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DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 318

[Docket No. 96-014DF]

RIN 0583-AC16

Carrageenan, Locust Bean Gum and Xanthan Gum Blend Used as a Binder in Certain Cured Pork 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 permit the use of a blend of carrageenan, locust bean gum, and xanthan gum as a binder in cured pork products labeled "Ham Water Added" and "Ham and Water Product—X% of Weight is Added Ingredients." FSIS currently permits the use of other specified binders in these cured pork products. The maximum use level of 0.5 percent will prevent purging of the pumped brine solution from the products, thereby retaining product moisture and enhancing texture.

DATES: This rule will be effective January 20, 1998 unless FSIS receives written adverse comments within the scope of this rulemaking or written notice of intent to submit adverse comments within the scope of this rulemaking on or before December 19, 1997. If written adverse comments or notice of intent to submit adverse comments is received, FSIS will publish timely notice of the withdrawal of this rule in the **Federal Register**.

ADDRESS: Submit adverse comments or notice of intent to submit adverse comments within the scope of this rulemaking to: FSIS Docket Clerk, Docket #96-014DF, U.S. Department of Agriculture, Food Safety and Inspection

Service, Room 102, Cotton Annex, 300 12th Street, SW, Washington, DC 20250-3700. Reference materials cited in this document will be available for public inspection in the FSIS Docket Room from 8:30 a.m. to 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Post, Labeling and Compounds Review Division, Office of Policy, Program Development and Evaluation; (202) 418-8900.

SUPPLEMENTARY INFORMATION: On July 18, 1995, FSIS was petitioned by Vedeqsa, S.A., to approve the use of a blend of carrageenan, locust bean gum, and xanthan gum as a binder in cured pork products labeled "Ham Water Added" and "Ham and Water Product—X% of Weight is Added Ingredients," in an amount not exceeding 0.5 percent of product formulation, to prevent purging of the brine solution. During manufacturing, these ham products are pumped with a brine solution, the ultimate level of which is controlled by a protein-fat-free (PFF) standard described in 9 CFR 319.104. PFF is the minimum meat protein which is indigenous to the raw, unprocessed pork, expressed as a percent of the nonfat portion of the finished product. These products are normally packaged in clear plastic and enclosed by a vacuum seal. Subsequent to the curing process, the brine purges from the products, settling in the products' packages, reducing the moisture content of the products and negatively affecting their appearance and quality.

FSIS currently permits the use of carrageenan as an extender and stabilizer in breeding mixes and sauces for use in meat products at a level sufficient for that purpose, and in "Ham Water Added" and "Ham and Water Product—X% of Weight is Added Ingredients" up to 1.5 percent of product formulation to prevent purging of brine solution. FSIS also permits the use of xanthan gum as an emulsifier, stabilizer, or thickener in meat sauces, gravies, canned or frozen meat salads or stews, canned chili, pizza topping mixes, and batter and breeding mixes, at a level sufficient for that purpose.

The Food and Drug Administration (FDA) lists locust (carob) bean gum as generally recognized as safe as a stabilizer and thickener with a maximum usage level of 0.5 percent when used in meat products (21 CFR

184.1343). FDA has provided FSIS with a letter dated October 13, 1995, concurring with FSIS's determination that the petitioned use of a blend of carrageenan, locust bean gum, and xanthan gum in combination is acceptable for use as a binder matrix (blend) to prevent purging of added brine solution in certain cured pork products.

The petitioner submitted data to show that at a use level of 0.5 percent, a blend consisting of 70 percent carrageenan, 15 percent locust bean gum and 15 percent xanthan gum reduces the purge of brine in water-added hams as well as carrageenan alone. After reviewing this, and the petitioner's other technical data and information, FSIS has determined that 9 CFR 318.7(c)(4) should be amended to permit the use of any blend of carrageenan, locust bean gum, and xanthan gum in "Ham Water Added" and "Ham and Water Product—X% of Weight is Added Ingredients" products at a level not to exceed 0.5 percent of the product formulation weight. Such use will reduce the amount of purge from the ham products during storage. This binder is not permitted to be used in combination with any other binder approved for use in cured pork products. This binder shall be designated in the ingredients statement, as provided in 9 CFR 319.104(d).

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

Executive Order 12988

This direct final rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this direct final 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 direct final rule has been determined to be not significant and, therefore, has not been reviewed by OMB.

Effect on Small Entities

The Administrator, FSIS, has made a 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). This direct final rule permits the use of an additional binder matrix, a blend of carrageenan, locust bean gum, and xanthan gum, in "Ham Water Added" and "Ham and Water Product—X% of Weight is Added Ingredients." Manufacturers opting to use the binder

blend would incur labeling expenses in revising the ingredients statements of their labels to show the presence of the blend. Decisions by individual manufacturers on whether to use the binder blend in these cured pork products would be based on their conclusions that the benefits outweigh the implementation costs.

Paperwork Requirements

Manufacturers opting to use a blend of carrageenan, locust bean gum, and xanthan gum as a binder in specific pork products must revise their product labels. Such labeling changes will be generically approved in accordance with 9 CFR 317.5. Any burden associated with labeling changes are approved under OMB number 0583–0092.

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. In section 318.7(c)(4), under the Class of substance "Binders and extenders," a new entry for the substance "Carrageenan, Locust Gum Bean, and Xanthan Gum Blend" is added at the end 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
*	*	*	*	*
Binders and extenders	Carrageenan, Locust bean gum, and Xanthan gum blend.	To prevent purging of brine solution.	Cured pork products as provided in 9 CFR 319.104(d).	In combination, not to exceed 0.5 percent of product formulation; not permitted in combination with other binders approved for use in cured pork products; in accordance with 21 CFR 172.620, 172.623, 172.626, 184.1343, and 172.695
*	*	*	*	*

Done at Washington, DC, on November 10, 1997.

Thomas J. Billy,
Administrator.

[FR Doc. 97–30324 Filed 11–18–97; 8:45 am]

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FEDERAL RESERVE SYSTEM

12 CFR Part 204

[Regulation D; Docket No. R–0945]

Reserve Requirements of Depository Institutions

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is amending Regulation D, Reserve Requirements of Depository Institutions, to decrease the amount of transaction accounts subject to a reserve requirement ratio of three percent, as required by section 19(b)(2)(C) of the Federal Reserve Act, from \$49.3 million to \$47.8 million of net transaction accounts. This adjustment is known as the low reserve tranche adjustment. The Board is increasing from \$4.4 million to \$4.7

million the amount of reservable liabilities of each depository institution that is subject to a reserve requirement of zero percent. This action is required by section 19(b)(11)(B) of the Federal Reserve Act, and the adjustment is known as the reservable liabilities exemption adjustment. The Board is also increasing the deposit cutoff levels that are used in conjunction with the reservable liabilities exemption to determine the frequency of deposit reporting from \$75.0 million to \$78.9 million for nonexempt depository institutions and from \$48.2 million to \$50.7 million for exempt institutions. (Nonexempt institutions are those with total reservable liabilities exceeding the amount exempted from reserve requirements (\$4.7 million) while exempt institutions are those with total reservable liabilities not exceeding the amount exempted from reserve requirements.) Thus, beginning in September 1998, nonexempt institutions with total deposits of \$78.9 million or more will be required to report weekly while nonexempt institutions with total deposits less than \$78.9 million may report quarterly, in both cases on form FR 2900. Similarly, exempt institutions with total deposits of \$50.7 million or

more will be required to report quarterly on form FR 2910q while exempt institutions with total deposits less than \$50.7 million may report annually on form FR 2910a.

DATES: *Effective date:* December 16, 1997.

Compliance dates: For depository institutions that report weekly, the low reserve tranche adjustment and the reservable liabilities exemption adjustment will apply to the reserve computation period that begins Tuesday, December 30, 1997, and the corresponding reserve maintenance period that begins Thursday, January 1, 1998. For institutions that report quarterly, the low reserve tranche adjustment and the reservable liabilities exemption adjustment will apply to the reserve computation period that begins Tuesday, December 16, 1997, and the corresponding reserve maintenance period that begins Thursday, January 15, 1998. For all depository institutions, the deposit cutoff levels will be used to screen institutions in the second quarter of 1998 to determine the reporting frequency for the twelve month period that begins in September 1998.

FOR FURTHER INFORMATION CONTACT: Rick Heyke, Attorney (202/452–3688), Legal