

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Commissioner of the Immigration and Naturalization Service, certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule merely adopts without change an interim rule which has been in effect since July 31, 1995.

Executive Order 12866

This rule is not considered by the Department of Justice, Immigration and Naturalization Service, to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section (6)(a)(3)(A).

Executive Order 12612

The regulation will not have a substantial direct effect on the States, on the relationships between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

This regulation will enhance family well-being by promoting the family unity relationship between the child and his or her mother or father.

List of Subjects in 8 CFR Part 204

Administrative practice and procedure, Aliens, Immigration, Petitions.

Accordingly, the interim rule amending 8 CFR part 204 which was published in the Federal Register on July 31, 1995, at 60 FR 38947-38948 is adopted as a final rule without change.

Dated: February 16, 1996.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 96-4338 Filed 2-26-96; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE**Food Safety and Inspection Service****9 CFR Part 318**

[Docket No. 95-052DF]

RIN 0583-AC02

Use of Sorbitol in Cooked Roast Beef Products

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 add cooked roast beef products to the list of products in which sorbitol is permitted. This action is being taken in response to a petition requesting that FSIS allow the use of up to 2 percent sorbitol both as a sweetener and to reduce charring in cooked roast beef products. The sorbitol will be added to a solution of ingredients that are pumped into the beef prior to cooking. **DATES:** This rule will be effective on April 29, 1996 unless FSIS receives written adverse comments or written notice of intent to submit adverse comments on or before March 28, 1996. If critical comments are received, the final rulemaking document will be withdrawn and a proposed rulemaking document will be published.

ADDRESSES: Submit adverse comments or notice of intent to submit adverse comments to: FSIS Docket Clerk, Docket #95-052DF, U.S. Department of Agriculture, Food Safety and Inspection Service, Room 4352, South Agriculture Building, 14th and Independence Avenue SW., Washington, DC 20250-3700. Please submit one original and two copies of written adverse comments.

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; (202) 254-2565.

SUPPLEMENTARY INFORMATION: 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. 610). 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.

FSIS was petitioned to approve the use of sorbitol in cooked roast beef products in the same amount currently approved for 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 up to 2 percent sorbitol both as a sweetener and to reduce charring in cooked roast beef products, excluding the formula weight of water or ice. The sorbitol will be added to a solution of ingredients that are pumped into beef prior to cooking.

Charring is an adverse effect that occurs when sugar-related substances are subjected to prolonged heat treatment. Sorbitol is a common sugar alcohol; it can be found in foods like apples and pears. It is about half as sweet as sucrose and is often used as a substitute sweetener in reduced-sugar food products, such as sugar-free candy and other food products for diabetics. Sorbitol is listed in 21 CFR 184.1835 as a substance 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.

The petitioner conducted informal sensory testing using various levels of sorbitol in roast beef product formulations.¹ Tests were conducted by using informal visual and taste panels. The visual panel 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. The sweetness was measured by a separate panel; that panel tasted the test products after they were treated and cooked. The test data show that 2 percent sorbitol accomplishes both charring reduction and suitable sweetness.

After reviewing the petitioner's technical data and information, the Administrator, FSIS determined that the chart of approved substances in 9 CFR 318.7(c)(4) should be amended to allow

¹ Information regarding the informal sensory testing is available in the FSIS Docket Room, USDA, 14th & Independence Avenue, SW., Room 4352, South Agriculture Building, Washington, DC 20250-3700.

the use of sorbitol for the purposes and in the amounts requested by the petitioner. The technical data demonstrates the efficacy of sorbitol for these uses. Sorbitol is a substance generally recognized as safe by the Food and Drug Administration. The Administrator, FSIS, has determined that the use of sorbitol (1) will not render the product adulterated or misbranded or otherwise not in compliance with the requirements of the Act; and (2) is functional and suitable for the product, and is permitted at the lowest level necessary to accomplish the stated effect. Accordingly, FSIS is amending the chart of approved substances in 9 CFR 318.7(c)(4) to allow the use of sorbitol as a sweetener and to reduce charring in cooked roast beef products at a level not more than 2 percent of the weight of the formula, excluding the formula weight of water or ice.

FSIS expects no adverse public reaction resulting from this change in regulatory language. Therefore, unless adverse or critical comments, or a notice of intent to submit adverse comments are received within 30 days, the action will become final 60 days after publication in the Federal Register. The proposed rulemaking notice will establish a comment period.

Executive Order 12866

This direct final rule has been determined to be not significant and therefore was not reviewed by the Office of Management and Budget under Executive Order 12866.

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 (FMIA) from imposing any marking or packaging requirements on federally inspected meat products that are in addition to, or different than, those imposed under the FMIA. States and local jurisdictions may, however, exercise concurrent jurisdiction over meat products that are outside official establishments for the purpose of preventing the distribution of meat products that are misbranded or adulterated under the FMIA, 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 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.

Effect on Small Entities

The Administrator has made an initial determination that this direct final rule will 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 direct final rule will permit the use of sorbitol as a sweetener and to reduce charring in cooked roast beef products. The sorbitol will be added to a solution of ingredients that are pumped into the beef prior to cooking. This amendment will provide cooked roast beef processors with an additional, alternative substance that can be used to sweeten their product while at the same time reducing charring that may occur during the cooking process. The use of sorbitol as a sweetener and to reduce charring in cooked roast beef products will be voluntary. Small manufacturers opting to use sorbitol for these purposes will be required to revise their product labels. Decisions by individual manufacturers on whether to do so will be based on their conclusions that the benefits outweigh the costs.

Paperwork Requirements

Abstract: FSIS has reviewed the paperwork and recordkeeping requirements in this direct final rule in accordance with the Paperwork Reduction Act. This rule requires manufacturers opting to use sorbitol as a sweetener 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 must develop product labels in accordance with the regulations. To receive approval of the labels, establishments must complete FSIS Form 7234-1. FSIS program employees review FSIS Form 7234-1 to ensure that information on the labels complies with the regulations. FSIS estimates that it will take 60 minutes to design and develop modified product labels in accordance with the proposed

regulations and 15 minutes to prepare FSIS Form 7234-1 and submit it, along with the label, to FSIS or to a label expeditor who will 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.

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. Comments may be sent to Lee Puricelli, Paperwork Specialist, see address above, and Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20253.

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 2.18, 2.53.

2. Section 318.7(c)(4) is amended by adding to the chart of substances, under the Class of Substance "Flavoring agents; protectors and developers," the substance sorbitol to read 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 cas- ings 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 la- beled frankfurter, frank, furter, 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: February 20, 1996.

Michael R. Taylor,

Acting Under Secretary for Food Safety.

[FR Doc. 96-4303 Filed 2-26-96; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 95-ACE-16]

Amendment to Class E Airspace; Hastings, NE

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment modifies the Class E airspace area at Hastings, NE, to accommodate a planned Standard Instrument Approach Procedure (SIAP) at the Hastings Municipal Airport. This action will provide for additional controlled airspace necessary for the planned SIAP utilizing the Global Positioning System (GPS).

EFFECTIVE DATE: 0901 UTC June 20, 1996.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Operations Branch, ACE-530C, Federal Aviation Administration, 601 E. 12th St., Kansas City, MO 64106; telephone (816) 426-3408.

SUPPLEMENTARY INFORMATION:

History

On December 20, 1995, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by modifying the Class E airspace area at Hastings, NE (60 FR 65602). The proposed action would provide additional controlled airspace to accommodate the new SIAP to Hastings Municipal Airport.

Interested parties were invited to participate in this rulemaking

proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace areas extending from 700 feet or more above the surface of the earth are published in paragraphs 6005 of FAA Order of 7400.9C, dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) amends the Class E airspace area at Hastings, NE, by providing additional controlled airspace for aircraft executing the new SIAP to the airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that his rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation, Incorporation by reference,
Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR Part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995 and effective September 16, 1995, is amended as follows:

*Paragraph 6005 Class E airspace areas
extending from 700 feet or more above the
surface of the earth.*

* * * * *

ACE NE E5 Hastings, NE [Revised]

Hastings Municipal Airport, NE
(Lat. 40°36'16" N., long. 98°25'39" W.)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Hastings Municipal Airport and within 2 miles each side of the 338° bearing from the Hastings Municipal Airport extending from the 6.7-mile radius to 10 miles north of the airport and within 2 miles each side of the 143° bearing from Hastings Municipal Airport extending from the 6.7-mile radius to 10 miles southeast of the airport, and within 3 miles each side of the 219° bearing from Hastings Municipal Airport extending from the 6.7-mile radius to 10 miles southwest of the airport.

* * * * *

Issued in Kansas City, MO, on January 24, 1996.

Herman J. Lyons, Jr.,

Manager, Air Traffic Division, Central Region.

[FR Doc. 96-4383 Filed 2-26-96; 8:45 am]

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14 CFR Part 71

[Airspace Docket No. 95-ACE-15]

Amendment to Class E Airspace; Carroll, IA

AGENCY: Federal Aviation
Administration (FAA), DOT.