

Food Components	Age 1 and 2	Age 3 through 5	Age 6 through 12 ¹	Adult Participants ⁹
* * * * *	*	*	*	*
Meat and Meat Alternates or Yogurt, plain or flavored, unsweetened or sweetened	4 oz. or 1/2 cup	6 oz. or 3/4 cup	8 oz. or 1 cup	8 oz. or 1 cup.
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(3) * * * * *

Food components	Children ages 1 and 2	Children ages 3 through 5	Children ages 6 through 12 ¹	Adult participants
Meat and Meat Alternates or Yogurt, plain or flavored, unsweetened or sweetened	4 oz. or 1/2 cup	6 oz. or 3/4 cup	8 oz. or 1 cup	8 oz. or 1 cup.
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Dated: June 27, 1996.

William E. Ludwig,

Administrator, Food and Consumer Service.

[FR Doc. 96-16992 Filed 7-3-96; 8:45 am]

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Food Safety and Inspection Service

9 CFR Parts 319 and 381

[Docket No. 95-056N]

Public Health Hazard Analysis Board Report; Availability

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of availability of report; request for comments.

SUMMARY: The Food Safety and Inspection Service (FSIS) is announcing the availability of a report prepared by the Public Health Hazard Analysis Board on "Bone Particles and Foreign Material in Meat and Poultry Products." The report contains an executive summary by the Public Health Hazard Analysis Board, which includes the Board's conclusions on the establishment of criteria for determining the safety of meat and poultry products containing bone particles and foreign materials such as glass, metal and plastic; a list of Board members and other participants; and a bibliography. FSIS is seeking comments on the need for and nature of any additional regulatory actions beyond those provided for in its meat and poultry regulations that should be taken regarding bone particle size and foreign material, such as glass, metal, and plastic, in boneless meat and poultry products deboned by hand or other means.

DATES: Comments will be accepted through August 19, 1996.

ADDRESSES: Interested persons may submit an original and two copies of written comments and requests for single copies of the report to: FSIS Docket Clerk, DOCKET #95-056N, Room 4352 South Agriculture Building, Washington, DC 20250-3700. Oral comments, as provided by the Poultry Products Inspection Act, can be given to Dr. Jill Hollingsworth, (202) 205-0293. The report and comments will be available for public inspection in the FSIS Docket Room from 8:30 a.m. to 1:00 p.m. and from 2:00 p.m. to 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Dr. Jill Hollingsworth, Deputy Director, Epidemiology and Emergency Response Program, Food Safety and Inspection Service, U.S. Department of Agriculture, Room 2168 South Building, Washington, DC 20250-3700, (202) 205-0293.

SUPPLEMENTARY INFORMATION: FSIS is announcing the availability of a report prepared by the Public Health Hazard Analysis Board (the Board) on "Bone Particles and Foreign Material in Meat and Poultry Products." The Board consists of public health, medical, and food safety experts in FSIS and other government agencies. Private medical specialists were contacted by the Board for additional information on the subject. The Board was charged with determining health and safety concerns related to bone particles or foreign material in boneless meat and poultry products. Consequently, the Board provided criteria for use by the Agency to determine the existence of a potential safety hazard, due to bone particles or foreign material, such as glass, metal, and plastic, in meat or poultry products, that warrant recall of the affected

product in order to protect the public health.

The Board determined that bone particles less than 0.4 inches (10 mm) would not be considered a safety hazard. Bone particles from 0.4 to 0.8 inches (10 to 20 mm) may present a discomfort, but would be a low risk for a safety hazard, and bone particles greater than 0.8 inches (20 mm) have the potential to be a safety hazard and may cause injury to consumers. According to the Board, any occurrence of foreign material, such as glass, metal, and plastic, in meat or poultry products, has the potential to be a safety hazard and should be evaluated on a case-by-case basis to determine whether it presents such a hazard.

The Board agreed that boneless product produced in accordance with the provisions in 9 CFR 319.5 for mechanically-separated meat (MSM) and provisions in 9 CFR 381.173 (59 FR 62629, December 6, 1994, and 59 FR 55962, November 3, 1995) for mechanically-separated poultry (MSP) to be effective on November 4, 1996, does not present a safety hazard. Regulatory requirements limit bone particle size in MSM and MSP which is produced by crushing or grinding of bone before removal of edible tissue. Provisions in 9 CFR 319.5 for MSM require that at least 98 percent of bone particles present in MSM be no greater than 0.2 inches (5 mm) in their greatest dimension, with no bone particles larger than 0.034 inches (0.85 mm) in their greatest dimension. Similar provisions in 9 CFR 381.173 for MSP require that at least 98 percent of bone particles present in MSP be no greater than 0.06 inches (1.5 mm) in their greatest dimension, with no particles greater than 0.08 inches (2 mm) in their greatest dimension. FSIS has concluded that

these bone particle size limitations represent good manufacturing practices and reflect processes that are in control and protect finished product quality. Because bone particles are extremely small in MSM and MSP, they would not be considered to be a safety hazard.

Products containing bone fragments larger than 0.8 inches (20 mm) are of regulatory concern to FSIS, and the Agency will consider regulatory action, as appropriate, to protect consumers. There are currently no regulations that specifically address the limiting of bone particle size for boneless meat and poultry products deboned by hand, or for meat produced by an advanced mechanical method that does not involve crushing or grinding the bones (59 FR 62551, December 6, 1994). Safety determinations about boneless product produced by these methods are made on an ad hoc basis, based on the criteria recommended by the Board. Companies producing boneless meat and poultry products deboned by hand or produced by advanced mechanical separation generally employ manufacturing practices that keep the size of bone particles well below the 0.8-inch (20-mm) level considered to be a potential safety hazard by the Board.

FSIS's proposed rule, "Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems," (60 FR 6774, February 3, 1995) proposes requiring meat and poultry processors to establish HACCP systems of preventive controls to ensure the safety of foods they produce. This would include the addressing of potential physical hazards in meat and poultry products, such as bone particles, in HACCP plans. The proposed HACCP system would place an affirmative duty on companies to establish procedures to prevent bone particles of foreign material from presenting a safety hazard in boneless meat and poultry products.

FSIS invites comments on whether additional regulatory action is needed, beyond that provided by FSIS in its regulations, regarding bone particle size and foreign material, such as glass, metal, or plastic, in boneless meat and poultry products deboned by hand, produced by advanced mechanical separation, or by other procedural means not identified in current meat and poultry regulations.

Done at Washington, DC, on: June 27, 1996.
Michael R. Taylor,
Acting Under Secretary for Food Safety.
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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 11

RIN 1076-AD76

Law and Order on Indian Reservations

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Indian Affairs is proposing to amend its regulations governing Courts of Indian Offenses to clarify the authority of the Assistant Secretary for Indian Affairs to establish the courts, the jurisdiction of the courts, their relationship to tribal governments and the Department of the Interior, and to provide those courts with an updated code of laws.

DATES: Comments must be received on or before October 3, 1996.

ADDRESSES: Comments are to be mailed to Bettie Rushing, Office of Tribal Services, Bureau of Indian Affairs, 1849 C Street, NW, MS 2611-MIB, Washington, DC 20240; or, hand delivered to Room 4603 at the same address.

FOR FURTHER INFORMATION CONTACT: Bettie Rushing, Bureau of Indian Affairs (202) 208-3463.

SUPPLEMENTARY INFORMATION:

Background

The comments received in response to a prior proposed rule published on October 24, 1985, and published as a final rule on October 21, 1993, included suggestions for the inclusion of new provisions in the Law and Order Code (Code). Because the inclusion of the suggested provisions in the final rule would have constituted new matter adopted without opportunity for general public comment, a separate rule is now proposed for those provisions to be added to the Code.

This proposed rule (1) provides for the establishment of courts when tribal justice systems are not functioning, (2) changes the method of listing Indian reservations to which the Code applies, (3) clarifies the provision on jurisdictional limitations which excludes from jurisdiction under this part Federal employees acting within the scope of their employment, (4) adds provisions for drug abuse, abuse of psychotoxic substances, child abuse, prostitution, and family violence, and (5) increases the maximum penalties for various offenses in the Code.

The increased penalties are proposed in response to the law enforcement

provisions of the Anti-Drug Abuse Act of 1986, amending the sentencing limitations of the Indian Civil Rights Act, 25 U.S.C. 1302. Indian may courts to impose maximum fines up to \$5,000 and sentences of imprisonment up to one year.

Inclusion in § 11.100, Listing of Courts of Indian Offenses, does not defeat the inherent sovereignty of a tribe to establish tribal courts and exercise jurisdiction under tribal law. *Tillett v. Lujan*, 931 F.2d 636, 640 (10th Cir. 1991) (C.F.R. courts "retain some characteristics of an agency of the federal government" but they "also function as tribal courts"); *Combrink v. Allen*, 20 Indian L. Rep. 6029, 6030 (Ct. Ind. App., Tonkawa, Mar. 5, 1993) (C.F.R. court is a "federally administered tribal court"); *Ponca Tribal Election Board v. Snake*, 17 Indian L. Rep. 6085, 6088 (Ct. Ind. App., Ponca, Nov. 10, 1988) ("The Courts of Indian Offenses act as tribal courts since they are exercising the sovereign authority of the tribe for which the court sits."). Such exercise of inherent sovereignty and the establishment of tribal courts shall comply with the requirements set forth in 25 CFR § 11.100(c).

A clarifying sentence has been added to the jurisdictional limitations section to express unambiguously that Federal and state employees acting within the scope of their employment are not subject to the jurisdiction of Courts of Indian Offenses.

The new offenses are abuse of psychotoxic chemical solvents and dangerous drug offense. They are also proposed in response to the Anti-Drug Abuse Act, and are intended to enhance the ability of law enforcement agencies on Indian reservations to prevent and penalize the traffic of illegal narcotics and the misuse of dangerous substances. The two sections were suggested by the Anadarko Area Law Enforcement Office of the Bureau of Indian Affairs. No specific exception for peyote is included because peyote for religious use by the Native American Church is excluded from prosecution under the referenced federal statute.

Prostitution was inadvertently omitted from the revision of the Law and Order Code and is, therefore, included here. The crime is a continuation of the provision contained in 25 CFR Part 11 which has been in force for many years, with the addition of the crime of pandering which is intended to facilitate the prosecution of persons procuring for prostitutes.

Child abuse and neglect has been added as a separate criminal offense. Its inclusion was inspired by the Draft