

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 77

[Docket No. 95-072-2]

#### Tuberculosis in Cattle and Bison; State Designation

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Affirmation of interim rule as final rule.

**SUMMARY:** We are adopting as a final rule, without change, an interim rule that amended the tuberculosis regulations concerning the interstate movement of cattle and bison by reducing the designation of Wisconsin from an accredited-free State to an accredited-free (suspended) State. We have determined that Wisconsin no longer meets the criteria for designation as an accredited-free State but meets the criteria for designation as an accredited-free (suspended) State. This change was necessary to prevent the spread of tuberculosis in cattle and bison.

**EFFECTIVE DATE:** May 16, 1996.

**FOR FURTHER INFORMATION CONTACT:** Dr. Mitchell Essey, Senior Staff Veterinarian, Cattle Diseases and Surveillance, VS, APHIS, Suite 3B08, 4700 River Road Unit 36, Riverdale, MD 20737-1231, (301) 734-7727, or e-mail: messey@aphis.usda.gov.

#### SUPPLEMENTARY INFORMATION:

##### Background

In an interim rule effective and published in the Federal Register on December 8, 1995 (60 FR 62988-62989, Docket No. 95-072-1), we amended the tuberculosis regulations in 9 CFR part 77 by removing Wisconsin from the list of accredited-free States in § 77.1 and adding it to the list of accredited-free (suspended) States in that section.

Comments on the interim rule were required to be received on or before February 6, 1996. We did not receive any comments. The facts presented in the interim rule still provide a basis for the rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12778, and the Paperwork Reduction Act.

Furthermore, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

#### List of Subjects in 9 CFR Part 77

Animal diseases, Bison, Cattle, Reporting and recordkeeping requirements, Transportation, Tuberculosis.

### PART 77—TUBERCULOSIS

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR part 77 and that was published at 60 FR 62988-62989 on December 8, 1995.

Authority: 21 U.S.C. 111, 114, 114a, 115-117, 120, 121, 134b, 134f; 7 CFR 2.22, 2.80 and 371.2(d).

Done in Washington, DC, this 10th day of April 1996.

Terry L. Medley,

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 96-9345 Filed 4-15-96; 8:45 am]

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### Food Safety and Inspection Service

#### 9 CFR Part 318

[Docket No. 95-052W]

RIN 0583-AC02

#### Use of Sorbitol in Cooked Roast Beef Products

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

**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) is withdrawing the direct final rule that would have added cooked roast beef products to the list of products in which sorbitol is permitted. The sorbitol would have been added to a solution of

ingredients that are pumped into the beef prior to cooking.

FSIS is withdrawing the direct final rule because it received an adverse written comment in response to the direct final rule. FSIS will instead publish at a later date a proposed rule. The proposal will establish a comment period.

**EFFECTIVE DATE:** April 16, 1996.

**FOR FURTHER INFORMATION CONTACT:** Charles R. Edwards, Director, Product Assessment Division, Regulatory Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250-3700; (202) 254-2565.

**SUPPLEMENTARY INFORMATION:** In a direct final rule published in the Federal Register on February 27, 1996 (61 FR 7207), FSIS notified the public of its intent to add cooked roast beef products to the list of products in which sorbitol is permitted. FSIS would have allowed the use of sorbitol both as a sweetener and to reduce charring in cooked roast beef products up to a level of 2 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.

FSIS received one written adverse comment from a consumer. Therefore, FSIS is withdrawing the direct final rule, and at a later date, will publish a proposed rule in the Federal Register.

Done at Washington, DC, on: April 9, 1996.

Michael R. Taylor,

*Acting Under Secretary for Food Safety.*

[FR Doc. 96-9267 Filed 4-15-96; 8:45 am]

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