

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of Idaho-Eastern Oregon potatoes. Potato shipments for the year are estimated at 34,000,000 hundredweight, which should provide \$88,400 in assessment income. Income derived from handler assessments, along with funds from interest income and the Committee's authorized reserve, will be adequate to cover budgeted expenses. Funds in the reserve will be kept within the maximum permitted by the order.

While this rule will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order. Therefore, the AMS has determined that this rule will not have a significant economic impact on a substantial number of small entities. Interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate is effective for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or the Department. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 1996-97 budget and those for subsequent fiscal periods will be reviewed and, as appropriate, approved by the Department.

After consideration of all relevant material 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.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause

that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the 1996-97 fiscal period begins on August 1, 1996, and the marketing order requires that the rate of assessment for each fiscal period apply to all assessable potatoes handled during such fiscal period; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this rule.

#### List of Subjects in 7 CFR Part 945

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 945 is amended as follows:

#### **PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON**

1. The authority citation for 7 CFR part 945 continues to read as follows:

Authority: 7 U.S.C. 601-674.

2. A new Subpart—Assessment Rates consisting of a new § 945.249 and a new subpart heading—Handling Regulations are added immediately preceding § 949.341, to read as follows:

Note: This section will appear in the Code of Federal Regulations.

#### **Subpart—Assessment Rates**

##### **§ 945.249 Assessment rate.**

On and after August 1, 1996, an assessment rate of \$0.0026 per hundredweight is established for Idaho-Eastern Oregon potatoes.

#### **Subpart—Handling Regulations**

Dated: July 22, 1996.  
Sharon Bomer Lauritsen,  
*Deputy Director, Fruit and Vegetable Division.*  
[FR Doc. 96-18996 Filed 7-26-96; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

#### 8 CFR Part 217

[INS No. 1782-96]

RIN 1115-AB93

#### **Adding Australia to the List of Countries Authorized To Participate in the Visa Waiver Pilot Program**

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** This rule amends the Immigration and Naturalization Service ("Service") regulations by adding Australia to the list of countries designated to participate in the Visa Waiver Pilot Program (VWPP), thereby permitting nationals of Australia to apply for admission to the United States for ninety (90) days or less as nonimmigrant visitors for business or pleasure without first obtaining a nonimmigrant visa. This action will facilitate travel to the United States and benefit United States businesses.

**DATES:** This interim rule is effective July 29, 1996. Written comments must be submitted on or before September 27, 1996.

**ADDRESSES:** Please submit written comments, in triplicate, to the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street, NW., Room 5307, Washington, DC 20536. To ensure proper handling please reference INS number 1782-96 on your correspondence. Comments are available for public inspection at the above address by calling (202) 514-3048 to arrange for an appointment.

**FOR FURTHER INFORMATION CONTACT:** Tom Graber, Assistant Chief Inspector, Inspections Division, Immigration and Naturalization Service, 425 I Street NW., Room 7228, Washington, DC 20536, Telephone number: (202) 616-7496.

**SUPPLEMENTARY INFORMATION:** Section 313 of the Immigration Reform and Control Act of 1986 (IRCA), Public Law 99-603, added section 217 to the Immigration and Nationality Act (Act), 8 U.S.C. 1187, which established the VWPP. The VWPP waives the nonimmigrant visa requirement for the admission of certain aliens to the United States for a period not to exceed ninety (90) days. That original provision authorized the participation of eight countries in the Pilot Program. Accordingly, the Service designated by regulations published in the Federal

Register, the following eight (8) countries to participate in the VWPP:

Country	Effective date	Federal Register citation
(1) United Kingdom .....	July 1, 1988 .....	53 FR 24901, June 30, 1988.
(2) Japan .....	December 15, 1988 .....	53 FR 50161, December 13, 1988.
(3) France .....	July 1, 1989 .....	54 FR 27120, June 27, 1989.
(4) Switzerland .....	July 1, 1989 .....	54 FR 27120, June 27, 1989.
(5) Germany .....	July 15, 1989 .....	54 FR 27120, June 27, 1989.
(6) Sweden .....	July 15, 1989 .....	54 FR 27120, June 27, 1989.
(7) Italy .....	July 29, 1989 .....	54 FR 27120, June 27, 1989.
(8) Netherlands .....	July 29, 1989 .....	54 FR 27120, June 27, 1989.

Section 201 of the Immigration Act of 1990 (IMMACT 90), Public Law 101-649, dated November 29, 1990, further amended the VWPP removing the eight-country cap and extending the

provisions to all countries that met the qualifying provisions contained in section 217 of the Act. In addition, section 201 of IMMACT 90 also extended the period for the VWPP until

September 30, 1994. Subsequently, the Service designated by regulations published in the Federal Register, the following fifteen (15) additional countries to participate in the VWPP:

Country	Effective date	Federal Register citation
(1) Andorra .....	October 1, 1991 .....	56 FR 46716, September 13, 1991.
(2) Austria .....	October 1, 1991 .....	56 FR 46716, September 13, 1991.
(3) Belgium .....	October 1, 1991 .....	56 FR 46716, September 13, 1991.
(4) Denmark .....	October 1, 1991 .....	56 FR 46716, September 13, 1991.
(5) Finland .....	October 1, 1991 .....	56 FR 46716, September 13, 1991.
(6) Iceland .....	October 1, 1991 .....	56 FR 46716, September 13, 1991.
(7) Liechtenstein .....	October 1, 1991 .....	56 FR 46716, September 13, 1991.
(8) Luxembourg .....	October 1, 1991 .....	56 FR 46716, September 13, 1991.
(9) Monaco .....	October 1, 1991 .....	56 FR 46716, September 13, 1991.
(10) New Zealand .....	October 1, 1991 .....	56 FR 46716, September 13, 1991.
(11) Norway .....	October 1, 1991 .....	56 FR 46716, September 13, 1991.
(12) San Marino .....	October 1, 1991 .....	56 FR 46716, September 13, 1991.
(13) Spain .....	October 1, 1991 .....	56 FR 46716, September 13, 1991.
(14) Brunei .....	July 29, 1993 .....	58 FR 40581, July 29, 1993.
(15) Argentina .....	July 8, 1996 .....	61 FR 35598, July 8, 1996.

Section 210 of the Immigration and Nationality Technical Corrections Act of 1994, Public Law 103-416, dated October 25, 1994, extended the expiration date of the VWPP until September 30, 1996.

**Addition of Australia to the VWPP**

Australia does not require visas for citizens and nationals of the United States entering for ninety (90) days or less. Thus it meets the requirement of providing reciprocal treatment for United States citizens and nationals. Australia also meets the statutorily prescribed limits on visa refusal rates for the prior 2-year period and for each of those two years. Australia also has a machine-readable passport program and the Attorney General has determined that law enforcement interests would not be compromised by the designation of Australia. Accordingly, this interim rule amends 8 CFR part 217 to extend the VWPP to include the country of Australia, which meets all the requirements for that status. Australia is, therefore, designated as a country participating in the VWPP by the Secretary of State and the Attorney

General, acting jointly through their designees. [See the Department of State rule published elsewhere in this issue of the Federal Register.]

The Service's implementation of this rule as an interim rule, with provisions for post-promulgation public comments, is based upon the "good cause" exceptions found at 5 U.S.C. 553(b)(B) and (d)(3). The reasons and the necessity for immediate implementation of this interim rule without prior notice and comment are as follows: This interim rule relieves a restriction and is beneficial to both the traveling public and United States businesses.

**Regulatory Flexibility Act**

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule merely removes a restriction for both the public and United States businesses.

**Executive Order 12866**

This rule is not considered by the Department of Justice, Immigration and Naturalization Service, to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

**Executive Order 12612**

The regulation adopted herein will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

**List of Subjects in 8 CFR Part 217**

Administrative practices and procedures, Aliens, Nonimmigrants, Passports and visas.

Accordingly, part 217 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

**PART 217—VISA WAIVER PILOT PROGRAM**

1. The authority citation for part 217 continues to read as follows:

Authority: 8 U.S.C. 1103, 1187, 8 CFR part 2.

2. In §217.5, paragraph (a)(1) is revised to read as follows:

**§ 217.5 Designated countries.**

(a)(1) *Visa Waiver Pilot Program Countries.* United Kingdom (effective July 1, 1988); Japan (effective December 15, 1988); France and Switzerland (effective July 1, 1989); Germany and Sweden (effective July 15, 1989); Italy and the Netherlands (effective July 29, 1989); Andorra, Austria, Belgium, Denmark, Finland, Iceland, Liechtenstein, Luxembourg, Monaco, New Zealand, Norway, San Marino, and Spain (effective October 1, 1991); Brunei (effective July 29, 1993); Argentina (effective July 8, 1996); and Australia [Insert date of publication in the Federal Register] have been designated as Visa Waiver Pilot Program countries based on the criteria set forth at sections 217(a)(2)(A) and 217(c) of the Act.

\* \* \* \* \*

Dated: July 24, 1996.

Doris Meissner,

*Commissioner, Immigration and Naturalization Service.*

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**DEPARTMENT OF AGRICULTURE**

**Food Safety and Inspection Service**

**9 CFR Part 381**

[Docket No. 92-026F]

RIN 0583-AB65

**Use of Trisodium Phosphate on Raw, Chilled Poultry Carcasses**

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) is amending the poultry products inspection regulations to permit the application of trisodium phosphate (TSP) on raw, chilled poultry carcasses passed for wholesomeness. The TSP solution will be permitted as an antimicrobial agent on such poultry carcasses at a level of 8 to 12 percent. The solution must be

maintained at a temperature of 45 °F to 55 °F and applied by spraying or dipping carcasses for up to 15 seconds. Tests conducted by industry and FSIS have shown that the use of TSP, at the above-stated concentration, temperature, and duration, reduces microbial populations on raw, chilled poultry surfaces.

**EFFECTIVE DATE:** August 28, 1996.

**ADDRESSES:** Copies of the studies, reports, letters, and publications referenced in this docket are available for public inspection in the FSIS Docket Room, USDA, 14th and Independence Avenue, SW., Room 4352, South Agriculture Building, Washington, DC 20250.

**FOR FURTHER INFORMATION CONTACT:** Dr. William O. James, Director, Slaughter Inspection Standards and Procedures Division, Science and Technology, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250; (202) 720-3219.

**SUPPLEMENTARY INFORMATION:**

**Background**

FSIS was petitioned by Rhône-Poulenc, Inc., Cranbury, New Jersey, to permit the use of food-grade TSP as a processing aid in post-chill poultry slaughter operations. TSP is listed in the Food and Drug Administration (FDA) regulations as generally recognized as safe (GRAS) for multiple-purpose use in accordance with good manufacturing practices (21 CFR 182.1778). The petitioner requested the use of a treatment solution consisting of TSP dissolved in water to a concentration of 10 percent, plus or minus 2 percent (8 to 12 percent). The petitioner requested exposure of the poultry to the TSP treatment solution for no more than 15 seconds, with the TSP treatment solution being maintained at 50 °F, plus or minus 5 °F (45 °F to 55 °F).

The petitioner included data in its petition demonstrating that the use of TSP is effective in reducing the levels of bacteria, including pathogenic bacteria, found on raw, chilled poultry carcasses. FSIS also conducted studies to determine the efficacy of TSP on raw, chilled poultry carcasses. These studies demonstrate that the use of TSP on raw, chilled poultry carcasses results in statistically significant reductions in the levels of bacteria.

Additionally, FDA evaluated the petitioner's request for the use of TSP as a processing aid in poultry and concluded that the treatment leaves no residues on the product which could be harmful to consumers. Therefore, in an August 25, 1992, letter to Rhône-Poulenc, Inc., FDA approved the use of

TSP as a processing aid on raw poultry, under conditions to be established by FSIS.

FSIS determined that use of TSP requested by the petitioner was suitable for the intended purpose and that the use of this substance on raw, chilled poultry carcasses at the stated level would not render the treated product adulterated, misbranded, or otherwise not in accordance with the requirements of the Poultry Products Inspection Act.

On January 5, 1994, FSIS proposed to amend the poultry products inspection regulations at 9 CFR 381.147(f)(4) to add antimicrobial agents as a new class of substance for use on poultry products, and to add TSP as an approved antimicrobial agent. FSIS proposed to permit the use of TSP on raw, chilled poultry carcasses at a level of 8 to 12 percent. The TSP treatment solution would be maintained at 45 °F to 55 °F, and would be applied either by spraying or dipping the raw, chilled poultry carcasses for up to 15 seconds.

**Discussion of Comments**

FSIS received 21 comments in response to the proposed rule. All but 2 commenters favored the proposal. In general, those favoring the proposal stated that TSP treatment reduces bacterial levels on poultry carcasses and decreases consumer exposure to pathogens. They believed food-grade TSP has been proved safe. The following is a discussion of the relevant issues raised in all of the comments.

One commenter believed FDA's GRAS affirmation of TSP did not apply to the hydrous formulation of AvGard, a proprietary name for food-grade TSP.

In a 1979 proposed rule, FDA specifically defined TSP as containing "\* \* \* 1 or 12 molecules of water of hydration" (44 FR 74845, 74857). AvGard contains 12 molecules of hydration and, therefore, is included in the definition of TSP. Citing the report of the Select Committee on GRAS Substances, FDA concurred that "there is no evidence in the available information on \* \* \* sodium phosphate, tribasic [TSP] \* \* \* that demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when they [GRAS phosphates] are used at levels that are now current or might reasonably be expected in the future" (44 FR 74851-52).

It is within FDA's purview to affirm the multiple purpose GRAS status of TSP, which FDA did in the previously noted August 25, 1992, letter to Rhône-Poulenc. The Food Chemicals Codex, 3rd edition, specifically lists anhydrous and hydrous formulations of TSP as meeting the specifications for TSP.