

technologies appropriate for achieving standards in particular plants.

Issue Paper 8: Specific Product Considerations Involving International Trade

I. Objective of Proposal

The objective of the Pathogen Reduction/HACCP proposed rule is to take a comprehensive approach to improving the safety of meat and poultry products while recognizing international agreements.

II. Description of Comments

Many commenters identified individual situations involving imported and exported products that they believe were potentially threatened or undermined by certain requirements in the proposed rule.

Commenters involved in the export of meat and poultry products raised objections to the proposed antimicrobial treatment requirements. They stated that European Union (EU) countries would not accept product treated with antimicrobial agents and that Canada would not accept product treated with chlorine at the levels required in the proposal. They recommended that FSIS accept Codex Alimentarius standards in lieu of those in the proposed rule. Commenters also explained that the proposed exemption for exported product was insufficient to address the realities of slaughter operations which make separation of domestic and export product impractical.

Questions were also raised about the requirements for foreign plants exporting meat and poultry product to the U.S. Commenters inquired if all foreign plants exporting products to the U.S. would be required to have HACCP systems, and if so, how would FSIS ensure compliance. Some commenters asked for clarification of "equivalent standards" language. They were concerned that domestic producers would be at an economic disadvantage if foreign competitors did not have to implement HACCP to sell product in the U.S.

III. FSIS' Current Thinking on Issues Raised by Comments

After reviewing the comments relating to specific product considerations, FSIS is examining how it can provide the regulatory flexibility needed to adequately address the concerns noted above, meet the requirements of international agreements and still achieve its food safety and public health objectives.

Export Issues

The EU member states and Canada are the only countries, to our knowledge, which restrict the use of antimicrobials on meat and poultry carcasses

Plants producing meat and poultry for export to the EU or Canada can choose to treat carcasses with hot water, which is currently recognized by FSIS, the EU and Canada as an acceptable antimicrobial treatment when applied at 165°F for at least 10 seconds. Use of this particular treatment would also preclude the need to segregate product.

FSIS is also considering alternative approaches for achieving the same objective sought from antimicrobial treatments. Please refer to the previously distributed paper entitled "Antimicrobial Treatments in Slaughter Plants." These alternatives, such as microbial performance standards, were discussed during earlier sessions of the public meetings. However, FSIS recognizes that during consideration of these approaches, the issues related to trade must be addressed.

Import Issues

As a signatory to the NAFTA and GATT agreements, the United States has agreed to permit the importation of meat and poultry products from countries which operate inspection systems judged to be equivalent to that of the United States.

The FSIS current thinking is that countries importing meat and poultry product to the United States would need to: 1) adopt performance standards which achieve levels equivalent to those of the United States, (e.g., microbial targets, chemical tolerances, economic adulterant limits (e.g., excess moisture), aesthetic defect limits (e.g., organ remnants), and 2) insure that process control systems equivalent to HACCP are utilized in the plants in order to meet U.S. performance standards and other regulatory requirements.

FSIS is currently engaged in the process of developing criteria which it will use to determine if foreign plants engaged in export to the United States are utilizing process control systems equivalent to HACCP. FSIS recognizes that societal, cultural, economic and other conditions are not exactly the same in foreign countries as those in the United States and that effective process control systems may vary from country to country.

Officials from some countries have proposed that their plant's current systems of process control which rely heavily on government intervention, control, and oversight are the most cost-effective way for their society and will

result in product in full compliance with U.S. standards. Officials from other countries indicate they plan to require plants to use process control systems virtually identical to those being proposed by FSIS. As FSIS moves to establish appropriate criteria for judging equivalency, it will consider the various aspects of these alternative methods of assuring process control as compared to HACCP.

In summary, the current FSIS thinking revolves around (1) establishment of objective, science-based performance standards and (2) evidence that systems of control equivalent to those used in the United States are in place to insure compliance with the standards. Again, FSIS recognizes that during the consideration of these approaches, the issues related to trade must be addressed.

Done at Washington, DC, on October 18, 1995.

Michael R. Taylor,

Acting Under Secretary for Food Safety.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 95-ANM-21]

Proposed Amendments to Class E Airspace, St. George, UT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would amend to St. George, Utah, Class E airspace to accommodate a new Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway 34 at St. George Municipal Airport, St. George, Utah. The area would be depicted on aeronautical charts for pilot reference.

DATES: Comments must be received on or before December 1, 1995.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, System Management Branch, ANM-530, Federal Aviation Administration, Docket No. 95-ANM-21, 1601 Lind Avenue S.W., Renton, Washington, 98055-4056.

The official docket may be examined at the same address.

An informal docket may also be examined during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT:

James Frala, ANM-535/A, Federal Aviation Administration, Docket No. 95-ANM-21, 1601 Lind Avenue S.W., Renton, Washington 98055-4056; telephone number: (206) 227-2535.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made:

"Comments to Airspace Docket No. 95-ANM-21." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, System Management Branch, ANM-530, 1601 Lind Avenue S.W., Renton, Washington 98055-4056. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal

Aviation Regulations (14 CFR part 71) to amend Class E airspace at St. George, Utah, to accommodate a new GPS SIAP at St. George Municipal Airport. The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 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 would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (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 this rule, when promulgated, 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

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR 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 the 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 Upward From 700 Feet or More Above the Surface of the Earth

* * * * *

ANM UT E5 St. George, UT [Revised]

St. George Municipal Airport, UT
(Lat. 37°05'29" N, long. 113°35'35" W)
St. George VOR/DME
(lat. 37°05'17" N, long. 113°35'31" W)

That airspace extending upward from 700 feet above the surface within 8.3 miles northeast and 5.3 miles southwest of the St. George VOR/DME 131° and 311° radials extending from 6.1 miles northwest to 16.1 miles southeast, and within 4.3 miles each side of the St. George VOR/DME 183° radial extending from the VOR/DME to 13.5 miles south; that airspace extending upward from 1,200 feet above the surface within the 20.1-mile radius of the St. George VOR/DME, extending clockwise from the 058° radial to the 239° radial, and within 10.1 miles east and 7.4 miles west of the St. George VOR/DME 183° radial extending from the 20.1-mile radius to 32.7 miles south of the VOR/DME; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 37°57'00" N, long. 114°02'00" W; to lat. 37°46'30" N, long. 113°23'00" W; to lat. 37°38'00" N, long. 113°22'00" W; to lat. 37°38'00" N, long. 113°13'00" W; to lat. 37°17'00" N, long. 113°20'00" W; to lat. 37°12'00" N, long. 113°30'00" W; to lat. 37°15'00", long. 113°34'00" W; to lat. 37°05'00" N, long. 113°45'00" W, thence to the point of beginning.

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Issued in Seattle, Washington, on October 13, 1995.

Richard E. Prang,

Acting Assistant Manager, Air Traffic Division Northwest Mountain Region.

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14 CFR Part 71

[Airspace Docket No. 95-ANM-23]

Proposed Amendment to Class E Airspace, Sandpoint, ID

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would amend the Sandpoint, Idaho, Class E airspace to accommodate new instrument approach procedures and a published IFR departure procedure at Dave Wall Field, Sandpoint, Idaho. The area would be depicted on aeronautical charts for pilot reference.

DATES: Comments must be received on or before December 8, 1995.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, System Management Branch, ANM-530, Federal Aviation Administration,