

Dated: February 24, 1995.  
 Kenneth C. Clayton,  
*Acting Administrator.*  
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## 7 CFR Part 58

[DA-91-010B]

### Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products; United States Standards for Grades of Monterey (Monterey Jack) Cheese

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes to revise the United States Standards for Grades of Monterey (Monterey Jack) Cheese. The proposed changes would revise the standards to recognize differences in cheese characteristics resulting from technological changes in manufacturing practices and to more accurately describe consumer-acceptable product. The proposal would expand the permissible range of open body characteristics to include monterey (monterey jack) cheese manufactured using automated equipment. The proposal was initiated at the request of the National Cheese Institute (NCI) and was developed in cooperation with NCI and other dairy trade associations.

**DATES:** Comments should be filed by May 2, 1995.

**ADDRESSES:** Comments should be sent to: Director, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2968-S, P.O. Box 96456, Washington, DC 20090-6456. They will be available for public inspection at the Dairy Division in Room 2750-S during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** Roland S. Golden, Dairy Products Marketing Specialist, Dairy Standardization Branch, USDA/AMS/Dairy Division, Room 2750-S, P.O. Box 96456, Washington, DC 20090-6456, (202) 720-9383.

**SUPPLEMENTARY INFORMATION:** This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This rule would 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 proposed rule also has been reviewed in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* The Administrator, Agricultural Marketing Service, has determined that the proposed rule, if promulgated, would not have a significant economic impact on a substantial number of small entities because use of the standards is voluntary and the revisions would not increase costs to those utilizing the standards.

The Department is issuing this rule in conformance with Executive Order 12866.

To recognize differences in cheese characteristics resulting from technological changes in the manufacture of monterey (monterey jack) cheese and to permit the assignment of U.S. grade to cheese manufactured utilizing this technology, USDA is proposing the following changes in the U.S. Standards for Grades of Monterey (Monterey Jack) Cheese.

#### 1. Expand Body and Texture Criteria To Permit U.S. Grade Assignment to Monterey (Monterey Jack) Cheese That Contains Less Than Numerous Mechanical Openings

The current U.S. Standards for Grades of Monterey (Monterey Jack) Cheese became effective in 1973. When these standards were established, production procedures encouraged the formation of numerous small mechanical openings evenly distributed throughout the cheese. Since then, automated manufacturing processes have been developed which have altered traditional body characteristics. Monterey (Monterey jack) cheese that is produced using automated production technology has resulted in cheese that no longer exhibits numerous mechanical openings. Cheese produced in this manner is readily available and is capturing an increasing share of the monterey cheese market. Changes in body characteristics have not altered the flavor or reduced the useability of the cheese.

Changes in the standards would provide for the assignment of U.S. grades to monterey (monterey jack) cheese that contains less than numerous mechanical openings or that may be completely devoid of mechanical openings. These changes do not disallow mechanical openings in cheese produced using traditional production methods.

#### 2. Modify the Body Characteristics by Allowing "Very Slight Weak" in U.S. Grade AA Monterey (Monterey Jack) Cheese

Compositional standards permit monterey (monterey jack) cheese to contain up to 44 percent moisture. Cheese that contains this moisture content is classified as a semisoft cheese. A very slight weak body is an acceptable characteristic in this class of cheese. The proposal would add "very slight weak" to the list of permissible body characteristics for U.S. Grade AA Monterey (Monterey Jack) Cheese.

#### 3. Increase the Minimum Aging Period Before Monterey (Monterey Jack) Cheese Can Be Graded From 5 to 10 Days

In order to accurately evaluate cheese quality, the cheese must have completed an aging period during which quality characteristics develop. With the exception of the U.S. grade standards for monterey (monterey jack) cheese, which stipulate a minimum 5-day aging period, all other U.S. grade standards for various varieties of cheese require this aging period to be at least 10 days. Changes proposed herein would increase the accuracy in determining U.S. grade by allowing cheese quality characteristics to develop to a greater extent. Also, this change would provide consistency with the age requirements prescribed for other types of cheese.

#### 4. Permit the Use of Safe and Suitable Antimicrobials on the Surface of Monterey (Monterey Jack) Cheese, as Sanctioned by the Food and Drug Administration

The Food and Drug Administration (FDA) has amended the Standards of Identity for Monterey (Monterey Jack) Cheese (21 CFR Part 133, Cheese and Related Cheese Products," as issued by the Food and Drug Administration) to permit the use of antimicrobials on the surface of the cheese. The National Cheese Institute, a trade association representing U.S. cheese manufacturers, had petitioned FDA to permit the broader use of safe and suitable antimicrobials. Previously, use was permitted only on cuts and slices in consumer-size packages for a number of standardized cheeses.

Provision for the use of antimicrobials would be beneficial in preventing or inhibiting mold development on the surface of monterey (monterey jack) cheese.

#### 5. Redefine Packaging Requirements

Proposed changes in packaging requirements would provide greater clarity and expand the types of

packaging methods permitted. The general-type packaging requirements outlined in this proposed revision would recognize the packaging methods (such as rinded and paraffin-dipped, rindless and wrapped, and rindless and paraffin-dipped) that are used in the cheese industry today, and would provide latitude for future developments in packaging technology.

#### 6. Update the Terminology and Format of the Standards

The current U.S. Standards for Grades of Monterey (Monterey Jack) Cheese were established in 1973. Since that time, changes in terminology and formatting of standards have taken place. The proposal would update the standards to provide consistency among the various U.S. grade standards for cheeses.

USDA grade standards are voluntary standards that are developed pursuant to the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 *et seq.*) to facilitate the marketing process. Manufacturers of dairy products are free to choose whether or not to use these grade standards. USDA grade standards for dairy products have been developed to identify the degree of quality in the various products. Quality in general refers to usefulness, desirability, and value of the product—its marketability as a commodity. When monterey (monterey jack) cheese is officially graded, the USDA regulations and standards governing the grading of manufactured or processed dairy products are used. These regulations also require a charge for the grading service provided by USDA. The Agency believes this proposal would more accurately identify the useful quality characteristics of monterey (monterey jack) cheese.

#### List of Subjects in 7 CFR Part 58

Dairy products, Food grades and standards, Food labeling, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that 7 CFR Part 58 be amended as follows:

### PART 58—[AMENDED]

1. The authority citation for 7 CFR part 58 continues to read as follows:

Authority: Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627, unless otherwise noted.

2. In Part 58, Subpart I—United States Standards for Grades of Monterey (Monterey Jack) Cheese is revised to read as follows:

#### Subpart I—United States Standards for Grades of Monterey (Monterey Jack) Cheese

##### Definitions

###### Sec.

- 58.2465 Monterey (Monterey Jack) cheese.  
58.2466 Types of surface protection.

###### U.S. Grades

- 58.2467 Nomenclature of U.S. grades.  
58.2468 Basis for determination of U.S. grade.  
58.2469 Specifications for U.S. grades.  
58.2470 U.S. grade not assignable.

##### Explanation of Terms

- 58.2471 Explanation of terms.

#### Subpart I—United States Standards for Grades of Monterey (Monterey Jack) Cheese<sup>1</sup>

##### Definitions

###### § 58.2465 Monterey (Monterey Jack) cheese.

Monterey (Monterey Jack) cheese is cheese made by the monterey process or by any other procedure which produces a finished cheese having the same organoleptic, physical, and chemical properties as the cheese produced by the monterey process. The cheese is made from pasteurized cow's milk. It may contain added common salt and contains not more than 44 percent moisture, its total solids content is not less than 50 percent milkfat, and it conforms to the applicable provisions of 21 CFR Part 133, "Cheeses and Related Cheese Products," as issued by the Food and Drug Administration.

###### § 58.2466 Types of surface protection.

The following are the types of surface protection for monterey (monterey jack) cheese:

###### (a) *Rinded and paraffin-dipped.*

The cheese that has formed a rind is dipped in a refined paraffin, amorphous wax, microcrystalline wax, or other suitable substance. Such coating is a continuous, unbroken, and uniform film adhering tightly to the entire surface of the cheese rind.

###### (b) *Rindless.*

(1) *Wrapped.* The cheese is completely enveloped in a tight-fitting wrapper or other protective covering, which is sealed with sufficient overlap or satisfactory closure. The wrapper or covering shall not impart color or objectionable taste or odor to the cheese. The wrapper or covering shall be of sufficiently low permeability to air so as to prevent the formation of a rind.

<sup>1</sup> Compliance with the standards in this Subpart does not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act.

(2) *Paraffin-dipped.* The cheese is dipped in a refined paraffin, amorphous wax, microcrystalline wax, or other suitable substance. The paraffin shall be applied so that it is continuous, unbroken, and uniformly adheres tightly to the entire surface. If a wrapper or coating is applied to the cheese prior to paraffin dipping, it shall completely envelop the cheese and not impart color or objectionable taste or odor to the cheese.

(c) If antimicrobials are used, they shall be used in accordance with the provisions of Food and Drug Administration regulations (21 CFR part 133).

##### U.S. Grades

###### § 58.2467 Nomenclature of U.S. grades.

The nomenclature of U.S. grades is as follows:

- (a) U.S. Grade AA.  
(b) U.S. Grade A.  
(c) U.S. Grade B.

###### § 58.2468 Basis for determination of U.S. grade.

(a) The cheese shall be graded no sooner than 10 days of age.

(b) The rating of each quality factor shall be established on the basis of characteristics present in any vat of cheese.

(c) The U.S. grades of monterey (monterey jack) cheese are determined on the basis of rating the following quality factors:

- (1) Flavor.  
(2) Body and Texture.  
(3) Color.  
(4) Finish and Appearance.

(d) The final U.S. grade shall be determined on the basis of the lowest rating of any one of the quality factors.

###### § 58.2469 Specifications for U.S. grades.

The general requirements for the U.S. Grades of Monterey (Monterey Jack) Cheese are as follows:

(a) *U.S. Grade AA.* U.S. Grade AA Monterey (Monterey Jack) Cheese shall conform to the following requirements (See Tables I, II, III, and IV of this section):

(1) *Flavor.* The cheese shall possess a fine and highly pleasing monterey (monterey jack) cheese flavor which is free from undesirable tastes and odors; or may be lacking in flavor development. The cheese may possess a very slight acid or feed flavor. See Table I of this section.

(2) *Body and Texture.* A plug drawn from the cheese shall be reasonably firm. Dependent upon the method of manufacture, a satisfactory plug may exhibit evenly distributed small mechanical openings or a close body.

The cheese shall be free from sweet holes, yeast holes, or other gas holes. The body may be very slightly weak, and the texture may be definitely curdy. See Table II of this section.

(3) *Color*. The color shall be natural, uniform, and bright. See Table III of this section.

(4) *Finish and appearance*.

(i) *Rinded and paraffin-dipped*. The bandage shall be evenly placed over the entire surface of the cheese and be free from unnecessary overlapping and wrinkles, and not burst or torn. The rind shall be sound, firm, smooth, and provide good protection to the cheese. The surface shall be smooth, bright, and have a good coating of wax or coating of paraffin that adheres firmly to all surfaces. The cheese shall be free from mold under the paraffin. The cheese shall be free from high edges, huffing, or lopsidedness, but may possess soiled surface to a very slight degree. See Table IV of this section.

(ii) *Rindless and wrapped*. The wrapper or covering shall be practically smooth and properly sealed with adequate overlapping at the seams or sealed by any other satisfactory type of closure. The wrapper or covering shall be neat and shall adequately and securely envelop the cheese, but may be slightly wrinkled. Allowance should be made for slight wrinkles caused by crimping or sealing when vacuum packaging is used. The cheese shall be free from mold under the wrapper or covering and shall not be huffed or lopsided. See Table IV of this section.

(iii) *Rindless and paraffin-dipped*. The cheese surface shall be smooth, bright, and have a good coating of paraffin that adheres firmly. If a wrapper or coating is applied prior to paraffin dipping, it shall completely envelop the cheese. The cheese shall be free from high edges, huffing, lopsidedness, or mold. The cheese may possess soiled surface to a very slight degree. The wrapper may be wrinkled to a slight degree. See Table IV of this section.

(b) *U.S. Grade A*. U.S. Grade A Monterey (Monterey Jack) Cheese shall conform to the following requirements (See Tables I, II, III, and IV of this section):

(1) *Flavor*. The cheese shall possess a pleasing monterey (monterey jack) cheese flavor which is free from undesirable tastes and odors; or may be lacking in flavor development. The cheese may possess bitter or flat flavor to a very slight degree; and acid or feed flavor to a slight degree. See Table I of this section.

(2) *Body and texture*. A plug drawn from the cheese shall be reasonably

firm. Dependent upon the method of manufacture, a satisfactory plug may exhibit evenly distributed mechanical openings or a close body. The plug shall be free from sweet holes, yeast holes, or other gas holes. The body and texture may be very slightly weak or loosely knit, and definitely curdy. See Table II of this section.

(3) *Color*. The color shall be natural, fairly uniform, and bright. The cheese may possess waviness to a very slight degree. See Table III of this section.

(4) *Finish and appearance*.

(i) *Rinded and paraffin-dipped*. The bandage shall be evenly placed over the entire surface of the cheese and not be burst or torn. The rind shall be sound, firm, smooth, and provide good protection to the cheese. The surface shall be practically smooth, bright, and have a good coating of paraffin that adheres firmly to all surfaces. The cheese shall be free from mold under the paraffin. The cheese may possess the following characteristics to a very slight degree: Soiled surface or surface mold; and to a slight degree: High edges, irregular press cloth, lopsided, or rough surface. See Table IV of this section.

(ii) *Rindless and wrapped*. The wrapper or covering shall be practically smooth, properly sealed with adequate overlapping at the seams or sealed by any other satisfactory type of closure. The wrapper or covering shall be neat and adequately and securely envelop the cheese but may be slightly wrinkled. Allowance should be made for slight wrinkles caused by crimping or sealing when vacuum packaging is used. The cheese shall be free from mold under the wrapper or covering and shall not be huffed but may possess to a slight degree: High edges, irregular press cloth, lopsided, or rough surface. See Table IV of this section.

(iii) *Rindless and paraffin-dipped*. The cheese surface shall be bright and have a good coating of paraffin that adheres firmly. If a wrapper or coating is applied prior to paraffin dipping, it shall completely envelop the cheese and have a good coating of paraffin that adheres firmly. The cheese may possess soiled surface to a very slight degree but shall be free from mold, and it may possess to a slight degree: High edges, irregular press cloth, lopsided, rough surface, or wrinkled wrapper or covering. See Table IV of this section.

(c) *U.S. Grade B*. U.S. Grade B Monterey (Monterey Jack) Cheese shall conform to the following requirements (See Tables I, II, III, and IV of this section):

(1) *Flavor*. The cheese may possess a fairly pleasing monterey (monterey jack) cheese flavor; or it may be lacking in

flavor development. The cheese may possess onion or sour flavor to a very slight degree; barny, bitter, fruity, malty, old milk, rancid, utensil, weedy, whey-taint, or yeasty flavor to a slight degree; and acid or feed flavor to a definite degree. See Table I of this section.

(2) *Body and texture*. A plug drawn from the cheese shall be moderately firm. Dependent upon the method of manufacture, a satisfactory plug may exhibit mechanical openings or a close body. The cheese may possess the following characteristics to a slight degree: Coarse, corky, crumbly, gassy, loosely knit, mealy, pasty, short, slitty, sweet holes, or weak; and the following to a definite degree: Curdy. See Table II of this section.

(3) *Color*. The cheese may possess the following characteristics to a slight degree: Acid-cut, dull, faded, mottled, salt spots, unnatural, or wavy. In addition, rindless monterey cheese may have a bleached surface to a slight degree. See Table III of this section.

(4) *Finish and appearance*.

(i) *Rinded and paraffin-dipped*. The bandage shall be placed over the entire surface of the cheese and may be uneven and wrinkled, but not burst or torn. The rind shall be reasonably sound and free from soft spots, rind rot, cracks, or openings of any kind. The surface may be rough and unattractive but shall possess a fairly good coating of paraffin. The paraffin may be scaly or blistered, with very slight mold under the bandage or paraffin, but there shall be no indication that mold has entered the cheese. The cheese may possess the following characteristics to a slight degree: Checked rind, defective coating, soiled surface, sour rind, surface mold, or weak rind; and to a definite degree: High edges, irregular press cloth, lopsided, or rough surface. See Table IV of this section.

(ii) *Rindless and wrapped*. The wrapper or covering shall be unbroken and shall adequately and securely envelop the cheese. The following may be present to a very slight degree: Mold under the wrapper but not entering the cheese; to a slight degree: Soiled surface or surface mold; and to a definite degree: High edges, irregular press cloth, lopsided, rough surface, or wrinkled wrapper or cover. See Table IV of this section.

(iii) *Rindless and paraffin-dipped*. The wrapper or coating applied prior to paraffin dipping shall adequately and securely envelop the cheese and have a coating of paraffin that adheres firmly to the cheese wrapper and shall be unbroken but may be definitely wrinkled. The paraffin may be scaly or

blistered, with very slight mold under the paraffin, but there shall be no indication that mold has entered the cheese. The cheese may possess the

following characteristics to a slight degree: Defective coating, soiled surface, or surface mold; and the following to a definite degree: High edges, irregular

press cloth, lopsided, rough surface, or wrinkled wrapper or covering. See Table IV of this section.

TABLE I.—CLASSIFICATION OF FLAVOR WITH CORRESPONDING U.S. GRADE

Flavor characteristics	AA	A	B
Acid .....	VS	S	D
Barney .....	—	—	S
Bitter .....	—	VS	S
Feed .....	VS	S	D
Flat .....	—	VS	S
Fruity .....	—	—	S
Malty .....	—	—	S
Old milk .....	—	—	S
Onion .....	—	—	VS
Rancid .....	—	—	S
Sour .....	—	—	VS
Utensil .....	—	—	S
Weedy .....	—	—	S
Whey—taint .....	—	—	S
Yeasty .....	—	—	S

(—) = Not permitted VS = Very Slight S = Slight D = Definite.

TABLE II.—CLASSIFICATION OF BODY AND TEXTURE WITH CORRESPONDING U.S. GRADE

Body and texture characteristics	AA	A	B
Coarse .....	—	—	S
Corky .....	—	—	S
Crumbly .....	—	—	S
Curdy .....	D	D	D
Gassy .....	—	—	S
Loosely knit .....	—	VS	S
Mealy .....	—	—	S
Pasty .....	—	—	S
Short .....	—	—	S
Slitty .....	—	—	S
Sweet holes .....	—	—	S
Weak .....	VS	VS	S

(—) = Not permitted VS = Very Slight S = Slight D = Definite.

TABLE III.—CLASSIFICATION OF COLOR WITH CORRESPONDING U.S. GRADE

Color characteristics	AA	A	B
Acid-cut .....	—	—	S
Bleached surface (rindless) .....	—	—	S
Dull or faded .....	—	—	S
Mottled .....	—	—	S
Salt spots .....	—	—	S
Unnatural .....	—	—	S
Wavy .....	—	VS	S

(—) = Not permitted VS = Very Slight S = Slight D = Definite.

TABLE IV.—CLASSIFICATION OF FINISH AND APPEARANCE WITH CORRESPONDING U.S. GRADE

Finish and appearance characteristics	AA	A	B
Rindless:			
Defective coating (paraffin-dipped: scaly, blistered, and checked) .....	—	—	S
High edges .....	—	S	D
Irregular press cloth (uneven, wrinkled, and improper overlapping) .....	—	S	D
Lopsided .....	—	S	D
Mold under wrapper or covering .....	—	—	VS
Rough surface .....	—	S	D
Soiled surface .....	—	—	S
Soiled surface (paraffin-dipped) .....	VS	VS	S
Surface mold .....	—	—	S
Wrinkled wrapper or covering .....	S	S	D

TABLE IV.—CLASSIFICATION OF FINISH AND APPEARANCE WITH CORRESPONDING U.S. GRADE—Continued

Finish and appearance characteristics	AA	A	B
Rinded:			
Checked rind .....	—	—	S
Defective coating (scaly, blistered, and checked) .....	—	—	S
High edges .....	—	S	D
Irregular press cloth (uneven, wrinkled, and improper overlapping) .....	—	S	D
Lopsided .....	—	S	D
Mold under paraffin .....	—	—	VS
Rough surface .....	—	S	D
Soiled surface .....	VS	VS	S
Sour rind .....	—	—	S
Surface mold .....	—	VS	S
Weak rind .....	—	—	S

(—) = Not permitted VS = Very Slight S = Slight D = Definite.

**§ 58.2470 U.S. grade not assignable.**

Monterey (Monterey Jack) cheese shall not be assigned a U.S. grade for one or more of the following reasons:

- (a) The cheese fails to meet or exceed the requirements for U.S. Grade B.
- (b) The cheese is produced in a plant that is rated ineligible for USDA grading service or is not USDA-approved.

**Explanation of Terms**

**§ 58.2471 Explanation of terms.**

(a) *With respect to types of surface protection:*

(1) *Paraffin.* Refined paraffin, amorphous wax, microcrystalline wax, or any combination of such or any other suitable substance.

(2) *Paraffin dipped.* Cheese that has been coated with paraffin.

(3) *Rind.* A hard coating caused by the dehydration of the surface of the cheese.

(4) *Rinded.* A protection developed by the formation of a rind.

(5) *Rindless.* Cheese which has not formed a rind due to the impervious type of wrapper, covering, or container, enclosing the cheese.

(6) *Wrapped.* Cheese that has been covered with a transparent or opaque material (plastic film type or foil) next to the surface of the cheese.

(7) *Wrapper or covering.* A plastic film or foil material next to the surface of the cheese, used as an enclosure or covering of the cheese.

(b) *With respect to flavor:*

(1) *Very slight.* Detected only upon very critical examination.

(2) *Slight.* Detected only upon critical examination.

(3) *Definite.* Not intense but detectable.

(4) *Undesirable.* Those listed in excess of the intensity permitted or those characterizing flavors not listed.

(5) *Acid.* Sharp and puckery to the taste, characteristic of lactic acid.

(6) *Barny.* A flavor characteristic of the odor of a poorly ventilated cow barn.

(7) *Bitter.* Distasteful, similar to the taste of quinine.

(8) *Feed.* Feed flavors (such as alfalfa, sweetclover, silage, or similar feed) in milk which have carried through into the cheese.

(9) *Flat.* Insipid, practically devoid of any characteristic monterey (monterey jack) cheese flavor.

(10) *Fruity.* A fermented, sweet, fruit-like flavor resembling apples.

(11) *Lacking in flavor development.* No undesirable and very little, if any, monterey (monterey jack) cheese flavor development.

(12) *Malty.* A distinctive, harsh flavor suggestive of malt.

(13) *Old milk.* Lacks freshness.

(14) *Onion.* A flavor recognized by the peculiar taste and aroma suggestive of its name. Present in milk or cheese when the cows have eaten onions, garlic, or leeks.

(15) *Rancid.* A flavor suggestive of rancidity or butyric acid; sometimes associated with bitterness.

(16) *Sour.* An acid, pungent flavor resembling vinegar.

(17) *Utensil.* A flavor that is suggestive of improper or inadequate washing and sterilization of milking machines, utensils, or factory equipment.

(18) *Weedy.* A flavor present in cheese when cows have eaten weedy hay or grazed on weed-infested pasture.

(19) *Whey-taint.* A slightly acid flavor characteristic of fermented whey.

(20) *Yeasty.* A flavor indicating yeast fermentation.

(c) *With respect to body and texture:*

(1) *Very slight.* Detected only upon very critical examination and present only to a minute degree.

(2) *Slight.* Barely identifiable and present only to a small degree.

(3) *Definite.* Readily identifiable and present to a substantial degree.

(4) *Coarse.* Feels rough, dry, and sandy.

(5) *Corky.* Hard, tough, over-firm cheese which does not readily break

down when rubbed between the thumb and fingers.

(6) *Crumbly.* Tends to fall apart when rubbed between the thumb and fingers.

(7) *Curdy.* Smooth but firm; when worked between the fingers is rubbery and not waxy or broken down.

(8) *Firm.* Feels solid, not soft or weak.

(9) *Gassy.* Gas holes of various sizes and may be scattered.

(10) *Loosely knit.* Curd particles which are not well-matted and fused together.

(11) *Mealy.* Short body, does not mold well and looks and feels like corn meal when rubbed between the thumb and fingers.

(12) *Mechanical openings.* Irregular shaped openings that are caused by variations in make procedure and not caused by gas fermentation.

(13) *Pasty.* Is usually a weak body and when the cheese is rubbed between the thumb and fingers becomes sticky and smeary.

(14) *Pinny.* Numerous very small gas holes.

(15) *Reasonably firm.* Somewhat less firm but not to the extent of being weak.

(16) *Short.* No elasticity in the cheese plug and when rubbed between the thumb and fingers, the cheese tends toward mealiness.

(17) *Slitty.* Narrow, elongated slits generally associated with a cheese that is gassy or yeasty. These slits may sometimes be referred to as "fish-eyes."

(18) *Sweet holes.* Spherical gas holes which are glossy in appearance and usually about the size of BB shots. These gas holes are sometimes referred to as "shot holes."

(19) *Weak.* The cheese plug is soft but is not necessarily sticky like a pasty cheese and requires little pressure to crush.

(d) *With respect to color:*

(1) *Very slight.* Detected only upon very critical examination and present only to a minute degree.

(2) *Slight.* Barely identifiable and present only to a small degree.

(3) *Acid-cut*. A bleached or faded color which sometimes varies throughout the cheese and appears most often around mechanical openings.

(4) *Bleached surface*. A faded color beginning at the surface and progressing inward.

(5) *Dull or faded*. A color condition lacking in luster or translucency.

(6) *Mottled*. Irregular shaped spots or blotches in which portions are not uniform in color. Also an unevenness of color due to combining the curd from two different vats, sometimes referred to as "mixed curd."

(7) *Natural*. White to light cream in color.

(8) *Salt spots*. Large light-colored spots or areas.

(9) *Unnatural*. Any color which is not white to light cream.

(10) *Wavy*. An unevenness of color which appears as layers or waves.

(e) *With respect to finish and appearance:*

(1) *Very slight*. Detected only upon very critical examination and present to a minute degree.

(2) *Slight*. Barely identifiable and present to a small degree.

(3) *Definite*. Readily identifiable and present to a substantial degree.

(4) *Adequately and securely enveloped*. The wrapper or covering is properly sealed and entirely encloses the cheese with sufficient adherence to the surface of the cheese to protect it from contamination or dehydration.

(5) *Bandage*. Cheese cloth used to wrap cheese prior to dipping in paraffin.

(6) *Bandage evenly placed*. Placement of the bandage so that it completely envelops the cheese and overlaps evenly about one inch.

(7) *Bright surface*. Clean, glossy surface.

(8) *Burst or torn bandage*. A severance of the bandage usually occurring at the side seam; or when the bandage is otherwise snagged or broken.

(9) *Checked rind*. Numerous small cracks or breaks in the rind which sometimes follows the outline of curd particles.

(10) *Defective coating*. A brittle coating of paraffin that breaks and peels off in the form of scales or flakes; flat or raised blisters or bubbles under the surface of the paraffin; checked paraffin, including cracks, breaks or hairline checks in the paraffin or coating of the cheese.

(11) *Firm sound rind*. A rind possessing a firmness and thickness (not easily dented or damaged) consistent with the size of the cheese and which is dry, smooth, and closely knit, sufficient to protect the interior quality from external defects; free from checks, cracks, breaks, or soft spots.

(12) *High edge*. A rim or ridge on the side of the cheese.

(13) *Huffed*. A block of cheese which is swollen because of gas fermentation. The cheese becomes rounded or oval in shape instead of having flat surfaces.

(14) *Irregular press cloth*. Press cloth improperly placed in the hoop resulting in too much press cloth on one end and insufficient on the other causing overlapping; wrinkled and loose fitting.

(15) *Lopsided*. One side of the cheese is higher than the other side.

(16) *Mold under bandage and paraffin*. Mold spots or areas under the paraffin.

(17) *Mold under wrapper or covering*. Mold spots or areas under the wrapper or covering.

(18) *Rind rot*. Soft spots on the rind that have become discolored and are decayed or decomposed.

(19) *Rough Surface*. Lacks smoothness.

(20) *Smooth surface*. Not rough or uneven.

(21) *Soft spots*. Areas soft to the touch and which are usually faded and moist.

(22) *Soiled surface*. Milkstone, rust spots, or other discoloration on the surface of the cheese.

(23) *Sour rind*. A fermented rind condition, usually confined to the faces of the cheese.

(24) *Surface mold*. Mold on the exterior of the paraffin or wrapper.

(25) *Wax or paraffin that adheres firmly to the surface of the cheese*. A coating with no cracks, breaks, or loose areas.

(26) *Weak rind*. A thin rind which possesses little or no resistance to pressure.

Dated: February 24, 1995.

Kenneth C. Clayton,

Acting Administrator.

[FR Doc. 95-5292 Filed 3-2-95; 8:45 am]

BILLING CODE 3410-02-P

## DEPARTMENT OF THE TREASURY

### Office of the Comptroller of the Currency

#### 12 CFR Parts 7 and 31

[Docket No. 95-04]

RIN 1557-AB38

#### Interpretive Rulings

**AGENCY:** Office of the Comptroller of the Currency, Treasury.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Office of the Comptroller of the Currency (OCC) is proposing to revise the interpretive rulings that

appear in part 7 of title 12. This proposal, another component of the OCC's Regulation Review Program, updates and streamlines OCC regulations and seeks to eliminate regulatory requirements that impose ineffective, inefficient and costly regulatory burdens on national banks. This proposal clarifies, revises, and reorganizes existing interpretive rulings, eliminates rulings that are obsolete, adds interpretive rulings to address new issues, and transfers some interpretive rulings to other parts of title 12.

**DATES:** Comments must be received by May 2, 1995.

**ADDRESSES:** Comments should be directed to: Communications Division, 250 E Street, SW, Washington, DC 20219, Attention: Docket No. 95-04. Comments will be available for public inspection and photocopying at the same location.

**FOR FURTHER INFORMATION CONTACT:** Stuart E. Feldstein, Senior Attorney, Jacqueline L. Lussier, Senior Attorney, or Laurie P. Sears, Attorney, Legislative and Regulatory Activities Division, (202) 874-5090.

#### SUPPLEMENTARY INFORMATION:

##### Background

The OCC proposes to revise and reorganize 12 CFR part 7 in connection with its Regulation Review Program (Program). The goal of the Program is to review all of the OCC's rules and regulations to eliminate regulatory requirements that impose ineffective, inefficient and costly regulatory burdens on national banks, which do not contribute significantly to maintaining safety and soundness, and to revise rules that do not effectively advance the OCC's other goals and statutory responsibilities. The proposal is also intended to clarify and supplement the interpretive rulings where necessary.

##### Part 7

Part 7 is a collection of interpretive rulings, some of which date back several decades. Prior to 1971 these interpretive rulings were not codified in the Code of Federal Regulations. When part 7 was originally introduced in the Federal Register, the OCC characterized the new part 7 simply as a collection of interpretive rulings that merited publication in order to be available to the general population.<sup>1</sup>

<sup>1</sup> The preamble to the original publication, 36 FR 17000, Aug. 26, 1971, introduced part 7 as follows:

These rulings, which interpret and apply the laws and regulations relating to national banks and general principles of prudent banking, have become of increasing importance not only to national banks but to persons dealing with national banks and to