

Proposed Rules

Federal Register

Vol. 60, No. 31

Wednesday, February 15, 1995

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

[FV-95-326]

United States Standards for Grades of Frozen Green and Frozen Wax Beans

AGENCY: Agricultural Marketing Service.

ACTION: Proposed rule.

SUMMARY: In response to a petition from the National Food Processors Association, the Agricultural Marketing Service (AMS) has reviewed and proposes to revise the United States Standards for Grades of Frozen Green and Frozen Wax Beans (hereinafter referred to as "frozen green beans"). The proposed rule would change the U.S. grade standards for frozen green beans by: Providing for the "individual attributes" lot acceptance procedure for product grading with sample sizes, acceptable quality levels (AQL's), tolerances and acceptance numbers (number of allowable defects); establishing AQL's and acceptance numbers based on a specified sample size of 13 sample units; and making minor editorial changes.

DATES: Comments must be received on or before April 17, 1995.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Office of the Branch Chief, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 0709, South Building, P.O. Box 96456, Washington, D.C. 20090-4693. Comments should reference the date and page number of this issue of the *Federal Register* and will be made available for public inspection in the Office of the Branch Chief during regular business hours.

FOR FURTHER INFORMATION CONTACT: James R. Rodeheaver, Processed Products Branch, Fruit and Vegetable

Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 0709, South Building, P.O. Box 96456, Washington, D.C. 20090-6456, Telephone (202) 720-4693.

SUPPLEMENTARY INFORMATION: The United States Department of Agriculture (USDA) is issuing this proposed rule in conformance with Executive Order 12866.

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This proposed rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

The AMS Administrator has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, P.L. 96-354 (5 U.S.C. 601 *et seq.*), because it reflects current marketing practices. In addition, these standards are voluntary. A small entity may avoid incurring any additional economic impact by not employing the standards.

USDA received a petition from the National Food Processors Association (NFPA), requesting that the U.S. grade standards for frozen green beans be revised. NFPA is a trade association representing over 450 food industry companies.

NFPA's grade standards review subcommittee is responsible for reviewing the existing U.S. grade standards for canned and frozen fruits and vegetables to ascertain whether the standards remain current and reflect processing and marketing practices. Based on the subcommittee's recommendation, NFPA requested that the U.S. grade standards for frozen green beans, which are currently based on "full attributes," where defects are grouped into four categories (minor, major, severe, and critical) with acceptable quality levels (AQL's) for each grouping, be revised.

Their recommendation was to convert the U.S. grade standards to statistically-based individual attributes grade standards, similar to the recently revised U.S. grade standards for canned green and wax beans (58 FR 4295,

January 14, 1993) where each defect has its own AQL. Canned green beans and frozen green beans standards would be similar in design and format.

This proposal is based on the discussion drafts provided to the industry in December 1993, March 1994, and April 1994 through their major trade associations, the American Frozen Food Institute (AFFI) and NFPA. The drafts incorporated a grading system where individual tolerances would be assigned to each individual defect. This proposal would provide statistically derived acceptable quality levels (AQL's) based on the tolerances in the current standards (except some tolerances were changed to be similar to the tolerances in canned green beans). The proposal also includes minor editorial changes and provides a uniform format consistent with recent revisions of other U.S. grade standards. The format is designed to provide industry personnel and agricultural commodity graders with simpler and more comprehensive standards. Definitions of terms and easy-to-read tables have been incorporated to assure a better understanding and uniform application of the standards. USDA believes that this proposed rule would facilitate trade between processors and buyers and improve the marketing of frozen green beans.

List of Subjects in 7 CFR Part 52

Food grades and standards, Food labeling, Frozen foods, Fruit juices, Fruits, Reporting and recordkeeping requirements, Vegetables.

For the reasons set forth in the preamble, the U.S. Department of Agriculture proposes to revise Subpart—United States Standards for Grades of Frozen Green Beans and Frozen Wax Beans of 7 CFR Part 52 as follows:

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

1. The authority citation for Part 52 continues to read as follows:

Authority: 7 U.S.C. 1622, 1624.

2. Part 52, Subpart—United States Standards for Grades of Frozen Green Beans and Frozen Wax Beans is revised to read as follows: