

# Rules and Regulations

Federal Register

Vol. 57, No. 83

Wednesday, April 29, 1992

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## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

#### 9 CFR Part 327

[Docket No. 92-0141]

RIN 0583-XXXX

#### Imported Product: Addition of Croatia and Slovenia to the List of Eligible Countries

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** The Food Safety and Inspection Service is amending the Federal meat inspection regulations to reflect the newly independent countries of Croatia and Slovenia as continuing to be eligible to import meat products into the United States. On April 7, 1992, the government of the United States recognized the independent countries of Croatia and Slovenia (formerly States of the country of Yugoslavia). FSIS has determined that these newly independent countries continue to be eligible to import meat products into the United States in accordance with the requirements of part 327 of the Federal meat inspection regulations. This action clarifies that the newly independent States of Croatia and Slovenia as well as Yugoslavia continue to be eligible to import meat products into the United States.

**DATES:** Effective: April 29, 1992. Comments must be received on or before: May 29, 1992.

**ADDRESSES:** Written comments to: Policy Office, Attn: Linda L. Carey, FSIS Hearing Clerk, Food Safety and Inspection Service, room, 3171 South Agriculture Building, U.S. Department of Agriculture, Washington, DC 20250.

**FOR FURTHER INFORMATION CONTACT:** Dr. William Dubbert, (202) 720-3473.

#### SUPPLEMENTARY INFORMATION:

##### Executive Order 12291

The Administrator, FSIS, has determined that this interim rule is not a major rule under Executive Order 12291. It is not likely to result in (1) an annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) 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.

##### Executive Order 12778

This interim rule has been reviewed under Executive Order 12778, Civil Justice Reform. All State and local laws, regulations or policies, except those that are consistent with the interim rule and apply to imported meat and meat products after entry into the United States, are preempted. This interim rule is not intended to have retroactive effect. There are no administrative procedures to be exhausted prior to any judicial challenge to the provisions of this rule or the application of its provisions.

##### Effect on Small Entities

The Administrator has made a determination that this interim rule would not have a significant economic impact on a substantial number of small entities, in accordance with the requirements of the Regulatory Flexibility Act (5 U.S.C. 601). This action adds the newly recognized States of Croatia and Slovenia to the list of countries eligible to import meat products into the United States. The current amount of product exported to the United States from Yugoslavia, Croatia or Slovenia is expected to remain the same.

##### Comments

Interested persons are invited to submit comments concerning this interim rule. Comments should be sent to the FSIS Hearing Clerk and should refer to docket number 92-0141. All comments will be available for public

inspection from 9 a.m. to 12:30 p.m. and 1:30 p.m. to 4 p.m., Monday through Friday, in the Policy Office, room 3171, South Agriculture Building, 14th and Independence Avenue SW., Washington, DC 20250.

##### Background

Prior to April 7, 1992, the United States Government recognized the country of Yugoslavia, consisting of the Republics of Bosnia-Herzegovina, Croatia, Macedonia, Montenegro, Serbia, and Slovenia. On April 7, 1992, the United States Government recognized Bosnia-Herzegovina, Croatia and Slovenia as independent States. Macedonia, Montenegro and Serbia remain in the common State currently known as Yugoslavia, although Macedonia has declared its independence from Yugoslavia.

Yugoslavia was listed as eligible to import products of cattle, sheep, swine, and goats into the United States on June 25, 1959. Inspection officials of the national government of Yugoslavia have maintained supervisory control over the inspection programs in the Yugoslav Republics. The laws, regulations, and other documents were issued by the national government and enforced by inspection officials in the Republics. Republic inspection officials were responsible to the national government to ensure that all United States requirements were met.

During the last 32 years, Yugoslav inspection officials have annually certified approximately 15 plants as fully complying with requirements "at least equal to" all the inspection, building construction standards, and other requirements for the slaughter and preparation of carcasses, parts thereof, meat and meat and meat food products of cattle, sheep, swine, and goats as applied to official establishments in the United States.

On January 1, 1991, Yugoslavia certified one plant in Slovenia (establishment 22), three plants in Croatia (establishments 5, 10 and 139), and twelve plants in Serbia. Yugoslavia notified FSIS on October 18, 1991, that it would no longer maintain supervisory control over establishment 22 in Slovenia as of October 21, 1991, and it delisted establishment 22 on October 21, 1991. On January 23, 1992, Yugoslavia notified FSIS that it would no longer maintain supervisory control over the

plants in Croatia, and delisted establishments 10 and 139 on January 15, 1992. The other plant in Croatia, establishment 5, was destroyed and delisted on October 18, 1991.

Inspection officials of Slovenia notified FSIS on April 17, 1992, that they continued to maintain supervisory control over the meat inspection system in Slovenia after October 18, 1991. Slovenian officials stated that they had legal authority and responsibility to enforce the same laws and regulations that were in effect prior to October 18, 1991. Further, the same qualified inspectors were assigned to establishment 22 to ensure that "at least equal to" standards for inspection, sanitation, quality, species verification, residues, and other requirements were applied in this plant. An FSIS representative had conducted an on-site review of the meat inspection system at establishment 22 on June 11, 1991, and FSIS determined that the meat inspection system was acceptable.

Inspection officials of Croatia notified FSIS on April 17, 1992, that they continued to maintain supervisory control over the meat inspection system in Croatia after January 15, 1992. Further, the same qualified inspectors were assigned to establishments 10 and 139 to ensure that "at least equal to" standards for inspection, quality, species verification, residues, and other requirements were applied in these plants. An FSIS representative had conducted an on-site review of the meat inspection systems at establishments 10 and 139 on June 10, 1991, and FSIS determined that the meat inspection systems were acceptable.

The meat inspection system in the Republic of Serbia was also reviewed by an FSIS representative during June 1991. Following the review, FSIS determined that the meat inspection system maintained by Yugoslavian officials was acceptable.

Each of the former Yugoslav Republics continues to maintain a meat inspection system under the same laws and regulations and employs competent and qualified inspectors to ensure that standards "at least equal to" the standards applied to products produced in the United States are enforced in plants certified to prepare products for export to the United States. Therefore, FSIS has determined that the Foreign Official Meat Establishment Certificates as provided in 9 CFR 327.2(a)(3) and the Official Meat Inspection Certificates as provided in 9 CFR 327.4 that have been or will be signed by meat inspection

officials in Yugoslavia (Serbia), the Republic of Croatia, and the Republic of Slovenia are acceptable.

Because the meat inspection systems in Yugoslavia, Croatia and Slovenia have been judged to be "at least equal to" the United States meat inspection system, the newly recognized States remain eligible to import meat products into the United States. FSIS is amending the Federal meat inspection regulations to add the Republic of Croatia and the Republic of Slovenia to the list of eligible countries in 9 CFR 327.2. The Agency will continue to review the meat inspection systems of Croatia, Slovenia and Yugoslavia to assure that the requirements of the regulations governing eligibility are being met.

This interim rule amending the list of countries eligible to import meat products into the United States will be effective upon publication of this document. Public comments on the interim rule will not be sought prior to its publication in the *Federal Register*. This rule adds the names of Croatia and Slovenia to the current list of countries eligible to import meat products into the United States. Croatia and Slovenia continue to be eligible to import meat into the United States as individually recognized countries, as when they were part of Yugoslavia. Each new country exercises supervisory authority and control over its meat inspection system, both of which have been determined to be at least equal to the inspection system in the United States. Establishments 10 and 39 on Croatia, and establishment 22 in Slovenia have continued to produce meat products under their meat inspection systems without interruption. Products have been prepared, and continue to be prepared, certified and shipped to the United States for entry. These products cannot be entered until the independent countries of Croatia and Slovenia are added to the list of eligible countries. The Agency has determined that because the products were prepared under inspection systems found to be "at least equal to" the United States system, and to minimize the considerable hardship to both the importers of the products and the countries of Croatia and Slovenia, the eligibility of these countries should be made effective upon publication of this document in the *Federal Register*.

Accordingly, pursuant to the authority in 5 U.S.C. 553, it is found that prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public

interest. The Agency further finds that good cause exists for making this amendment effective less than 30 days after publication of this document in the *Federal Register*. However, FSIS is soliciting comments in response to this interim rule for 30 days after publication of this document, and a final document discussing comments received and any amendments required will be published in the *Federal Register* as soon as possible.

Therefore, for the reasons discussed in the preamble, FSIS is amending § 327.2 of the Federal meat inspection regulations as set forth below.

#### List of Subjects in 9 CFR Part 327

Imported products; Meat inspection.

#### PART 327—IMPORTED PRODUCTS

1. The authority citation for part 327 continues to read as follows:

Authority: 21 U.S.C. 601-695; 7 CFR 2.17, 2.55.

#### § 327.2 [Amended]

2. Paragraph (b) of § 327.2 is amended by adding the "Republic of Croatia" and the "Republic of Slovenia" to the alphabetical list of countries eligible to import cattle, sheep, swine, and goat products into the United States.

Done at Washington, DC, on: April 23, 1992.

H. Russell Cross,  
Administrator, Food Safety and Inspection Service.

[FR Doc. 92-10092 Filed 4-28-92; 8:45 am]

BILLING CODE 3410-DM-M

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Food and Drug Administration

#### 21 CFR Part 178

[Docket No. 90F-0064]

#### Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of phosphorous acid, cyclic neopentetetrayl bis (2,6-di-tert-butyl-4-methylphenyl) ester as an antioxidant and/or a stabilizer in polypropylene articles intended for use in contact with food. This action responds to a petition

filed by Asahi Denka Kogyo K.K. (formerly Adeka Argus Chemical Co., Ltd.).

**DATES:** Effective April 29, 1992; written objections and requests for a hearing by May 29, 1992.

**ADDRESSES:** Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Mitchell Cheeseman, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9511.

**SUPPLEMENTARY INFORMATION:** In a notice published in the Federal Register of March 15, 1990 (55 FR 9771), FDA announced that a food additive petition (FAP 0B4186) had been filed by Adeka Argus Chemical Co., Ltd., 5-2-13, Shirahata, Urawa City, Saitama Prefecture, Japan, proposing that § 178.2010 Antioxidants and/or stabilizers for polymers (21 CFR 178.2010) be amended to provide for the safe use of phosphorous acid, cyclic neopentetetraylbis (2,6-di-tert-butyl-4-methylphenyl) ester as an antioxidant and/or a stabilizer in polypropylene articles intended for use in contact with food. The petitioner has informed the agency that it has changed its name to Asahi Denka Kogyo K.K.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed use of the food additive is safe and that 21 CFR 178.2010(b) should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before May 29, 1992 file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

#### List of Subjects in 21 CFR Part 178

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director of the Center for Food Safety and Applied Nutrition, 21 CFR part 178 is amended as follows:

#### PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR part 178 continues to read as follows:

**Authority:** Secs. 201, 402, 409, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 376).

2. Section 178.2010 is amended in the table in paragraph (b) by alphabetically adding a new entry under the headings "Substances" and "Limitations" to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

\* \* \* \* \*

| Substances                                                                                                      | Limitations                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Phosphorous acid, cyclic neopentetetraylbis (2,6-di-tert-butyl-4-methylphenyl) ester (CAS Reg. No. 80693-00-1). | For use only at levels not to exceed 0.25 percent by weight of polypropylene complying with § 177.1520 of this chapter. The finished polymer may only be used in contact with food of the types identified in § 176.170(c) of this chapter, Table 1, under Categories I, II, III, and VI-B under conditions of use B through H described in Table 2 of § 176.170(c) of this chapter, and with food of the types under Categories V, VI-A, and VI-C under conditions of use C through G. |

Dated: April 21, 1992.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 92-9954 Filed 4-28-92; 8:45 am]

BILLING CODE 4160-01-M

#### 21 CFR Part 178

[Docket No. 91F-0287]

#### Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulations: (1) To provide for the safe use of pentaerythritol adipate-stearate as a lubricant, (2) to change its melting point range, and (3) to revise the identity description for this additive to indicate that it is an ester of pentaerythritol with adipic acid and stearic acid and its associated fatty acids. This action is in response to a petition filed by Henkel Corp.

**DATES:** Effective April 29, 1992; written objections and requests for a hearing by May 29, 1992.

**ADDRESSES:** Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Julius Smith, Center for Food Safety and Applied Nutrition (HFF-335), Food and