not appropriate to change the minimum liver requirement for Braunschweiger at this time.

4. This same meat processor requested a change in the current regulations to allow formulation of Braunschweiger and Liver Sausage from partially cooked meat and liver. The commenter stated that a desirable spreadability is obtained by partially cooking the meat and liver portions and then adding broth to return the meat and liver to their precooked weight, before chopping for final cooking.

The Agency acknowledges that the procedure of scalding, or partially cooking, livers in the process of making Braunschweiger and Liver Sausage is a commonly accepted practice, provided that the scalding is part of a continuous operation, and the meat and liver are not fully cooked prior to the final cooking of the sausage. Since 10 percent added water is allowed in cooked sausages the addition of broth to the scalded meat and liver poses no compliance problems.

5. One comment from a State university requested the inclusion of poultry livers in Braunschweiger and Liver Sausage. The commenter stated that current research was being conducted to utilize poultry livers alone or in combination with beef and/or pork livers in Braunschweiger and Liver Sausage. Poultry livers are currently being discarded because of their unacceptability in their original form. The commenter suggested that species labeling such as "Poultry Braunschweiger" be required when liver sausages are formulated solely from poultry livers.

The Agency can find no evidence that poult ry liver is an expected ingredient of Braunschweiger. However, the Agency would be willing to consider such a change if the resulting product is labeled in such a manner as to distinguish it from the traditional product. Since the addition of poultry liver to Braunschweiger was not included in the original proposal, it should be the subject of separate rulemaking. Therefore, the Agency denies the request at this time.

6. A comment submitted from another State university discussed the correct use of the word "Braunschweiger". The comment stated that "Braunschweiger" is used as a prefix to sausage names and that the word refers to a finely cut or spreadable type of sausage, and is not a product name.

The Agency realizes that the word "Braunschweiger" has the form of an adjective in German and that the word is actually used as a prefix to sausage product names in Germany. However, the word has taken on a different usage in the United States. Because of longstanding use, based on Federal regulation, the word has come to be used as the name of a standardized product in the United States. This usage of the word "Braunschweiger" is documented in many U.S. English dictionaries and in meat technology reference works such as *Principal Characteristics of Sausages of the World Listed by Country of Origin* by Donald M. Kinsman (1981). The Agency concludes that it would be confusing to producers and consumers to try to change the usage of the word "Braunschweiger" at this time.

7. Another meat processor requested that the labeling options currently allowed under guidelines developed by the Agency be incorporated into the final rule. Those options are:

(1) Braunschweiger—A Liver Sausage (or Liverwurst); or

(2) Braunschweiger—(Liver Sausage (or Liverwurst))

The Agency agrees and so amends the final rule.

8. The comment from a retired sausage maker raised certain technical issues concernign the relationship between the composition and the properties of sausage emulsions. The comment also indicated that there is no difference between liver sausage and liverwurst.

The Agency believes the decision on the specific product formulation to use is appropriately left to individual sausagemarkers who will most often decide this question on the basis of market supply and demand considerations. The Agency neither affirms nor denies the existence of a difference between liver sausage and liverwurst. However, for purposes of clarity the Agency will retain both names in the title of the standard.

Final Rule

After thorough consideration of the comments received, the Agency has determined to adopt the final rule as amended. This final rule permits the use of fresh, cured, and/or frozen pork, beef and/or veal, individually or in combination in Braunschweiger and Liver Sausage. The use of veal livers is also specifically allowed. The final rule expressly permits the use of beef fat in Braunschweiger, which has traditionally been permissible in Liver Sausage. The final rule will continue to require 30 percent liver in the product, and will retain the provision regarding the optional use of Mechanically Separated (Species) (9 CFR 319.6). Binders and extenders are permissible only as provided in § 319.140 of the Federal meat inspection regulations (9 CFR 319.140).

Indexing Terms. As required by 1 CFR 18.20 (46 FR 7162, January 22, 1981), the following is the indexing term for this regulation:

List of Subjects in 9 CFR Part 319

Standards of identity.

PART 319—DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION

Accordingly, Part 319 of the Federal meat inspection regulations (9 CFR 319.182) is revised to read as follows:

1. The authority citation for Part 319 reads as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 1254.

2. Section 319.182 (9 CFR 319.182) is revised to read as follows:

§ 319.182 Braunschweiger and liver sausage or liverwurst.

(a) "Braunschweiger" is a cooked sausage made from fresh, cured, and/or frozen pork, beef, and/or veal and at least 30 percent pork, beef, and/or veal livers computed on the weight of the fresh livers. It may also contian pork and/or beef fat. Mechanically Separated (Species) may be used in accordance with § 319.6. Binders and extenders may be used as permitted in § 319.140. The product may have a smoked taste characteristic, which may be imparted by use of smoked meats, smoke flavoring or smoking. If prepared from components of a single species, the product name may reflect the species, e.g., "Beef Braunschweiger." Braunschweiger may also be labeled as any of the following: "Braunschweiger—A Liver Sausage," "Braunschweiger—A Liverwurst," or "Braunschweiger (Liver Sausage)" or "Braunschweiger (Liverwurst)."

(b) "Liver Sausage" or "Liverwurst" is a cooked sausage made from fresh, cured, and/or frozen pork, beef, and/or veal and at least 30 percent pork, beef, veal, sheep, and/or goat livers computed

on the weight of the fresh livers. It may also contain pork and/or beef byproducts. Mechanically Separated (Species) may be used in accordance with § 319.6. Binders and extenders maybe used as permitted in § 319.140. If prepared from components of a single species, the product name may reflect that species, e.g., "Pork Liver Sausage."

Done at Washington, D.C., on August 3, 1982.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR. Doc 82-22894 Filed 8-18-82; 8:45 am]

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9 CFR Parts 327 and 381

[Docket No. 82-009I]

Importation of Meat and Poultry Products

AGENCY: Food Safety and Inspection Service. USDA.

ACTION: Interim rule with request for comments.

SUMMARY: As the result of investigations and information revealing that imported meat and poultry product "refused entry" at United States' ports is remaining in the country, the Food Safety and Inspection Service (FSIS) is undertaking emergency rulemaking to decrease the likelihood that adulterated or misbranded meat and poultry products will enter into U.S. commerce. Among the actions being taken in this rulemaking are prohibitions on:

(1) The application of the "U.S. Inspected and Passed" markings on meat and poultry products prior to final import inspection;

(2) The subdivision of lots of "refused entry" products into smaller lots for separate disposition;

(3) The movement of "refused entry" product between ports without the provision of specific data to program officers;

(4) The movement of any "refused entry product" within the United States except under seal; and

(5) The sale of "refused entry" product, except to a foreign consignee for direct and immediate exportation.

This rulemaking would also increase the time limit that owners or consignees have to dispose of "refused entry" product from 30 days to 45 days, while restricting the circumstances for which extension of the time can be granted.

DATES: Interim rule effective August 19, 1982; comments must be received on or before October 18, 1982.

ADDRESS: Written comments to: Regulations Office, Attn: Annie Johnson, FSIS Hearing Clerk, Room 2637, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. Oral comments on amendments to the poultry products inspection regulations to: Dr. Grace Clark, (202) 447-7610. (See also "Comments" under Supplementary Information.)

FOR FURTHER INFORMATION CONTACT:

Dr. Grace Clark, Director, Foreign Programs Division, International Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-7610.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Effects on Small Entities

The Administrator of the Food Safety and Inspection Service has determined that immediate implementation of this rule, on an interim basis, is necessary in order to further protect the consuming public from imported product refused entry into the U.S.

Analysis of the procedures set forth in this rule under Executive Order 12291 and the Regulatory Flexibility Act is not practicable at this time since investigations and information reveal that some imported meat and poultry product "refused entry" at U.S. ports has remained in the country and was not destroyed for human food purposes or exported. Pursuant to the provisions for emergency rules in section 8 of the Executive Order and 5 U.S.C. 608, there is an urgent need to prohibit the entry of such products into U.S. commerce. The required analyses will be made prior to publication of the final rule.

Comments

Interested persons are invited to submit comments concerning this action. Written comments must be sent in duplicate to the Regulations Office and should bear reference to the docket number located in the heading of this document. Any person desiring opportunity for oral presentation of views concerning the proposed amendments to the poultry products inspection regulations must make such request to Dr. Grace Clark so that arrangements may be made for such views to be presented. A transcript shall be made of all views orally presented. All comments submitted pursuant to this action will be made available for public inspection in the Regulations Office between 9:00 a.m. and 4:00 p.m., Monday through Friday.

Background

Recently, the Agency has received information from the Department of Agriculture's Office of the Inspector General revealing that product that had been "refused entry" at U.S. ports because it was adulterated or misbranded, in some cases, entered into U.S. domestic commerce for human food purposes. This information, arising from investigatory activities both in the U.S. and in foreign countries, has emphasized the need for strict controls over "refused entry" product and has raised serious concerns about the adequacy of current measures to control "refused entry" product in the U.S.

Based on these recent events, FSIS has also identified certain current procedures which provide less than adequate control over product offered for import which is found to be adulterated or misbranded and is refused entry. The Agency believes that such current practices unnecessarily provide opportunities for such product to enter into domestic commerce and be consumed as human food. As a result, the Agency is taking emergency steps to limit, as much as is reasonably possible, the opportunity for product which has been refused entry into the U.S. to enter domestic commerce through illegitimate means.

The following paragraphs discuss (1) the relationship between FSIS and the U.S. Customs Service, (2) present procedures and the problems that have been identified in those procedures, and (3) the steps that are being taken in this rulemaking.

1. *The relationship of FSIS with U.S. Customs Service.* It is the general responsibility of the Treasury Department and in particular the U.S. Customs Service to enforce the Tariff Act of 1930, as amended. Thus, it is the primary responsibility of Customs to assess and collect custom duties and excise taxes on imported merchandise, to intradict or seize contraband which is attempted to be imported into the U.S., and finally to assess, mitigate, or collect penalties for failure to meet the conditions of any bond posted by importers and individuals with the Customs Service. In addition to this activity related to the Tariff Act, Customs also assists in the enforcement of the laws and regulations governing the admissibility of imports for over 40 Federal agencies, including FSIS. The size of the burdens placed upon Customs officials is immense, for during FY 1980, Customs inspected merchandise valued at $211.5 billion and