

\$4,000 (\$2,500), furniture and fixtures, \$2,000 (\$1,000), equipment rental and maintenance, \$3,500 (\$2,500), contingencies, \$6,000 (\$5,278), Committee expense, \$2,000 (\$700), manager's travel, \$5,000 (\$3,000), and \$3,750 for deferred compensation (manager's retirement), which was not a line item expense last year. Items which have decreased compared to those budgeted for 1994-95 (in parentheses) are: Field travel, \$4,000 (\$5,000), and field salary, \$5,500 (\$8,000). All other items are budgeted at last year's amounts, including \$125,000 to operate road guard stations around the area for compliance purposes.

The assessment rate and funding for research projects will be discussed and recommended at the Committee's organizational meeting later this fall. These funds, along with the administrative expenses for personnel, office, compliance, and operation of the road guard stations, will comprise the total budget. Funds in the reserve as of July 31, 1995, were \$367,369, and are within the maximum permitted by the order of two fiscal periods' expenses. These funds will be adequate to cover any expenses incurred by the Committee prior to the approval of the assessment rate.

Since no assessment rate is being recommended at this time, no additional costs will be imposed on handlers. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including the information and recommendations submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register because: (1) The fiscal period began on October 1, 1995, and the Committee needs to have approval to pay its expenses which are incurred on a continuous basis; (2) this action is similar to that taken at the beginning of the 1994-95 fiscal period; and (3) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

List of Subjects in 7 CFR Part 979

Marketing agreements, Melons, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 979 is amended as follows:

PART 979—MELONS GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR part 979 is revised to read as follows:

Authority: 7 U.S.C. 601-674.

2. A new § 979.218 is added to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

§ 979.218 Expenses.

Expenses of \$234,044 by the South Texas Melon Committee are authorized for the fiscal period ending September 30, 1996. Unexpended funds may be carried over as a reserve.

Dated: October 12, 1995.

Sharon Bomer Lauritsen,
Deputy Director, Fruit and Vegetable Division.
[FR Doc. 95-26085 Filed 10-20-95; 8:45 am]

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Food Safety and Inspection Service

9 CFR Part 318

[Docket No. 95-035F]

RIN 0583-AB96

Potassium Hydroxide as a Hog Scald Agent

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Direct final rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is amending the Federal meat inspection regulations to permit the use of potassium hydroxide in hog scald and hair removal processes. Hog scald and hair removal agents are used by meat processors to dehair hog carcasses. This regulation makes available to meat processors an additional, alternative hog scald formulation containing potassium hydroxide as an ingredient. Hog scald agents formulated with potassium hydroxide are as effective as other existing hog scald agents; however, because potassium hydroxide is quickly solubilized when added to water, its presence in a hog scald agent makes the agent easier to mix. Therefore, the potassium hydroxide-containing hog scald agent formula can be prepared and applied to hog carcasses more quickly than other similar hog scald agents.

We expect no adverse public reaction resulting from this change in regulatory language. Therefore, unless adverse or critical comments are received within 30 days, the action will become final 60 days after publication in the Federal Register. If critical comments are received, the final rulemaking notice will be withdrawn and a proposed rulemaking notice will be published. The proposed rulemaking notice will establish a comment period.

DATES: This action will become effective December 22, 1995, unless adverse or critical comments are received within 30 days of publication.

ADDRESSES: Send an original and two copies of written comments to: FSIS Docket Clerk, DOCKET #95-035F, Room 4325, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Dr. William James, Director, Slaughter Inspection Standards and Procedures Division, Science and Technology, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250-3700, (202) 720-3219.

SUPPLEMENTARY INFORMATION:

Background

Under the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*), FSIS provides mandatory inspection of meat and meat food products prepared for distribution in commerce. The Act prohibits the addition of any substance to any meat or meat food product that may render the product adulterated (21 U.S.C. 601). Section 318.7(a)(1) of the Federal meat inspection regulations (9 CFR 318.7) prohibits the use of any substance in the preparation of any product unless its use is approved in section 318.7(c)(4) of the Federal meat inspection regulations, which is the chart of substances acceptable for use in the preparation of products, or unless it is approved elsewhere in the regulations or by the Administrator, FSIS.

In 1995, ChemStation, a manufacturer of processing aids and other direct food ingredients, petitioned the Food and Drug Administration (FDA) and FSIS to approve potassium hydroxide for use as a hog scald and hair removal agent. Removal of hair from hog carcasses is a necessary step in the preparation of pork and pork products for use as human food. We reviewed the data and other information submitted by the petitioner and determined that the proposed use of potassium hydroxide did not result in product adulteration or misbranding.

FDA lists potassium hydroxide as generally recognized as safe when used in accordance with good manufacturing practice conditions of use (21 CFR 184.1631). In a May 2, 1995, letter to the petitioner, FDA reported this fact and stated that it "does not object to the use of potassium hydroxide as an ingredient in hog scald agents consistent with good manufacturing practice conditions."¹

Therefore, we are amending section 318.7(c)(4) of the Federal meat inspection regulations to permit the use of potassium hydroxide as a hog scald and hair removal agent.

Executive Order 12866

This final rule has been determined to be not significant and, therefore, has not been reviewed by OMB.

Executive Order 12778

This direct final rule has been reviewed under Executive Order 12778, Civil Justice Reform. States and local jurisdictions are preempted by the Federal Meat Inspection Act and the Poultry Products Inspection Act (PPIA) from imposing any marking or packaging requirements on federally inspected meat and poultry products that are in addition to, or different than, those imposed under the FMIA or the PPIA. States and local jurisdictions may, however, exercise concurrent jurisdiction over meat and poultry products that are outside official establishments for the purpose of

preventing the distribution of meat and poultry products that are misbranded or adulterated under the FMIA or PPIA, or, in the case of imported articles, which are not at such an establishment, after their entry into the United States.

This direct final rule is not intended to have retroactive effect.

There are no applicable administrative procedures that must be exhausted prior to any judicial challenge to the provisions of this direct final rule. However, the administrative procedures specified in 9 CFR §§ 306.5 and 381.35 must be exhausted prior to any judicial challenge of the application of the provisions of this direct final rule, if the challenge involves any decision of an FSIS employee relating to inspection services provided under the FMIA or the PPIA.

Effect on Small Entities

The Administrator has determined that this direct final rule will not have a significant impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601). Removal of hair from hog carcasses is a necessary step in the preparation of pork and pork products for use as human food. This regulation makes available to meat processors an additional, alternative hog scald formulation containing potassium hydroxide as an ingredient. Hog scald agents formulated with potassium hydroxide are as effective as other

existing hog scald agents; however, because potassium hydroxide is quickly solubilized when added to water, its presence in a hog scald agent makes the agent easier to mix. Therefore, the potassium hydroxide-containing hog scald agent formula can be prepared and applied to hog carcasses more quickly than other similar hog scald agents.

List of Subjects in 9 CFR Part 318

Food additives, Meat inspection.

For the reasons set out in the preamble, 9 CFR part 318 is amended as follows:

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

1. The authority citation for part 318 continues to read as follows:

Authority: 7 U.S.C. 450, 1901–1906; 21 U.S.C. 601–695; 7 CFR 2.17, 2.55.

2. Section 318.7(c)(4) is amended by adding to the chart of substances, under the Class of Substance "Hog scald agents; must be removed by subsequent cleaning operations.," the substance potassium hydroxide in alphabetical order as follows:

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

*	*	*	*	*
(c)	*	*	*	*
(4)	*	*	*	*

Class of substance	Substance	Purpose	Products	Amount
* * * * *				
Hog Scald Agents; Must be removed by subsequent cleaning operations.	Potassium Hydroxidedodo	Do.
* * * * *				

Done at Washington, DC, on October 17, 1995.
 Michael R. Taylor,
Acting Under Secretary for Food Safety.
 [FR Doc. 95–26139 Filed 10–20–95; 8:45 am]
BILLING CODE 3410-DM-P

9 CFR Parts 327 and 381

[Docket No. 95–003N]

RIN 0583–AB88

Products From Foreign Countries; Eligibility for Import Into the United States

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice; affirmation of effective date.

SUMMARY: On July 28, 1995, the Food Safety and Inspection Service (FSIS) published a direct final rule, "Products

from Foreign Countries; Eligibility for Import into the United States." This direct final rule notified the public of FSIS' intention to amend those paragraphs of the imported products sections of the Federal meat and poultry products inspection regulations that contain the phrase "at least equal to" by replacing that phrase with the words "equivalent to." This action amends language in the Federal meat and poultry products inspection regulations to correctly reflect the language used in the Uruguay Round Agreements Act, which was enacted to comply with the General Agreement on Tariffs and

¹ A copy of this letter is available for review in the office of the FSIS Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service,