samples from female flocks shall be retested at 28–30 weeks of age and at 4–6 week intervals thereafter.

(2) When reactors to the official test are found and can be identified, tracheal swabs and their corresponding blood samples from 10 (all if fewer than 10) reacting birds shall be submitted to an authorized laboratory for serological and cultural examination. If reactors cannot be identified, at least 30 tracheal swabs and their corresponding blood samples shall be submitted. In a flock with a low reactor rate (less than five reactors) the reactors may be submitted to the laboratory within 10 days for serology, necropsy, and thorough bacteriological examination. When reactors to the official test are found, the procedures outlined in § 147.6 will be used to determine the status of the flock.

(3) Flocks located on premises which, during 3 consecutive years, have contained breeding flocks qualified as U.S. M. Synoviae Clean, as described in paragraph (e)(1) above, may qualify for this classification by a negative blood test of at least 100 birds from flocks of more than 100 and each bird in flocks of 100 or less, when more than 4 months of age, and by testing a minimum of 30 samples from male flocks and 60 samples from female flocks at 28–30 weeks of age and at 45 weeks of age.

12. In § 145.53, paragraph (b)(5) is amended by changing the punctuation mark at the end of the paragraph from a period to a colon and adding a new proviso to read as follows:

§ 145.53 Terminology and classification; flocks and products.

* * * * *

(b) * * *

(5) * * * *And Provided further,* That when a flock is a waterfowl or exhibition poultry primary breeding flock located in a State which has been deemed to be a U.S. Pullorum-Typhoid Clean State for the past three years, and during which time no isolation of pullorum or typhoid has been made that can be traced to a source in that State, a bacteriological examination monitoring program or a serological examination monitoring program acceptable to the Official State Agency and approved by the Service may be used in lieu of annual blood testing.

PART 147—AUXILIARY PROVISIONS ON NATIONAL POULTRY IMPROVEMENT PLAN

13. The authority citation for 9 CFR Part 147 is revised to read as set forth below and the authority citations following all the sections in Part 147 are removed:

Authority: 7 U.S.C. 429; 7 CFR 2.17, 2.51, and 371.2(d).

§ 147.6 [Amended]

14. In the heading for § 147.6 "Mycoplasma gallisepticum and Mycoplasma synoviae" is changed to "Mycoplasma gallisepticum, Mycoplasma synoviae, and Mycoplasma meleagridis."

15. In the material preceding the colon in paragraph (a) of § 147.6, "M. gallisepticum or M. synoviae:" is changed to "M. gallisepticum, M. synoviae, or M. meleagridis:".

16. Part 147 is amended by adding a new § 147.8 to read as follows:

§ 147.8 Procedures for preparing egg yolk samples for diagnostic tests.

The following testing provisions may be used for retaining the classification U.S. M. Gallisepticum Clean under § 145.23(c)(1)(ii)(C) and § 145.33(c)(1)(ii)(C), and for retaining the classification U.S. M. Synoviae Clean under § 145.23(e)(1)(ii)(*b*) and § 145.33(e)(1)(ii)(*b*).

(a) Under the supervision of an Authorized Agent or State Inspector, the eggs which are used in egg yolk testing must be selected from the premises where the breeding flock is located, must include a representative sample of 30 eggs collected from a single day's production from the flock, must be identified as to flock of origin and pen, and must be delivered to an authorized laboratory for preparation for diagnostic testing.

(b) The authorized laboratory must identify each egg as to the breeding flock and pen from which it originated, and maintain this identity through each of the following:

(1) Crack the egg on the round end with a blunt instrument.

(2) Place the contents of the egg in an open dish (or a receptacle to expose the yolk) and prick the yolk with a needle

(3) Using a 1 ml syringe without a needle, aspirate 0.5 ml of egg yolk from the opening in the yolk.

(4) Dispense the yolk material in a tube. Aspirate and dispense 0.5 ml of PBS (phosphate-buffered saline) into the same tube, and place in a rack.

(5) After all the eggs are sampled, place the rack of tubes on a vortex shaker for 30 seconds.

(6) Centrifuge the samples at 2500 RPM (1000 x g) for 30 minutes.

(7) Test the resultant supernatant for *M. gallisepticum* and *M. synoviae* by using test procedures specified for detecting IgG antibodies set forth for testing serum in § 147.7 (for these tests the resultant supernatant would be substituted for serum); except that a single 1:20 dilution hemagglutination inhibition (HI) test may be used as a screening test in accordance with the procedures set forth in § 147.7.

Note.—For evaluating the test results of any egg yolk test, it should be remembered that a 1:2 dilution of the yolk in saline was made of the original specimen.

§ 147.11 [Amended]

17. In § 147.11, "or arizonae" is removed from the first sentence of paragraph (h).

§ 147.21 [Amended]

18. In § 147.21, "and Arizona" is removed from the second sentence of paragraph (f).

19. In § 147.43, paragraph (c) is revised to read as follows:

§ 147.43 General Conference Committee.

* * * * *

(c) Three regional members shall be elected at each Plan Conference. All members shall serve for a period of 4 years, subject to the continuation of the Committee by the Secretary of Agriculture, and may not succeed themselves: *Provided,* That an alternate member who assumed a Committee member vacancy following mid-term would be eligible for re-election to a full term. When there is a vacancy for the member-at-large position, the General Conference Committee shall make an interim appointment and the appointee shall serve until the next Plan Conference at which time an election will be held. If a vacancy occurs due to both a regional member and alternate being unable to serve, the vacant position will be filled by an election at the earliest regularly scheduled national or regional Plan Conference, where members of the affected region have assembled.

* * * * *

Done at Washington, D.C., this 8th day of May 1985.

B.G. Johnson,

Acting Deputy Administrotor, Veterinary Services.

[FR Doc. 85–11482 Filed 5–10–85; 8:45 am]

BILLING CODE 3410-34-M

Food Safety and Inspection Service

9 CFR Parts 307 and 310

[Docket No. 83-031F]

Swine Post-Mortem Inspection Procedures and Staffing Standards

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the Federal meat inspection regulations by establishing new swine post-mortem staffing standards using a more efficient inspection procedure for one- and two-inspector swine slaughter configurations, and for three-inspector swine slaughter configurations with heads detached. For these configurations, the rule will increase the number of swine that can be inspected before a third inspector is required, as well as the number of sows and boars that can be inspected on a detached head inspection configuration. The rule also sets forth certain related facility requirements for inspection. This action allows higher production rates for the establishments and greater inspection efficiency for the Department.

EFFECTIVE DATE: July 12, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Taylor, Director, Industrial Engineering and Data Management Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-2987.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has determined that this 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.

Through the use of an improved inspection procedure, this rule could increase inspection efficiency and industry productivity in as many as 700 swine slaughter establishments, at little or no extra cost.

Effect on Small Entities

The Administrator, Food Safety and Inspection Service, has determined that this rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601). Small and medium-sized establishments (with one or two inspectors) will benefit by gaining more flexibility in the planning of slaughter operations, as well as the opportunity to increase their productivity, at little or no extra cost.

Background

Introduction: Post-Mortem Inspection

Section 4 of the Federal Meat Inspection Act (21 U.S.C. 604) requires that the Secretary of Agriculture, through appointed inspectors, carry out a post-mortem inspection of the carcasses and parts of certain domestic food animals, including swine, when these animals are slaughtered in an establishment that is subject to inspection under the Act. Post-mortem inspection involves an examination by one or more trained food inspectors, under veterinary supervision, of the head, viscera (internal organs), and carcass of each animal slaughtered, for the purpose of detecting disease or other conditions that could render the carcass or any part thereof unfit for human food or otherwise adulterated.

With the appropriate facilities, equipment, and placement of inspection stations, a swine slaughtering establishment can set its own production rates, and the Food Safety and Inspection Service (FSIS) assigns sufficient inspectors to carry out inspection at that rate. In establishments with relatively low production rates, one inspector performs the inspection of the head, viscera, and carcass of each animal slaughtered at one station. In establishment with higher slaughter rates, two or more inspectors may be needed. On a two-inspector configuration, these three inspection tasks are divided between the two inspectors. On a line with three or more inspectors, each of these three inspection tasks is performed by a different inspector. Where two or more inspectors are required, they rotate between the tasks during the workday to equalize the workload.

New Post-Mortem Inspection Procedures for Large Establishments

On August 28, 1981, FSIS published an interim rule in the **Federal Register** (46 FR 43406) establishing new swine post-mortem inspection rates based on more efficient inspection procedures. The interim rule was adopted as a final regulation on August 4, 1982 (47 FR 33673). The new procedures applied only to those operations requiring three or more inspectors and where the swine heads are inspected while still attached to the carcass.[1] The 1981 interim rule expressed FSIS's intention to extend the new procedures to the other classes of establishments upon completion of additional studies, which is the main purpose of this rule.

Testing the New Procedures in Other Swine Establishments

Studies were undertaken to determine the impact, applicability, and effectiveness of the new procedures and staffing standards to establishments which require less than three inspectors and to those establishments with three inspectors where the swine heads are inspected after being detached from the carcasses.[2]

These studies were conducted at swine slaughter establishments operating with a one- or two-inspector line configuration and slaughtering both market hogs, and sows and boars. An evaluation of the elements in the one- and two-inspector configurations showed that most of the inspection tasks are identical to the inspection tasks on which the approved work measurement standards for the three- to seven-inspector configurations are based, and that it takes the same amount of time to perform the work in all configurations. As a result of these studies, the Department on September 12, 1984, in the **Federal Register** (49 FR 35782) proposed improved inspection procedures which appear to be as effective in detecting conditions relating to adulteration as the current procedures.

Factors Influencing Increased Rate of Inspection

1. Revised Post-Mortem Inspection Procedures. The revised post-mortem inspection procedures require fewer motions, and hence less effort and time to perform, than the procedure used prior to 1981. This has resulted from the installation of a mirror at the carcass station to eliminate turning the carcass, from the substitution of visual inspection for some of the palpation at the viscera station, and from the elimination of the requirement to turn and examine the carcass at the head station.

2. Attached and Detached Heads. The inspection of the head requires the

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[1] The tests are reported in two studies titled "A Study on the Effectiveness of Current and Proposed Swine Post-Mortem Inspection" and "A Study on the Applicability of Proposed Swine Post-Mortem Inspection to Sows/Boars." Copies of these reports may be obtained without charge by writing to the Slaughter Inspection Standards and Procedures Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

[2] A copy of the report on these studies, "Work Measurement Staffing Standard for the One to Three Inspector Swine Slaughter Configurations," may be obtained without charge from Mr. Paul Taylor, Director, Industrial Engineering and Data Management Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

examination of mandibular lymph nodes. These nodes are made accessible to the inspector in two ways. The head may be disjointed from the neck and left attached to the carcass by a flap of skin, or it may be removed and placed in a head rack, nose down, for the inspector's examination. Most establishments requiring three or more inspectors provide for the inspection of the head while it is still attached to the carcass by the flap of skin. However, most one- and two-inspector line configurations provide for the removal of the head from the carcass for inspection. Removal of the heads does not affect the inspection rate on market hog slaughter lines. The carcasses are short enough so that the market hog heads can be inspected while attached without requiring stooping by the inspector. Sow and boar heads hang nearer to the floor which requires the inspector to stoop and, therefore, more inspection time is necessary for sow and boar head inspection.

3. Addition of a Mirror at the Carcass Inspection Station. Mirrors are required for three or more inspector slaughter lines where the swine heads are inspected while still attached. The criteria for such mirrors are set forth in § 307.2(m)(6) of the Federal meat inspection regulations (9 CFR 307.2(m)(6)). The mirror allows the inspector to view the back of the carcass without turning the carcass which decreases the time required.

4. Arrangement of Facilities Determines the Inspector's Walking Distance. In one- and two-inspector configurations, the inspector must sometimes walk from one of the three inspection stations to another. The arrangement of the facilities, therefore, influences the rate of inspection. If the stations are located close to each other, the inspector can perform his/her duties with less walking time. The less walking involved, the more animals that can be inspected per hour and, thus, the faster the line speeds may be set.

The Proposal

On September 12, 1984, FSIS published a proposal in the **Federal Register** (49 FR 35782) to establish new swine post-mortem inspection procedures and staffing standards.

FSIS received two comments in response to the proposed rule—1 from an industry association and 1 from a State department of agriculture. Both commenters expressed full support of the proposal. FSIS is therefore adopting the proposal as published, except for minor changes made for clarification purposes, as described below.

The Final Rule

1. This rule requires mirrors at the carcass inspection stations on those sow and boar three-inspector lines where the heads are detached from the carcasses in addition to the current requirement that mirrors are required for three or more inspector slaughter lines where swine heads are inspected while still attached. In establishments where one or two inspectors are assigned, a mirror is not required unless the establishment desires to increase production to the point where an additional inspector must be assigned. In that event, the inspection service will have the option to require a carcass mirror rather than place another inspector in the establishment. Section 310.1(b)(3) has been amended to clarify that the inspection service, rather than the inspector, has the authority to require a mirror in such cases. The inspection rates on one- and two-inspector configurations may be slightly higher if mirrors are provided. Therefore, to receive the faster inspection rate, such establishments will be required to install mirrors meeting the criteria in § 307.2(m)(6).

2. The new staffing standards for one- and two-inspector lines are based upon the distance the inspector walks between the inspection stations. The new procedures provide an incentive for smaller plants to increase productivity by rearranging their facilities to minimize the distance between the inspection stations.

3. As previously mentioned, when two inspectors are assigned to an establishment, the three inspection tasks are divided between them. Various combinations of inspection tasks have been included in this rule, some of which are more productive than others.

The inspection rate for market hog two-inspector configurations is the same for both attached and detached heads. Sow and boar rates for detached heads are different from those for attached heads because the inspection time is greater for attached heads due to the necessary stooping by the inspector. The "Note" following the footnotes under Tables 2 and 3 has been clarified by changing "On multiple-inspector kills" to "In multiple-inspector plants".

4. As previously discussed, the inspection rates for three or more inspector lines, with heads inspected while attached to the carcasses, were promulgated on August 4, 1982. Those rates were previously contained in two tables (9 CFR 310.1(b)(3))—one for butcher hogs and one for sows and boars. For purposes of organization, this rule combines the two tables into one as Table 4, making no distinction, except as otherwise noted, between swine slaughter lines with heads attached and those with heads detached. The "Note" following the footnote under Table 4 has been clarified by changing "On multiple-inspector kills" to "In multiple-inspector plants".

5. Staffing standards for various inspection station configurations are contained in this rule for those establishments that have low slaughter production rates. If such establishments desire increased production rates that would require an additional inspector, FSIS has the option of implementing a different inspection configuration rather than adding an inspector. This would require that such establishments install mirrors at the inspection stations as set forth in section 310.1(b)(3).

List of Subjects

9 CFR Part 307

Facilities, Meat inspection, Official establishment.

9 CFR Part 310

Meat inspection, Post-mortem inspection, Slaughter.

Final Rule

The Federal meat inspection regulations are revised as follows:

1. The authority citation for Parts 307 and 310 continues as follows:

Authority: 34 Stat. 1260, 81 Stat. 584, as amended (21 U.S.C. 601 *et seq*); 72 Stat. 862, 92 Stat. 1069, as amended (7 U.S.C. 1901 *et seq.*); 76 Stat. 663 (7 U.S.C. 450 *et seq.*).

2. Section 307.2(m)(6) is revised to read as follows:

§ 307.2 Other facilities and conditions to be provided by establishment.

* * * * *

(m) * * *

(6) For swine slaughter lines requiring three or more inspectors, and for those one- and two-inspector configurations where the establishment installs a mirror: At the carcass inspection station one glass or plastic, distortion-free mirror, at least 5 feet × 5 feet, mounted far enough away from the vertical axis of the moving line to allow the carcass to be turned, but not over 3 feet away, and so mounted that any inspector standing at the carcass inspection station can readily view the back of the carcass.

3. Section 310.1(b)(3) is revised to read as follows:

§ 310.1 Extent and time of post-mortem inspection; post-mortem inspection staffing standards.

* * * * *

(b) * * *

(3) *Swine Inspection.* The following inspection staffing standards are applicable to swine slaughter configurations. The inspection standards for all slaughter lines are based upon the observation rather than palpation, at the viscera inspection station, of the spleen, liver, heart, lungs, and mediastinal lymph nodes. In addition, for one- and two-inspector lines, the standards are based upon the distance walked (in feet) by the inspector between work stations; and for three or more inspector slaughter lines, upon the use of a mirror, as described in § 307.2(m)(6), at the carcass inspection station. Although not required in a one- or two-inspector slaughter configuration, except in certain cases as determined by the inspection service, if a mirror is used, it must comply with the requirements of § 307.2(m)(6).

TABLE 1.—ONE INSPECTOR—STAFFING STANDARDS FOR SWINE

Distance walked[1] in feet is—	Maximum inspection rates (head per hour)			
	Market hogs (heads attached or detached)		Sows and boars (heads detached)	
	Without mirror	With mirror	Without mirror	With mirror
0 to 5	140	150	131	143
6 to 10	134	144	126	137
11 to 15	129	137	122	132
16 to 20	124	132	117	127
21 to 25	120	127	113	122
26 to 30	116	122	110	118
31 to 35	112	116	106	114
36 to 40	108	114	103	110
41 to 45	105	110	100	106
46 to 50	101	107	97	103
51 to 55	98	103	94	100
56 to 60	96	100	91	97
61 to 65	93	97	89	94
66 to 70	90	95	87	92
71 to 75	88	92	85	89
76 to 80	86	89	82	87
81 to 85	84	87	80	85
86 to 90	82	85	79	83
91 to 95	80	83	77	81
96 to 100	78	81	75	79

[1] Distance walked is the total distance that the inspector will have to walk between work stations during one inspection cycle (e.g., between viscera, carcass, head, and washbasin).

TABLE 2.—TWO INSPECTORS—STAFFING STANDARDS FOR MARKET HOGS

Distance walked[1] in feet by inspector B is—	Maximum inspection rates (head per hour with heads attached or detached)		
	Line configuration		
	Carcass,[2] head viscera[3]	Viscera,[2] head carcass[3]	Head,[2] viscera carcass[3]
Without Mirror			
0 to 5	151-253	151-271	151-296
6 to 10	151-239	151-255	151-277
11 to 15	151-226	151-240	151-260
16 to 20	151-214	151-227	151-244
21 to 25	151-204	151-215	151-231
With Mirror			
0 to 5	151-253	151-303	151-318
6 to 10	151-239	151-283	151-304
11 to 15	151-226	151-265	151-289
16 to 20	151-214	151-249	151-270
21 to 25	151-204	151-235	151-254

[1] Distance walked is the total distance that inspector B will have to walk between work stations during one inspection cycle (e.g., between viscera, carcass, and washbasin).
[2] Inspector A.
[3] Inspector B.

Note.—In multiple-inspector plants, the inspectors must rotate between all inspection positions *during each shift* to equalize the workload.

TABLE 3.—TWO INSPECTORS—STAFFING STANDARDS FOR SOWS AND BOARS

Distance walked[1] in feet by inspector B is—	Maximum inspection rates (head per hour)			
	Line Configuration			
	Carcass,[2] head viscera,[3] heads detached	Viscera,[2] head carcass,[3] heads detached	Head,[2] viscera carcass,[3] heads detached	Head,[2] viscera carcass,[3] heads attached
Without Mirror				
0 to 5	144-248	144-254	144-267	144-267
6 to 10	144-235	144-240	144-253	144-253
11 to 15	144-222	144-227	144-239	144-239
16 to 20	144-211	144-215	144-226	144-226
21 to 25	144-201	144-205	144-214	144-214
With Mirror				
0 to 5	144-248	144-292	144-305	144-292
6 to 10	144-235	144-273	144-291	144-280
11 to 15	144-222	144-256	144-272	144-268
16 to 20	144-211	144-241	144-255	144-255
21 to 25	144-201	144-228	144-240	144-240

[1] Distance walked is the total distance that inspector B will have to walk between work stations during one inspection cycle (e.g., between viscera, carcass, and washbasin).
[2] Inspector A.
[3] Inspector B.

Note.—In multiple-inspector plans, the inspectors must rotate between all inspection positions *during each shift* to equalize the workload.

TABLE 4.—THREE INSPECTORS OR MORE—STAFFING STANDARDS FOR SWINE

Maximum inspection rates (head per hour with heads attached)	Number of inspectors by station			
	Head	Viscera	Carcass	Total
Market hogs:				
319 to 506	1	1	1	3
507 to 540	1	2	1	4
541 to 859	2	2	1	5
860 to 1,022	2	3	1	6
1,023 to 1,106	3	3	1	7
Sows and boars:				
306 to 439	1	1	1	3
306 to 462 [1]	1	1	1	3
440 to 475	2	1	1	4
476 to 752	2	2	1	5
753 to 895	3	2	1	6
896 to 964	3	3	1	7

[1] This rate applies if the heads of sows and boars are *detached* from the carcasses at the time of inspection.

Note.—In multiple-inspector plants, the inspectors must rotate between all inspection positions *during each shift* to equalize the workload.

Done at Washington, D.C., on April 30, 1985.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 85-11479 Filed 5-10-85; 8:45 am]

BILLING CODE 3410-DM-M

9 CFR Parts 317 and 318

[Docket No. 84-028F]

Agar-Agar in Meat Food Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) has been petitioned to amend the Federal meat inspection regulations to permit the use of agar-agar as a stabilizer and thickener in certain meat food products (canned jellied meat food products). The Food and Drug Administration (FDA) has affirmed this substance as generally recognized as safe (GRAS) for use in foods under certain conditions. The petitioner has supplied the Agency with sufficient information to satisfy the requirements of 9 CFR 318.7(a)(2), for amending the Federal meat inspection regulations to permit the requested use. The Administrator has determined that it is appropriate to add agar-agar to the list of acceptable binders commonly used in foods.

EFFECTIVE DATE: July 12, 1985.

ADDRESS: Written comments to U.S. Department of Agriculture, Food Safety and Inspection Service, Attn: FSIS Hearing Clerk, Room 2637, South Agriculture Building, Washington, D.C. 20250. (See also "Comments" under "**SUPPLEMENTARY INFORMATION.**")

FOR FURTHER INFORMATION CONTACT: Dr. Daniel 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 Administrator has determined in accordance with Executive Order 12291 that this final rule is not a "major rule." It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in costs or prices for consumers; individual industries, Federal, State, or local government agencies; or geographic regions. It will not have a significant adverse effect on competition, employment, investment, productivity, or the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule provides for the optional use of agar-agar as a binder in certain meat food products. The current Federal meat inspection regulations provide only for the labeling of agar jelly when it is used as a packing substance (9 CFR 317.8(b)(17)). Industry will benefit from this action through the ability to use a wider variety of binders (stabilizers and thickeners).

Effect on Small Entities

The Administrator has determined that this action will not have a significant economic impact upon a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), because this rule will impose no new requirements on industry. The implementation of this rule will merely allow meat processors to use a new class of thickeners and stabilizers in meat food products.

Comments

This is a final rule consistent with the provisions of § 318.7(a) (2) and (3) of the Federal meat inspection regulations (9 CFR 318.7(a) (2) and (3)). As such, no prior request for public comments is required (see "Background" for rationale). However, interested persons may inform the Department of any available data which raise questions about this action within the 60 day period between publication and the effective date of this final rule.

Background

The Agency has been petitioned by Trinity Alimentari Italia S.p.A. through James Hurson Associates, Inc., Arlington, Virginia to amend the existing regulations to allow the use of agar-agar as a stabilizer and/or thickener in certain meat food products—canned jellied meat food products.

The petitioner maintains that agar has a higher gel strength and higher melting temperature at lower concentrations than similar gelling agents, which makes agar-agar advantageous for sterilization and retorting. The physical and chemical properties of agar-agar are consistent with the petitioner's processing requirements for its canned meat food products. The petitioner has supplied analytical data at FSIS's request supporting its claims and indicating that wholesomeness is not affected when products are processed with this gel ingredient. The data are available from the Standards and Labeling Division at the address given under "**FOR FURTHER INFORMATION CONTACT.**"

In the **Federal Register** of July 19, 1983 (48 FR 32749), the Agency published a final rule on new procedures for the approval of added substances in meat products. The final rule amended the Code of Federal Regulations, Title 9, § 318.7. Under this rule, applicants are required to show that a proposed added substance has been approved as GRAS (generally recognized as safe) by the Food and Drug Administration (FDA) as a food additive or color additive for use in meat or meat food products, and is listed in Title 21 of the Code of Federal Regulations, Parts 73, 74, 81, 172, 173, 182, or 184. If this is established, the use of the added substance will be permitted upon further determination by the Administrator that the requested use in meat products will not render the product adulterated or misbranded, it is suitable as well as functional for that particular product, and it is used at the lowest level necesssary to accomplish the technical effect.

The substance for which approval has been requested has been listed and affirmed as GRAS by FDA. Agar-agar was affirmed as GRAS in the **Federal Register** of April 3, 1979 (44 FR 19389) and is listed in 21 CFR 184.1115.

The Administrator concurs with FDA's conclusions regarding the safety of agar-agar. He further finds that information provided by the petitioner in addition to other available data, indicate that (a) the proposed use of this substance will have an appropriate technical effect on the product and (b) the substance will be used at the lowest level necessary to accomplish its intended technical effect.

Therefore, the Agency is amending the Federal meat inspection regulations to include agar-agar in the table of approved substances in Part 318, Title 9, Code of Federal Regulations.

The Agency is also amending the labeling provisions in Part 317 (9 CFR Part 317) to encompass the approval of agar-agar by requiring a qualifying statement contiguous to the product name identifying this substance when it is used. This is being done in order that the product will not be misbranded.

Indexing Terms: Pursuant to 1 CFR 18.20, following are the index terms for this regulation:

List of Subjects

9 CFR Part 317

Food labeling, Meat inspection, and Meat and meat food products.

9 CFR Part 318

Food additives, Meat inspection.

1. The authority citation for Part 317 continues to read 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 unless otherwise noted.

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

2. Section 317.8 is amended by adding a new paragraph (b)(35) to read as follows:

§ 317.8 False or misleading labeling or practices generally; specific prohibitions and requirements for labels and containers.

* * * * *

(b) * * *

(35) When agar-agar is used in canned jellied meat food products, as permitted in Part 318 of this subchapter, there shall appear on the label in a prominent manner, contiguous to the product name, a statement to indicate the use of agar-agar.

3. The authority citation for Part 318 continues to read as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat 584, 84 Stat. 91, 21 U.S.C. 71 *et seq.*, 601 *et seq.*, unless otherwise noted.

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

4. In § 318.7(c)(4) (9 CFR 318.7(c)(4)), the substance agar-agar is added to the chart of substances approved for use in the preparation of products, and is placed in alphabetical order under the class of substances entitled "Binders."

§ 318.7 Approval of substances for use in the preparation of products.

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Class of substance	Substance	Purpose	Products	Amount
*	*	*	*	*
Binders	Agar-agar	To stabilize and thicken.	Thermally processed canned jellied meat food products.	0.25 percent of finished product.
*	*	*	*	*

Done at Washington, D.C., on April 30, 1985.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 85-11478 Filed 5-10-85; 8:45 am]

BILLING CODE 3410-DM-M

9 CFR Part 318

[Docket No. 84-031F]

Protective Film Consisting of Water, Corn Syrup Solids, Sodium Alginate, Calcium Chloride and Sodium Carboxymethylcellulose

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) has been petitioned to amend the Federal meat inspection regulations to permit the use of a mixture of water, corn syrup solids, sodium alginate, calcium chloride and sodium carboxymethylcellulose to form an edible protective film of calcium alginate on freshly dressed meat carcasses. The Food and Drug Administration (FDA) has determined these substances to be generally recognized as safe (GRAS) for use in foods. The petitioner has supplied the Agency with sufficient information to satisfy the requirements of 9 CFR 318.7(a)(2) for amending the Federal meat inspection regulations to permit the requested use. The film will have several benefits including reducing dehydration. Carcasses coated with the protective film will be marked to denote the presence and the composition of the film.

EFFECTIVE DATE: July 12, 1985.

ADDRESS: Written comments to: U.S. Department of Agriculture, Food Safety and Inspection Service, Attn: Annie Johnson, FSIS Hearing Clerk, Room 2637, South Agriculture Building, Washington, D.C. 20250.

(See also "Comments" under "Supplementary Information.").

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

SUPPLEMENTARY INFORMATION:

Executive Order 12291

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

This rule provides for the discretionary use of water, corn syrup solids, sodium alginate, calcium chloride and sodium carboxymethylcellulose to form an edible protective film of calcium alginate on freshly dressed meat carcasses. Industry may benefit from this action through the ability to protect dressed carcasses against shrinkage and surface deterioration. Minor benefits are described in the Background Statement.

Effect on Small Entities

The Administrator has determined that this action will not have a significant economic impact upon a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601) because this will impose no new requirements on industry. The implementation of this final rule will merely allow the meat industry to use a new type of surface protection to help maintain meat carcass quality. Costs for equipment, material and markings would be incidental and offset by the elimination of fabric shrouds and reduction of shrinkage. The choice to use the mixture is voluntary.

Comments

This is a final rule consistent with the provisions of Section 318.7 of the Federal meat inspection regulations (9 CFR 318.7). As such, no request for comments is being made. However, interested parties may inform the Agency of any additional information which raises questions about this action during the 60 day period between publication of this rule and its effective date.

Background

Food Research, Inc., Tampa, Florida has requested that FSIS permit freshly dressed meat carcasses to be sprayed with certain GRAS substances which form an edible protective film coating on the surface of the sprayed carcass. This coating is claimed by Food Research, Inc. to reduce dehydration during storage, inhibit surface deterioration, improve the surface for subsequent grade marking, and eliminate the need for costly fabric shrouding of carcasses. Tests approved by the Department have been carried out to determine the efficacy of the procedures, and analysis of the data indicates that treating carcasses as proposed does result in the claimed beneficial effects. Testing data will be available from the Department, upon request.

The coating of carcasses with the subject protective film has been under intermittent investigation for about ten years by FSIS, the petitioner and meat slaughterers. Several plants have been involved in the development of equipment and process techniques. Agency personnel have monitored all testing conducted in official establishments. Specialists in FSIS in statistics, process control procedures, and standards and labeling have reviewed the materials, procedures and test results and have found the process to be acceptable for commercial use.

The process consists of spraying freshly dressed, weighed, and washed carcasses with two solutions. The first solution consists of water, corn syrup solids and sodium alginate which is sprayed on the carcass. Immediately after application of the first spray a second spray consisting of water, calcium chloride and sodium carboxymethylcellulose is applied. The calcium chloride reacts with the sodium alginate to form an insoluble film of calcium alginate which performs the protective function. The quantity of solutions required to form the film is not more than 1.5% of the carcass weight. Evaporation of moisture results in less than 0.2% of the carcass weight consisting of the substances used in forming the protective film.

In the **Federal Register** of July 19, 1983 (48 FR 32749), the Agency published a final rule on new procedures for the approval of certain added substances in meat and poultry products. Under that rule, applicants are required to show (1) that a proposed added substance has been previously approved by FDA for use in meat or meat food products as a food additive, color additive, or as a substance generally recognized as safe

(GRAS), and (2) that the substance is listed in Title 21 of the Code of Federal Regulations, Parts 73, 74, 81, 172, 173, 182, or 184. Once this is established, the use of the added substance will be permitted upon a further determination by the Administrator that (1) its use is functional and suitable for the product and it is permitted for use at the lowest level necessary to accomplish the stated technical effect, and (2) that the substance will not render the product adulterated, misbranded, or otherwise not in compliance with the Federal Meat Inspection Act.

In this case, these substances have been listed or affirmed as GRAS in 21 CFR Parts 182 or 184, respectively. Calcium chloride and sodium alginate are affirmed as GRAS and are listed in 21 CFR 184.1193 and 184.1724, respectively. Sodium carboxymethylcellulose is listed as a multiple purpose GRAS food substance in 21 CFR 182.1745. Calcium alginate, the substance formed by reaction of calcium chloride with sodium alginate, is affirmed as GRAS at 21 CFR 184.1187. Corn syrup solids are listed in section 318.7(c)(1) of the meat inspection regulation (9 CFR 318.7(c)(1)) as substances which may generally be added to meat and meat food products. Furthermore, FDA has stated in a letter dated April 20, 1981 that it would consider calcium chloride, sodium alginate, sodium carboxymethylcellulose, calcium alginate, and corn syrup solids to be GRAS for use as a protective coating on meat carcasses when used in accordance with good manufacturing practice.

The Administrator concurs with FDA's conclusions regarding the safety of these substances for their proposed use. He further finds that information provided by the petitioner and other data available to the Agency indicate that (1) the proposed use of these substances is functional and suitable for the product, (2) the substances would be used at the lowest level necessary to accomplish their intended technical effect, and (3) the use of these substances will not render the product on which it is used, adulterated, misbranded, or otherwise not in accordance with the requirements of the Act.

Carcasses which have been coated with the protective film will be marked with a statement that identifies the presence and composition of the film, e.g., "Protected with a film of water, corn syrup solids, sodium alginate, calcium chloride, and sodium carboxymethylcellulose." Trimmings from coated carcasses will be labeled to denote the presence of the coating material. However, processed products made in part from such trimmings need not declare the film components on labels as they are considered incidental additives on the basis of the minute amount present and the lack of technical effect. The requirement that chilled weight not exceed hot weight is to ensure that the carcass does not gain weight by the process.

Therefore, the Department is amending the table of approved substances in 9 CFR 318.7(c)(4), Federal meat inspection regulations, to include the use of calcium chloride, sodium alginate, sodium carboxymethylcellulose, and corn syrup solids in solutions to form an edible protective film of calcium alginate on freshly dressed meat carcasses.

Indexing Terms: As required by 1 CFR 18.20, the following are the indexing terms for this regulation:

List of Subjects in 9 CFR Part 318

Food additives, Meat inspection.

1. The authority citation for Part 318 (9 CFR 318) continues to read as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91 (21 U.S.C. 71 *et seq.*, 601 *et seq.*), unless otherwise noted.

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENT; REINSPECTION AND PREPARATION OF PRODUCTS (AMENDED)

2. In § 318.7(c)(4) (9 CFR 318.7(c)(4)), a new Class of Substance named "Film forming agents" is added to the chart of approved substances in alphabetical order following "Emulsifying agents."

§ 318.7 Approval of substances for use in the preparation of products.

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Class of substance	Substance	Purpose	Products	Amounts
*	* *	*	* *	*
Film forming agents.	A mixture consisting of water, sodium alginate, calcium chloride, sodium carboxymethyl-cellulose, and corn syrup solids.	To reduce cooler shrinkage and help protect surface.	Freshly dressed meat carcasses. Such carcasses must bear a statement "Protected with a film of water, corn syrup solids, sodium alginate, calcium chloride and sodium carboxymethyl-cellulose.	Formulation may not exceed 1.5% of hot carcass weight when applied. Chilled weight may not exceed hot weight.
*	* *	*	* *	*

Done at Washington, D.C. on: April 26, 1985.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 85-11477 Filed 5-10-85; 8:45 am]

BILLING CODE 3410-DM-M

9 CFR Parts 327 and 381

[Docket No. 83-040F]

Importation of Meat and Poultry Products; Refused Entry Product

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: On July 23, 1984, the Food Safety and Inspection Service (FSIS) published an emergency interim rule, effective immediately, to ensure that "refused entry" product will not enter into United States' commerce. The interim rule prohibits the reentry into the United States of any meat or poultry product that has been refused entry into United States' commerce. FSIS learned that some "refused entry" product, after being exported to other countries, is being reshipped to the United States for export. FSIS solicited comments on the interim rule and, in considering all comments received, has determined that the interim rule shall be made a final rule.

EFFECTIVE DATE: July 12, 1985.

FOR FURTHER INFORMATION CONTACT: Patricia Stolfa, Acting 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

The Administrator 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