

According to the Committee, higher or lower salable quantities and allotment percentages would not achieve the intended goals of market and price stability, with market share maintenance and growth.

Annual salable quantities and allotment percentages have been issued for both classes of spearmint oil since the order's inception. Reporting and recordkeeping requirements have remained the same for each year of regulation. Accordingly, this action would not impose any additional reporting or recordkeeping requirements on either small or large spearmint oil producers and handlers. All reports and forms associated with this program are reviewed periodically in order to avoid unnecessary and duplicative information collection by industry and public sector agencies. The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

Finally, the Committee's meeting was widely publicized throughout the spearmint oil industry and all interested persons were invited to attend and participate on all issues. Interested persons are also invited to submit information on the regulatory and informational impacts of this action on small businesses.

A proposed rule was published in the **Federal Register** (63 FR 63804) on November 17, 1998. A 30-day comment period was provided to allow interested persons the opportunity to respond to the proposal, including any regulatory and informational impacts of this action on small businesses. Copies of this rule were faxed and mailed to the Committee office, which in turn notified Committee members and spearmint oil producers and handlers of the proposed action. In addition, the Committee's meetings were widely publicized throughout the spearmint oil industry and all interested persons were invited to attend and participate on all issues. A copy of the proposal was also made available on the Internet by the U.S. Government Printing Office. No comments were received. Accordingly, no changes are made to the rule as proposed.

After consideration of all relevant matter presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 985

Marketing agreements, Oils and fats, Reporting and recordkeeping requirements, Spearmint oil.

For the reasons set forth in the preamble, 7 CFR part 985 is amended as follows:

PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST

1. The authority citation for 7 CFR part 985 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. A new § 985.218 is added to read as follows:

[**Note:** This section will not appear in the Code of Federal Regulations.]

§ 985.218 Salable quantities and allotment percentages—1999–2000 marketing year.

The salable quantity and allotment percentage for each class of spearmint oil during the marketing year beginning on June 1, 1999, shall be as follows:

(a) Class 1 (Scotch) oil—a salable quantity of 1,199,290 pounds and an allotment percentage of 65 percent.

(b) Class 3 (Native) oil—a salable quantity of 1,125,755 pounds and an allotment percentage of 55 percent.

Dated: January 12, 1999.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

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DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1464

RIN 0560–AF 52

Tobacco—Importer Assessments

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This final rule adopts, without change, the proposed rule published in the **Federal Register** on September 29, 1998 (63 FR 51864). The rule amends the definition of “de minimis special entries” in the tobacco program regulations which applies to the collection of the “budget deficit” and “no-net-cost” assessments on certain kinds of imported tobacco. The current definition of “de minimis special entries” exempts entries of unmanufactured imported tobacco of five (5) kilograms or less if certain conditions are met. This rule raises the maximum allowable exempt weight to 100 kilograms, thereby saving administrative costs without

compromising the purpose of the exemption.

EFFECTIVE DATE: February 1, 1999.

FOR FURTHER INFORMATION CONTACT: David McCarty, USDA/FSA/TPD/STOP 0514, 1400 Independence Avenue, SW, Washington DC 20250–0514, telephone (202)720–6389, E-mail DMCCARTY@wdc.fsa.usda.gov.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

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

Federal Assistance Program

The title and number of the Federal Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this rule applies are: Commodity Loans and Purchases—10.051.

Environmental Evaluation

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is needed.

Executive Order 12372

This activity is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See the notice related to 7 CFR 3015, subpart V, published at 48 FR 29115 (June 24, 1983). This rule contains no Federal mandates under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) for State, local, and tribal governments or the private sector. Thus this rule is not subject to the requirements of sections 202 and 205 of UMRA.

Executive Order 12988

This final rule has been reviewed in accordance with Executive Order 12988. The provisions of this final rule are not retroactive and preempt State laws to the extent that such laws are inconsistent with the provisions of this rule. Before any legal action is brought regarding determinations made under provisions of 7 CFR 1464, the administrative appeal provisions set forth at 7 CFR 780, and those of 7 CFR 11, must be exhausted.

Paperwork Reduction Act

The **Federal Register** information collection notice was published in the proposed rule on September 29, 1998 (63 FR 51864). A revised information collections package was submitted to the Office of Management and Budget and approved under OMB control number 0560-0148.

Discussion of Comments

Five comments, all in favor of the proposed change, were received from tobacco importers and brokers in response to the proposed rule which was published in the **Federal Register** at 63 FR 51864 (September 29, 1998). There were no unfavorable comments. Accordingly, for the reasons given when the proposed rule was published, it has been determined to adopt the proposed rule as a final rule.

List of Subjects in 7 CFR Part 1464

Imports, Loan programs—agriculture, Tobacco.

For the reasons set forth in the preamble, 7 CFR 1464 is amended as follows:

PART 1464—TOBACCO [Amended]

1. The authority citation for 7 CFR 1464 continues to read as follows:

Authority: 7 U.S.C. 1421, 1423, 1441, 1445, 1445-1 and 1445-2; 15 U.S.C. 714b, 714c.

2. Section 1464.101(b) is amended by revising the definition of “de minimis special entries” to read as follows:

§ 1464.101 Definitions.

* * * * *

(b) Terms. * * *

De minimis special entries. Imports of unmanufactured tobacco when the total importation at any time or on any date is 100 kilograms or less and such tobacco is imported segregated from other tobacco for use as samples, for research, or other use approved by the Director.

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Signed at Washington, DC, on January 11, 1999.

Keith Kelly,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 99-1134 Filed 1-15-99; 8:45 am]

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DEPARTMENT OF AGRICULTURE**Food Safety and Inspection Service****9 CFR Chapter III**

[Docket No. 97-068N]

Beef Products Contaminated With *Escherichia Coli* O157:H7

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Policy on beef products contaminated with *E. coli* O157:H7.

SUMMARY: In 1994, the Food Safety and Inspection Service (FSIS) notified the public that raw ground beef products contaminated with the pathogen *Escherichia coli* O157:H7 are adulterated under the Federal Meat Inspection Act unless the ground beef is further processed to destroy this pathogen. FSIS is publishing this notice to provide the public with information about its policy regarding beef products contaminated with *Escherichia coli* O157:H7 and to afford the public an opportunity to submit comments and recommendations relevant to the Agency's policy, and any regulatory requirements that may be appropriate to prevent the distribution of beef products adulterated with this pathogen.

DATES: Comments must be received by March 22, 1999.

ADDRESSES: Submit one original and two copies of written comments to FSIS Docket Clerk, Docket No. 97-068N, U.S. Department of Agriculture, Food Safety and Inspection Service, Room 102, Cotton Annex, 300 12th Street, SW, Washington, DC 20250-3700. All comments submitted in response to this notice will be available for public inspection in the Docket Clerk's office between 8:30 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Patricia F. Stolfa, Assistant Deputy Administrator, Regulations and Inspection Methods, Food Safety and Inspection Service, Washington, DC 20250-3700; (202) 205-0699.

SUPPLEMENTARY INFORMATION:**Introduction**

The Food Safety and Inspection Service (FSIS) administers a regulatory program under the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) to protect the health and welfare of consumers by preventing the distribution of meat and meat food products that are unwholesome, adulterated, or misbranded. This notice explains the Agency's policy governing beef products that contain the pathogen

Escherichia coli O157:H7 (*E. coli* O157:H7). Interested parties are encouraged to submit their views, relevant information, and suggestions regarding this policy or any regulatory requirements that the commenters believe may be appropriate to prevent the distribution of products contaminated with *E. coli* O157:H7.

Beef Products of Concern

In 1994, FSIS notified the public that raw ground beef products contaminated with *E. coli* O157:H7 are adulterated within the meaning of the FMIA unless the ground beef is further processed to destroy this pathogen. Exposure to *E. coli* O157:H7 has been linked with serious, life-threatening human illnesses (hemorrhagic colitis and hemolytic uremic syndrome). Raw ground beef products present a significant public health risk because they are frequently consumed after preparation (*e.g.*, cooking hamburger to a rare or medium rare state) that does not destroy *E. coli* O157:H7 organisms that have been introduced below the product's surface by chopping or grinding (*e.g.*, ground beef, veal patties, and beef pattie mix).

The public health risk presented by beef products contaminated with *E. coli* O157:H7 is not limited, however, to raw ground beef products. Given the low infectious dose of *E. coli* O157:H7 associated with foodborne disease outbreaks and the very severe consequences of an *E. coli* O157:H7 infection, the Agency believes that the status under the FMIA of beef products contaminated with *E. coli* O157:H7 must depend on whether there is adequate assurance that subsequent handling of the product will result in food that is not contaminated when consumed.

In evaluating the public health risk presented by *E. coli* O157:H7-contaminated beef products, FSIS has carefully considered the deliberations of the National Advisory Committee on Microbiological Criteria for Foods (NACMCF) and its Meat and Poultry Subcommittee. Last year, the Food and Drug Administration (FDA) requested recommendations, for use in the 1999 edition of its Food Code, on appropriate cooking temperatures for, among other foods, intact beef steaks for the control of vegetative enteric pathogens. In discussing intact product, the Committee stated that:

Due to a low probability of pathogenic bacteria being present in or migrating from the external surface to the interior of beef muscle, cuts of intact muscle (steaks) should be safe if the external surfaces are exposed