

§ 251.2 Administration.

* * * * *

(c) Each State agency that distributes donated foods to emergency feeding organizations or receives payments for storage and distribution costs in accordance with § 251.8 shall perform those functions pursuant to an agreement entered into with the Department. This agreement shall be considered permanent, with amendments to be made at the request of FCS. Such State agencies shall enter into a written agreement with eligible emergency feeding organizations. This agreement shall provide that emergency feeding organizations agree to operate the program in accordance with the requirements of this part, and, as applicable, Part 250 of this chapter. The agreement shall be considered permanent, with amendments to be made as necessary. State agencies shall ensure that emergency feeding organizations provide, on a timely basis, by amendment to the agreement, any information on changes in program administration, including, but not limited to, any changes resulting from amendments to Federal regulations or policy.

3. In § 251.10:

a. Paragraph (a)(1) is amended by removing the citation “§ 250.6(r)” and adding in its place the citation “§ 250.16”;

b. Paragraph (d)(2) is revised to read as follows; and

c. Paragraph (d)(3) is removed.

§ 251.10 Miscellaneous provisions.

* * * * *

(d) *Reports.* * * *

(2) Each State agency shall complete and submit to the FCSRO reports to ensure that excessive inventories of donated foods are not maintained, in accordance with the requirements of § 250.17(a) of this chapter. Such reports shall also include the total number of households served in the State since the previous report submittal, based upon current information received from emergency feeding organizations.

* * * * *

PART 253—ADMINISTRATION OF THE FOOD DISTRIBUTION PROGRAM FOR HOUSEHOLDS ON INDIAN RESERVATIONS

1. The authority citation for part 253 continues to read as follows:

Authority: 91 Stat. 958 (7 U.S.C. 2011–2027), unless otherwise noted.

2. Section 253.5 is amended by removing the first two sentences of the introductory text of paragraph (a)(1) and

adding, in their place, three new sentences to read as follows:

§ 253.5 State agency requirements.

(a) *Plan of operation.* (1) The State agency that assumes responsibility for the Food Distribution Program shall submit a plan of operation for approval by FCS. Approval of the plan shall be a prerequisite to the donation of commodities available for use by households under § 253.9. The approved plan shall be considered permanent, with amendments to be added as changes in State agency administration or management of the program, as described in the plan, are made, or at the request of FCS. * * *

* * * * *

3. Section 253.9 is amended by revising paragraph (c)(1) to read as follows:

§ 253.9 Administrative funds for State agencies.

* * * * *

(c) *Application for funds.* (1) Any State agency administering a Food Distribution Program that desires to receive administrative funds under this section shall submit form SF-424, “Application for Federal Assistance,” to the appropriate FCS Regional Office at least three months prior to the beginning of a Federal fiscal year. The application shall include budget information, reflecting by category of expenditure the State agency’s best estimate of the total amount to be expended in the administration of the program during the fiscal year. FCS may require that detailed information be submitted by the State agency to support or explain the total estimated amounts shown for each budget cost category. As required by 7 CFR 3015, Subpart V, agencies of State government shall submit the application for Federal assistance to the State clearinghouse before submitting it to the FCSRO. ITOs shall not be subject to this requirement.

* * * * *

Dated: March 10, 1997.

William E. Ludwig,

Administrator.

[FR Doc. 97-6427 Filed 3-13-97; 8:45 am]

BILLING CODE 3410-30-U

Food Safety and Inspection Service**9 CFR Part 318**

[Docket No. 95-052P]

RIN 0583-AC02

Use of Sorbitol in Cooked Roast Beef Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is proposing to amend the Federal meat inspection regulations to add cooked roast beef products to the list of products in which sorbitol is permitted. FSIS proposes this action in response to a petition requesting that FSIS allow the use of sorbitol, both to sweeten and to reduce charring in cooked roast beef products, at the level of up to 2 percent of the product formulation. The sorbitol would be added to a solution of ingredients that are pumped into the beef prior to cooking.

DATES: Comments must be received on or before May 13, 1997.

ADDRESSES: Send an original and two copies of written comments to: FSIS Docket Clerk, Docket 95-052P, Room 3806, South Agriculture Building, 1400 Independence Avenue, SW., Washington, DC 20250-3700. Reference material cited in this document and any comments received in response to this proposal will be available for public inspection in the FSIS Docket Room from 8:30 a.m. to 1:00 p.m., and from 2:00 p.m. to 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Charles R. Edwards, Director, Product Assessment Division, Regulatory Programs, (202) 418-8900.

SUPPLEMENTARY INFORMATION:

FSIS was petitioned to allow the use of sorbitol in cooked roast beef products in the amount currently approved for use in other meat and meat food products. The petitioner requested that FSIS amend § 318.7(c)(4) of the Federal meat inspection regulations to allow the use of sorbitol both to sweeten and to reduce charring in cooked roast beef products in an amount not to exceed two percent of the product formulation, excluding the formula weight of water or ice. The sorbitol would be added to a solution of ingredients that are pumped into the beef prior to cooking.

Sorbitol is a common sugar alcohol; it can be found in apples, pears, and other foods. About half as sweet as sucrose (i.e., sugar), it is often used as a

substitute sweetener in reduced-sugar products such as sugar-free candy and other food products for diabetics. Sorbitol is listed in 21 CFR 184.1835 by the Food and Drug Administration (FDA) as a substance affirmed as generally recognized as safe for use as an anticaking agent, humectant, flavoring agent, and for various other uses, when used in accordance with good manufacturing practices. Sorbitol does not possess the same chemical makeup as do sugars that caramelize, i.e., brown and char in the presence of high heat. It is this characteristic of sorbitol that reduces charring in cooked roast beef products and other meat products in which it is used.

The petitioner conducted informal sensory testing using various levels of sorbitol in roast beef product formulations. Tests were conducted by using informal visual and taste panels. A panel of eight people measured the amount of charring that took place on roast beef products treated with sorbitol by evaluating the browning of products after they were treated and cooked. Another panel of eight measured the sweetness of the products by tasting the test products after they were treated and cooked. The test data show that two percent sorbitol both reduces charring and achieves a suitable level of sweetness.

After reviewing the petitioner's technical data and information, the Administrator, FSIS, determined that the technical data and information submitted with the petition demonstrated the efficacy of sorbitol for these uses at the level not to exceed two percent of product formulation.

The Administrator determined that these uses of sorbitol (1) will not render the product adulterated or misbranded, or otherwise not in compliance with the requirements of the Federal Meat Inspection Act and (2) is functional and suitable for the product, and is permitted at the lowest level necessary to accomplish the stated effect. To permit these uses of sorbitol, the chart of approved substances in the meat inspection regulations (9 CFR 318.7(c)(4)) must be amended.

FSIS published a direct final rule in the Federal Register on February 27, 1996 (61 FR 7207), that would have added new uses of sorbitol both to sweeten and to reduce charring in cooked roast beef products up to a level of two percent of the product formulation.

FSIS solicited comments concerning the direct final rule for a 30-day period ending March 28, 1996. FSIS stated that the effective date of the proposed amendment would be 60 days after

publication of the direct final rule in the Federal Register, unless the Agency received written adverse comments or a notice of intent to submit adverse comments by the close of the comment period. FSIS also stated that if it received written adverse comments or a notice of intent to submit adverse comments, it would publish a document in the Federal Register withdrawing the direct final rule before the scheduled effective date and would publish a proposed rule for public comment.

On April 16, 1996 (61 FR 16617), FSIS withdrew the direct final rule because it received one adverse comment from a consumer who opposed adding cooked roast beef to the list of products in which sorbitol is permitted. The comment contended that, while sorbitol is generally recognized as safe, increasing numbers of people have reactions to ingredients "hidden in prepared foods." The currently permitted use of this substance, as specified in the regulations, complies with applicable requirements of the Food and Drug Administration (FDA). Its proposed use in roast beef would also be in compliance with those requirements, as are current allowances for cured pork products and sausages. FSIS is aware of the needs of consumers who are sensitive to certain ingredients and requires the labels of all products under its jurisdiction to convey information that is useful to consumers, including the common or usual names of all ingredients used to make the food. Under this proposal, sorbitol would have to be listed in the ingredients statements of cooked roast beef products as well as in ingredients statements of the other products in which it is already permitted. This listing would provide sufficient information to consumers who are sensitive to sorbitol or who have other reasons for selecting sorbitol-free products. Therefore, FSIS is proposing to amend the chart of approved substances in 9 CFR 318.7(c)(4) to add the use of sorbitol both to sweeten and to reduce charring in cooked roast beef products at a level of up to two percent of product formulation.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) all state and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been determined to be not significant and has not been reviewed by the Office of Management and Budget.

The Administrator has made an initial determination that this proposed rule would not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601). The proposed rule would permit the use of sorbitol to sweeten and to reduce charring in cooked roast beef products. The sorbitol would be added to a solution of ingredients that are pumped into the beef prior to cooking. This amendment would provide cooked roast beef processors with an additional, alternative substance that can be used to sweeten their product while at the same time to reduce charring that may occur during the cooking process. The use of sorbitol to sweeten and to reduce charring in cooked roast beef products would be voluntary. Small manufacturers opting to use sorbitol for these purposes would be required to revise their product labels. Decisions by individual manufacturers on whether to do so would be based on their conclusions that the benefits outweigh the costs.

Paperwork Requirements

Abstract: FSIS has reviewed the paperwork and recordkeeping requirements in this proposed rule in accordance with the Paperwork Reduction Act. This rule would require manufacturers opting to use sorbitol to sweeten and to reduce charring in cooked roast beef products to revise their product labels and submit such labeling to FSIS for approval.

Estimate of Burden: Establishments would have to develop product labels in accordance with the proposed rule. To receive approval of the labels, establishments would complete FSIS Form 7234-1. FSIS program employees would review FSIS Form 7234-1 to ensure that information on the labels complies with the regulations. FSIS estimates that it would take 60 minutes to design and develop modified product labels in accordance with the proposed regulation and 15 minutes to prepare FSIS Form 7234-1 and submit it, along with the label, to FSIS or to a label expediter who would deliver the form and label to FSIS.

Respondents: Meat establishments.

Estimated Number of Respondents: 315 meat establishments.

Estimated Number of Responses per Respondent: FSIS estimates that each

establishment would modify about 2 product labels.

Estimated Total Annual Burden on Respondents: 788 hours.

Copies of this information collection assessment can be obtained from Lee Puricelli, Paperwork Specialist, Food Safety and Inspection Service, USDA, Room 3812, South Agriculture Building, Washington, DC 20250-3700.

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the

burden of the collection of information on those who are to respond, including through use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Send comments to both Lee Puricelli, Paperwork Specialist, at the address provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20253.

Comments are requested by May 13, 1997. To be most effective, comments should be sent to OMB within 30 days of the publication date of this proposed rule.

List of Subjects in 9 CFR Part 318

Food additives, Meat inspection.

For the reasons discussed in the preamble, FSIS is proposing to amend 9

CFR part 318 of the Federal meat inspection regulations as follows:

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

1. The authority citation for part 318 would be revised to read as follows:

Authority: 7 U.S.C. 138f, 450, 1901-1906; 21 U.S.C. 601-695; 7 CFR 2.18, 2.53.

2. Section 318.7(c)(4) would be amended by adding to the chart of substances, under the Class of Substance "Flavoring agents; protectors and developers," the substance sorbitol as follows:

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

* * * * *

(c) * * *

(4) * * *

Class of substance	Substance	Purpose	Products	Amount
*	*	*	*	*
Flavoring agents; protectors and developers.	Sorbitol ..	To flavor, to facilitate the removal of casings from product, and to reduce caramelization and charring.	As provided in part 319 of this subchapter, cooked roast beef, cured pork products, and cooked sausage labeled frankfurter, frankfurter, wiener, and knockwurst.	Not to exceed 2 percent of the weight of the formula, excluding the formula weight of water or ice, when used in accordance with 21 CFR 184.1835.
*	*	*	*	*

Done at Washington, DC, on March 7, 1997.

Thomas J. Billy,

Administrator.

[FR Doc. 97-6447 Filed 3-13-97; 8:45 am]

BILLING CODE 3410-DM-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM-138, Notice No. SC-97-1-NM]

Special Conditions: Jetstream Aircraft Limited Model 4101 Airplane; Continuous Power Reserve (CPR) System

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This notice proposes special conditions for the Jetstream Aircraft Limited Model 4101 airplane. This airplane will have a novel or unusual design feature associated with installation of the CPR system. This

notice contains the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the airworthiness standards of part 25 of the FAR.

DATES: Comments must be received on or before April 28, 1997.

ADDRESSES: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, Attention: Rules Docket (ANM-7), Docket No. NM-138, 1601 Lind Avenue SW, Renton, Washington 98055-4056; or delivered in duplicate to the Office of the Assistant Chief Counsel at the above address. Comments must be marked: Docket No. NM-138. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT:

William Schroeder, FAA, Standardization Branch, ANM-113, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW, Renton, Washington 98055-4056; telephone 206-227-2148; fax 206-227-1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of these proposed special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before further rulemaking action on this proposal is taken. The proposals contained in this notice may be changed in light of the comments received. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested parties. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a self-addressed, stamped postcard on which the following statement is made: