Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. DA–98–02]

United States Standards for Grades of Dry Whole Milk

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The Agricultural Marketing Service (AMS) is soliciting comments on its proposal to change the United States Standards for Grades of Dry Whole Milk. AMS is proposing changes that would: (1) Lower the maximum bacterial estimate for U.S. Extra Grade from not more than 50,000 per gram to not more than 10,000 per gram and for U.S. Standard Grade from not more than 100,000 per gram to not more than 50,000 per gram, (2) reference the Food and Drug Administration's standards of identity for dry whole milk, (3) incorporate a maximum titratable acidity requirement for U.S. Extra Grade and U.S. Standard grade, (4) delete specific provisions for Dry Whole Milk produced by roller process, (5) include protein content as an optional test, (6) relocate information concerning the optional oxygen content determination and, (7) expand the test methods section to allow product evaluation using methods included in Standard Methods for the Examination of Dairy Products, in the Official Methods of Analysis of the Association of Official Analytical Chemists, and in standards developed by the International Dairy Federation. These changes are being proposed to strengthen the quality requirements of these standards to reflect improvements that have occurred in dry whole milk quality since the Standards were last reviewed. AMS is also proposing editorial changes to provide consistency with other dry milk standards. USDA grade standards are voluntary standards. Manufacturers of dairy products are free to choose whether or not to use these voluntary grade standards. USDA grade standards have been developed to identify the degree of quality in various dairy products. Quality in general refers to usefulness, desirability, and value of the product or its marketability as a commodity.

DATES: Comments must be submitted on or before September 26, 2000.

ADDRESSES: Written comments may be submitted to: Duane R. Spomer, Chief, Dairy Standardization Branch, Dairy Programs, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2746, South Building, Stop 0230, P.O. Box 96456, Washington, DC 20090–6456; faxed to (202) 720–2643; or, e-mailed to *Duane.Spomer@usda.gov*. Comments should reference the date and page number of this issue of the **Federal Register**. All comments received will be made available for public inspection at the above address during regular business hours. The current U.S. Standards for Grades of Dry Whole Milk, along with the proposed changes, are available either through the above address or by accessing, AMS Home Page on the Internet at *www.ams.usda.gov/dairy/stand.htm*.

FOR FURTHER INFORMATION CONTACT: Talari Jude, Dairy Products Marketing Specialist, Dairy Standardization Branch, USDA/AMS/Dairy Programs, Room 2746–S, P.O. Box 96456, Washington, DC 20090–6456; (202) 720–7473.

SUPPLEMENTARY INFORMATION: Section 203 (c) of the Agricultural Marketing Act of 1946, as amended, directs and authorizes the Secretary of Agriculture ''to develop and improve standards of quality, condition, quantity, grade, and packaging and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices * * *''. AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and will make copies of official standards available upon request. The United States Standards for Grades of Dry Whole Milk no longer appear in the Code of Federal Regulations but are maintained by USDA/AMS/Dairy Programs.

When dry whole milk is officially graded, the USDA regulations (7 CFR part 58) governing the grading of manufactured or processed dairy products are used. These regulations require a charge for the grading service provided by USDA. The Agency believes this proposal would accurately identify quality characteristics in dry whole milk.

AMS is proposing to change the United States Standards for Grades of Dry Whole Milk using the procedures that appear in part 36 of title 7 of the Code of Federal Regulations (7 CFR part 36).

The current United States Standards for Grades of Dry Whole Milk have been in effect since May 13,1983. AMS initiated a review of this Standard and discussed possible changes with the dairy industry. The American Dairy Products Institute, a trade association representing the dry whole milk industry, provided specific suggestions, including a recommendation to lower the maximum bacterial estimate.

Proposed by the American Dairy Products Institute

The American Dairy Products Institute provided suggestions to:

- Lower the maximum bacterial estimate for U.S. Extra Grade from not more than 50,000 per gram to not more than 10,000 per gram;
- Lower the maximum bacterial estimate for U.S. Standard Grade from not more than 100,000 per gram to not more than 50,000 per gram; and
- Expand the definition of dry whole milk to specify optional ingredients that may be added to dry whole milk.

Proposed by Dairy Programs, Agricultural Marketing Service

AMS is proposing to:

- Lower the maximum bacterial content requirements as suggested by the American Dairy Products Institute;
- Reference the Food and Drug Administration's standards of identity for dry whole milk to provide for optional ingredients as suggested by the American Dairy Products Institute;
- Incorporate a maximum titratable acidity requirement for U.S. Extra Grade and U.S. Standard Grade;
- Delete specific provisions for dry whole milk produced by roller process;
- Include protein content as an optional test;
- Reference additional test methods that may be used to determine U.S. grade;

• Include provisions to report actual moisture which is moisture calculated on a residual or as is basis; and

• Make editorial changes that would provide consistency with other U.S. grade standards for dairy products.

This notice provides for a 60 day comment period for interested parties to comment on proposed revisions to the standards. The following is an outline of these changes.

BILLING CODE 3410–02–P

United States Standards for Grades of Dry Whole Milk[1]

Current Standard	Proposed	Discussion
Definitions	No change.	N/A.
Dry Whole Milk	No change.	N/A.
"Dry whole milk" made by the Spray process or Roller process is the product obtained by removal of water only from pasteurized milk which may have been homogenized.	"Dry whole milk" made by the Spray process is the product obtained by removal of water only from pasteurized milk which may have been homogenized.	We propose to delete the reference to the roller process since there is very little dry whole milk produced using the roller process.
	It contains not more than 5 percent by weight of moisture on a milk solids not fat basis and not less than 26 percent but less than 40 per cent by weight of milk fat. It shall conform to the applicable provisions of 21 CFR 131 "Milk and Cream" as issued by the Food and Drug Administration.	We propose to include moisture and fat percentages included in the Food and Drug Administration regulations concerning this product and to include a reference to the applicable Code of Federal Regulations.

[1]Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act.

Current Standard	Proposed	Discussion
Alternatively, dry whole milk may be obtained by blending fluid, condensed, or dried nonfat milk with liquid or dried cream or with fluid, condensed, or dried milk, as appropriate provided the resulting dry whole milk is equivalent in composition to that obtained by drying. It contains the lactose, milk proteins, milkfat, and milk minerals in the same relative proportions as the milk from which it was made. It may be optionally fortified with either Vitamins A or D or both.	No change.	N/A.
Milk	No change.	N/A.
The term "Milk", when used in this part, means milk produced by healthy cows and pasteurized at a temperature of 161^0 F. for 15 seconds or its equivalent in bacterial destruction before or during the manufacture of dry whole milk.	The term "Milk", when used in this part, means the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows, and pasteurized at a temperature of 161^0 F. for 15 seconds or its equivalent in bacterial destruction before or during the manufacture of dry whole milk.	We propose to update the definition using terminology found in the Food and Drug Administration definition of milk.
U.S. Grades	No change.	N/A.
Nomenclature of U.S. grades	No change.	N/A.

Current Standard	Proposed	Discussion
The nomenclature of U.S. grades is as follows:	No change.	N/A.
(a) U.S. Extra grade.	(a) U.S. Extra Grade.	We propose to use uppercase "G" in the word "Grade" to be consistent with other dry milk products standards.
(b) U.S. Standard grade.	(b) U.S. Standard Grade.	We propose to use uppercase "G" in the word "Grade" to be consistent with other dry milk products standards.
Basis for determination of U.S. grades.	No change.	N/A.
The U.S. grades of dry whole milk are determined on the basis of flavor, physical appearance, bacterial estimate, coliform estimate, direct microscopic count, milkfat content, moisture content, scorched particle content, and solubility index.	The U.S. grades of dry whole milk are determined on the basis of flavor, physical appearance, bacterial estimate, coliform count, milkfat content, moisture content, scorched particle content, solubility index and titratable acidity.	We propose to change coliform estimate to coliform count. We also propose to relocate the requirement for titratable acidity from the "Optional tests" section and include it as a required test for assignment of U.S. grade. Titratable acidity is a required test in U.S. grade standards for similar dry milk products and is useful in determining the quality of dry whole milk.

Current Standard	Proposed	Discussion
Specifications for U.S. grades.	No change.	N/A.
(a) U.S. Extra grade. U.S. Extra grade dry whole milk shall conform to the following requirements	(a) U.S. Extra Grade. U.S. Extra Grade dry whole milk shall conform to the following requirements:	We propose to use uppercase "G" in the word "Grade" to be consistent with other dry milk products standards.
(See tables I, II, III):	Delete.	We propose to delete the reference to tables I, II, and III from this section.
(1) Flavor. (applies to the reconstituted product). Shall be sweet, pleasing and desirable. It may possess a slight feed flavor; and a definite cooked flavor. It shall be free from undesirable flavors.	(1) Flavor. Reconstituted dry whole milk shall possess a sweet, pleasing and desirable flavor, free from undesirable flavors, but may possess a slight feed flavor and a definite cooked flavor. See Table I. Classification of Flavor of this section.	We propose to edit the language but not change the content of this section to provide consistency with other dry milk product standards and add a reference to Table I. Classification of Flavor.
(2) Physical Appearance. Shall be white or light cream color, free from lumps that do not break up under slight pressure, and practically free from visible dark particles. The reconstituted product shall be free from graininess.	(2) Physical Appearance. Dry whole milk shall possess a uniform white to light cream color. It shall be free from lumps, except those that readily break up with slight pressure, and be practically free from visible dark particles. The reconstituted product shall be free from graininess. See Table II. Classification of Physical Appearance of this section.	We propose to edit the language but not change the content of this section to provide consistency with other dry milk product standards and add a reference to Table II. Classification of Physical Appearance.

Current Standard	Proposed	Discussion
(3) Bacterial estimate. Not more than 50,000 per gram standard plate count.	(3) Not more than 10,000 per gram standard plate count. See Table III. Classification According to Laboratory Analysis of this section.	We propose to reduce the bacterial estimate from not more than 50,000 per gram to not more than 10,000 per gram to reflect improvements in the quality of dry whole milk currently produced. We also propose to add a reference to Table III. Classification According to Laboratory Analysis.
(4) Coliform estimate. Not more than 10 per gram.	(4) Coliform count. Not more than 10 per gram. See Table III. Classification According to Laboratory Analysis of this section.	We propose to change the word "estimate" to "count" to be consistent with terminology in other dairy products standards. We also propose to add a reference to Table III. Classification According to Laboratory Analysis.
(5) Milkfat content. Not less than 26.0%, but less than 40.0%.	(5) Milkfat content. Not less than 26.0%, but less than 40.0%. See Table III. Classification According to Laboratory Analysis of this section.	We propose to add a reference to Table III. Classification According to Laboratory Analysis.

Current Standard	Proposed	Discussion
(6) Moisture content. Not more than 4.5% (as determined by weight of moisture on a milk solids not fat basis).	(6) Moisture content. Not more than 4.5% (as determined by weight of moisture on a milk solids not fat basis). See Table III. Classification According to Laboratory Analysis of this section. The actual moisture will be calculated and the information will be included on the grading certificate.	We propose that the current requirement for moisture content as determined by the weight of moisture on a milk solids not fat basis remain unchanged but include information pertaining to actual moisture on the grading certificate. Actual moisture being that moisture calculated on a residual or as is basis without regard for milkfat content. We also propose to add a reference to Table III. Classification According to Laboratory Analysis.
(7) Scorched particle content. Not more than 15.0 mg. for spray process and 22.5 mg. for roller process.	(7) Scorched particle content. Not more than 15.0 mg. See Table III. Classification According to Laboratory Analysis of this section.	We propose to maintain the requirement for spray process dry whole milk and delete the special provisions for roller process dry whole milk. We also propose to add a reference to Table III. Classification According to Laboratory Analysis.
(8) Solubility Index. Not more than 1.0 ml. for spray process, and 15.0 ml. for roller process.	(8) Solubility Index. Not more than 1.0 ml. See Table III. Classification According to Laboratory Analysis of this section.	We propose to maintain the requirement for spray process dry whole milk and delete the special provisions for roller process dry whole milk. We also propose to add a reference to Table III. Classification According to Laboratory Analysis.

Current Standard	Proposed	Discussion
	(9) Titratable acidity. Not more than 0.15% (lactic acid). See Table III. Classification According to Laboratory Analysis of this section.	We propose to include the titratable acidity test as a required test for grade assignment. This test has been used as an optional test in the U.S. grade standard in the past, however, the results of this test can be useful in determining the quality of finished product. We also propose to add a reference to Table III. Classification According to Laboratory Analysis.
(b) U.S. Standard grade. U.S. Standard grade dry whole milk shall conform to the following requirements	(b) U.S. Standard Grade. U.S. Standard Grade dry whole milk shall conform to the following requirements:	We propose to use uppercase "G" in the word "Grade" to be consistent with other dry milk products standards.
(See tables I, II, and III):	Delete.	We propose to delete the reference to tables I, II, and III from this section.
(1) Flavor. (applies to the reconstituted product). Shall be sweet and should have a pleasing flavor. It may possess the following flavors to a slight degree: bitter, oxidized, scorched, stale, and storage; and to a definite degree: feed and cooked. It shall be free from undesirable flavors.	(1) Flavor. Reconstituted dry whole milk shall possess a sweet and pleasing flavor, but may possess the following flavors to a slight degree: bitter, oxidized, scorched, stale, and storage; and to a definite degree: cooked and feed. See Table I of this section.	We propose to include wording "Reconstituted dry whole milk" to describe dry whole milk in its reconstituted form and edit the language but not change the content of this section. We also propose to add a reference to Table I. Classification of Flavor.

Current Standard	Proposed	Discussion
(2) Physical appearance. Should be white or light cream color, but may possess a slight unnatural color; and shall be free from lumps that do not break up under moderate pressure; and reasonably free from visible dark particles. The reconstituted product shall be reasonably free from graininess.	(2) Physical appearance. Dry whole milk should be white or light cream color, but may possess a slight unnatural color; and shall be free from lumps that break up readily under moderate pressure; and reasonably free from visible dark particles. The reconstituted product shall be reasonably free from graininess. See Table II of this section.	We propose to edit the language but not change the content of this section to provide consistency with other dry milk product standards and add a reference to Table II. Classification of Physical Appearance.
(3) Bacterial estimate. Not more than 100,000 per gram standard plate count.	(3) Bacterial estimate. Not more than 50,000 per gram standard plate count. See Table III. Classification According to Laboratory Analysis of this section.	We propose to reduce the bacteria estimate from not more than 100,000 per gram to not more than 50,000 per gram to reflect improvements in the quality of dry whole milk currently produced. We also propose to add a reference to Table III. Classification According to Laboratory Analysis.
(4) Coliform estimate. Not more than 10 per gram.	(4) Coliform count. Not more than 10 per gram. See Table III. Classification According to Laboratory Analysis of this section.	We propose to change the word "estimate" to "count" to be consistent with termonology in other dairy product standards. We also propose to add a reference to Table III. Classification According to Laboratory Analysis.
(5) Milkfat content. Not less than 26.0% but less than 40.0%.	(5) Milkfat content. Not less than 26.0% but less than 40.0%. See Table III. Classification According to Laboratory Analysis of this section.	We propose to add a reference to Table III. Classification According to Laboratory Analysis.

Current Standard	Proposed	Discussion
(6) Moisture content. Not more than 5.0% (as determined by weight of moisture on a milk solids not fat basis).	(6) Moisture content. Not more than 5.0% (as determined by weight of moisture on a milk solids not fat basis). See Table III. Classification According to Laboratory Analysis of this section. The actual moisture will be calculated and the information will be included on the grading certificate.	We propose that the current requirement for moisture content as determined by the weight of moisture on a milk solids not fat basis remain unchanged but include information pertaining to actual moisture on the grading certificate. Actual moisture being that moisture calculated on a residual or as is basis without regard for milkfat content. We propose to add a reference to Table III. Classification According to Laboratory Analysis.
(7) Scorched particle content. Not more than 22.5 mg. for spray process and 32.5 mg. for roller process	(7) Scorched particle content. Not more than 22.5 mg. See Table III. Classification According to Laboratory Analysis of this section.	We propose to maintain the requirement for spray process dry whole milk and delete the special provisions for roller process dry whole milk. We also propose to add a reference to Table III. Classification According to Laboratory Analysis.
(8) Solubility index. Not more than 1.5 ml. for spray process, and 15.0 ml. for roller process.	(8) Solubility Index. Not more than 1.5 ml. See Table III. Classification According to Laboratory Analysis of this section.	We propose to maintain the requirement for spray process dry whole milk and delete the special provisions for roller process dry whole milk. We also propose to add a reference to Table III. Classification According to Laboratory Analysis.

Current Standard	Proposed	Discussion
	(9) Titratable acidity. Not more than 0.17% (lactic acid). See Table III. Classification According to Laboratory Analysis of this section.	We propose to include the titratable acidity test as required test for grade assignment. This test has been used as an optional test in the U.S. grade standard in the past, however, the results of this test can be useful in determining the quality of the finished product. We propose to add a reference to Table III. Classification According to Laboratory Analysis.
Basis for oxygen content determination.	Delete.	We propose to relocate oxygen content determination from this section and include it in the optional tests section.
Oxygen content (if gas packed) is not a U.S. grade requirement. Percentage of oxygen content will be made available only on a U.S. graded product and the results will be shown on the grading certificate as follows:	Delete	We propose to relocate oxygen content determination from this section, modify its content, and include it in the optional tests section.

Current Standard	Proposed	Discussion
Oxygen Content Not more than 2% Oxygen, or Not more than 3% Oxygen, or Oxygen content _____%	Delete	We propose to relocate oxygen content determination from this section and include it in the optional tests section.

Table I. Classification of Flavor

	U.S. extra grade	U.S. standard Grade
Identification of Flavor characteristics		
Cooked	Definite	Definite
Feed	Slight	Definite
Bitter	–	Slight
Oxidized	–	Slight
Scorched	–	Slight
Stale	–	Slight
Storage	–	Slight

Table I. Classification of Flavor

	U.S. Extra Grade	U.S. Standard Grade
Flavor characteristics		
Cooked	Definite	Definite
Feed	Slight	Definite
Bitter	–	Slight
Oxidized	–	Slight
Scorched	–	Slight
Stale	–	Slight
Storage	–	Slight

We propose to use uppercase "E" in the word "Extra" and uppercase "G" in the word "Grade". We also propose to edit the language but not the content of this table to provide consistency with other dry milk product standards.

Table II. Classification of Physical Appearance

	U.S. extra grade	U.S. standard grade
Identification of physical appearance characteristics		
Dry Product:		
Unnatural color	None	Slight
Lumps	Slight pressure	Moderate pressure
Visible dark particles	Practically free	Reasonably free
Reconstituted Product:		
Grainy	Free	Reasonably free

Table II. Classification of Physical Appearance

	U.S. Extra Grade	U.S. Standard Grade
Physical appearance characteristics		
Dry Product:		
Unnatural color	None	Slight
Lumps	Slight pressure	Moderate pressure
Visible dark particles	Practically free	Reasonably free
Reconstituted Product:		
Grainy	Free	Reasonably free

We propose to use uppercase "E" in the word "Extra" and uppercase "G" in the word "Grade". We also propose to edit the language but not the content of this table to provide consistency with other dry milk product standards.

Current Standard

Table III. Classification According to Laboratory Analysis

Laboratory tests	U.S. extra grade	U.S. standard grade
Bacterial estimate; SPC/gram (max)	50,000	100,000
Coliform count; per gram (max)	10	10
Milkfat content; percent	Not less than 26.0, but less than 40.0	Not less than 26.0, but less than 40.0
Moisture content; Percent[2] (max)	4.5	5.0
Scorched particle content; mg.		
Spray process	15.0	22.5
Roller process	22.5	32.5
Solubility index, ml.		
Spray process	1.0	1.5
Roller process	15.0	15.0

[2]Milk solids not fat basis

Proposed

Table III. Classification According to Laboratory Analysis

Laboratory tests	U.S. Extra Grade	U.S. Standard Grade
Bacterial estimate; SPC/gram (max)	10,000	50,000
Coliform count; per gram (max)	10	10
Milkfat content; percent	Not less than 26.0, but less than 40.0	Not less than 26.0, but less than 40.0
Moisture content; Percent[2] (max)	4.5	5.0
Scorched particle content; mg. (max)	15.0	22.5
Solubility index, ml. (max)	1.0	1.5

Discussion

We propose to use uppercase "E" in the word "Extra" and uppercase "G" in the word "Grade" to be consistent with other dry milk product standards. We propose to reduce the bacterial estimate for both U.S. Extra Grade and U.S. Standard Grade dry whole milk to reflect changes proposed in this document. We also propose to eliminate provisions for roller process dry whole milk to reflect changes proposed in this document.

Current Standard	Proposed	Discussion
Optional tests.	No change.	N/A.
There are certain optional test requirements in addition to those specified in section, §58.2705. Testing for these requirements may be done occasionally at the option of the Department and will be done whenever they are requested by an interested party. These optional requirements are as follows:	There are certain optional requirements in addition to those required for U.S. Grade assignment. Tests for these requirements may be done occasionally at the option of the Department and will be done whenever they are requested by an interested party. These optional requirements are as follows:	When U.S. Grade Standards were removed from the Code of Federal Regulations, it was no longer appropriate to reference particular sections of the Code. We propose to modify this sentence accordingly.
(a) Copper content. Not more than 1.5 p.p.m.	Delete	We propose to delete the optional test for copper.
(b) Iron content. Not more than 10 p.p.m.	Delete	We propose to delete the optional test for iron.
(c) Titratable acidity. Not more than 0.15 percent	Delete	We propose to relocate the requirement for titratable acidity from the "Optional tests"section and include it as a required test for assignment of U.S. grade. Titratable acidity is a required test for similar dry milk products and is useful in determining the quality of dry whole milk.

Current Standard	Proposed	Discussion
(d) Vitamin addition.	(a) Vitamin addition.	We propose an editorial change to reletter Vitamin addition.
When either or both Vitamin A or D is added, they shall be present in such quantity that, when prepared according to label directions, each quart of the reconstituted product shall contain: Vitamin A. Not less than 2,000 I.U. Vitamin D. 400 I.U.	No change.	N/A.
	(b) Oxygen content. Oxygen content (if gas packed) is not a U.S. grade requirement. Percentage of oxygen will be shown on the grading certificates as follows:	We propose to delete the provisions limiting the determination of oxygen content to USDA graded product only and relocate Oxygen content provisions to the optional test section.
	Oxygen Content Not more than 2% Oxygen, or Not more than 3% Oxygen, or Oxygen content _____%.	We propose to relocate Oxygen content provisions to the optional test section.

Current Standard	Proposed	Discussion
	(c) Protein content. Protein content is not a U.S. grade requirement. Percentage of protein will be shown on the grading certificates as follows:	We propose to include protein content provisions in the optional tests.
	Protein Content Protein content _____%.	We propose to include protein content provisions in the optional tests.
U.S. grades not assignable.	No change.	N/A.
Dry whole milk shall not be assigned a U.S. grade for one or more of the following reasons:	No change.	N/A.
(a) Fails to meet the requirements for U.S. Standard Grade.	(a) The dry whole milk fails to meet the requirements for U.S. Standard Grade.	We propose editorial changes to provide consistency with other dairy product standards.
(b) Has a direct microscopic clump count exceeding 100 million per gram.	(b) The dry whole milk has a direct microscopic clump count exceeding 100 million per gram.	We propose editorial changes to provide consistency with other dairy product standards.
(c) Fails to meet the requirements for any optional tests as specified in Section 58.2707, when such tests have been performed.	(c) The dry whole milk fails to meet the requirements of any optional tests when test have been made.	We propose editorial changes to provide consistency with other dairy product standards.

Current Standard	Proposed	Discussion
(d) Produced in a plant, found on inspection to be using unsatisfactory manufacturing practices, equipment, or facilities, or to be operating under unsanitary plant conditions.	(d) The dry whole milk produced in a plant found on inspection to be using unsatisfactory manufacturing practices, equipment, or facilities, or to be operating under unsanitary plant conditions.	We propose editorial changes to provide consistency with other dairy product standards.
(e) Produced in a plant which is not USDA approved.	Delete	We propose delete this item because requirement contained in 7CFR Part 58, Subpart A, sufficiently addresses this issue.
Test Methods.	No change.	N/A.
All required tests, and optional tests when specified, shall be performed in accordance with	No change.	N/A.
(a) "All required tests, and optional tests when specified, shall be performed in accordance with Methods of Laboratory Analysis", DA Instruction No. 918-103 (dry milk products series), Dairy Grading Branch, AMS, U.S. Department of Agriculture, Washington, DC 20250; and "Official Methods of Analysis of the Association of Analytical Chemists", 13th Ed. or latest revision.	(a) Scorched particle content and solubility index shall be determined by the methods contained in the latest revision of 918-RL, Laboratory Methods and Procedures, USDA/AMS/ Dairy Programs, Dairy Grading Branch, Room 2746-S, 14th and Independence Ave. S.W. Washington, DC 20250-0230.	We propose to limit the use of USDA specific test methods contained in 918-RL to the evaluation of scorched particle content and solubility index only. This is necessary because a test method for scorched particles and solubility are not provided by the Association of Official Analytical Chemists, the Standard Methods for the Examination of Dairy Products, or the International Dairy Federation.

Current Standard	Proposed	Discussion
	(b) All other tests shall be performed by the methods contained in the latest edition of the "Official Methods of Analysis of the Association of Official Analytical Chemists", published by the Association of Official Analytical Chemists International, 481 North Frederick Avenue, Suite 500, Gaithersburg, MD 20877-2504; by the methods provided in the latest edition of the "Standard Methods for the Examination of Dairy Products", available from the American Public Health Association, 1015 Fifteenth Street NW, Washington, DC 20005, or by methods published by the International Dairy Federation, available from the International Dairy Federation, 41 Square Vergate, B-1030 Brussels, Belgium.	We also propose to identify three sources of test methods that can be used to analyze dry whole milk for determination of U.S. grade. Reference to these sources will eliminate the need for USDA to maintain a separate document to provide this test method information.
Explanation of Terms.	No change.	N/A.
(a) With respect to flavor:	No change.	N/A.
(1) Slight. An attribute which is barely identifiable and present only to a small degree.	(1) Sight. Detectable only upon critical examination.	We propose to change the wording to provide consistency with other U.S. grade standards for dry milk products.
(2) Definite. An attribute which is readily identifiable and present to a substantial degree.	(2) Definite. Not intense but detectable.	We propose to change the wording to provide consistency with other U.S. grade standards for dry milk products.

Current Standard	Proposed	Discussion
(3) Undesirable. Those flavors in excess of the intensity permitted or those flavors not otherwise listed.	No change.	NA
(4) Bitter. Similar to taste of quinine and produces puckery sensation.	(4) Bitter. Distasteful, similar to taste of quinine.	We propose to change the wording to provide consistency with other U.S. grade standards for dry milk products.
(5) Cooked. Similar to a custard flavor and imparts a smooth aftertaste.	No change.	N/A.
(6) Feed. Feed flavors (such as alfalfa, sweet-clover, silage, or similar feed) in milk carried through into the dry whole milk.	No change.	
(7) Oxidized. A flavor resembling cardboard and sometimes referred to as "cappy" or "tallowy".	No change.	N/A.
(8) Scorched. A more intensified flavor than "cooked" and imparts a burnt aftertaste.	No change.	N/A.
(9) Stale or Storage. Lacking in freshness and imparting a "rough" or "harsh" aftertaste.	No change.	N/A.
(10) Sweet. The lack of detectable acidity.	No change.	N/A.

Current Standard	Proposed	Discussion
(b) With respect to physical appearance:	No change.	N/A.
(1) Practically free. Is barely identifiable upon examination and present to a very small degree.	(1) Practically free. Present only upon very critical examination	We propose to change the wording to provide consistency with other U.S. Grade Standards for dry milk products.
(2) Reasonably free. Is easily identifiable upon examination and present to a small degree.	(2) Reasonably free. Present only upon critical examination.	We propose to change the wording to provide consistency with other U.S. Grade Standards for dry milk products.
(3) Slight pressure. Lumps fall apart with only light touch.	(3) Slight pressure. Only sufficient pressure to readily disintegrate the lumps.	We propose to change the wording to provide consistency with other U.S. Grade Standards for dry milk products.
(4) Moderate pressure. Only sufficient pressure to disintegrate the lumps readily.	(4) Moderate pressure. Only sufficient pressure to disintegrate the lumps easily.	We propose to change the wording to provide consistency with other U.S. Grade Standards for dry milk products.
(5) Grainy. Minute particles of undissolved powder appearing in a thin film on the surface of a glass or tumbler.	No change.	N/A.
(6) Unnatural color. A color that is more intense than light cram and/or is brownish, dull or grey-like.	(8) Unnatural color. A color that is more intense than light cream and/or is brownish, dull or grey-like.	We propose to renumber this term in order to alphabetize the listing of characteristics.
(7) Lumps. Loss of powdery consistency but not caked into hard chunks.	(6) Lumps. Loss of powdery consistency but not caked into hard chunks	We propose to renumber this term in order to alphabetize the listing of characteristics.

Current Standard	Proposed	Discussion
(8) Visible dark particles. The presence of scorched or discolored specks readily visible to the eye.	(9) Visible dark particles. The presence of scorched or discolored specks readily visible to the eye.	We propose to renumber this term in order to alphabetize the listing of characteristics.
	(7) Uniform color. Free from variations in shades or intensity of color.	We propose to include wording to define uniform color, and to provide consistency with other U.S. Grade Standards for dry milk products.

Authority: 7 U.S.C. 1621–1627.

Dated: July 21, 2000.

Kathleen A. Merrigan,

Administrator, Agricultural Marketing Service.

[FR Doc. 00–18987 Filed 7–27–00; 8:45 am]

BILLING CODE 3410–02–C

DEPARTMENT OF AGRICULTURE

Forest Service

McKean County, PA; Intent To Prepare Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Notice of intent.

SUMMARY: The Forest Service, Allegheny National Forest, Bradford Ranger District will prepare a Draft Environmental Impact Statement to disclose the environmental consequences of the proposed Lewis Run Project. The Forest Service is proposing to move from the existing condition towards the Desired Future Condition, as detailed in the Allegheny National Forest Land and Resource Management Plan.

Proposed activities to meet the Desired Future Condition are: (1) Regeneration harvest consisting of shelterwood/removal cuts, removal cuts, 2-age harvest, and salvage shelterwood/removal cut; (2) Intermediate harvest consisting of thinning and salvage; (3) Reforestation treatment consisting of herbicide application, site preparation, fertilization, and cleaning and weeding (non-commercial timber stand improvement); (4) Wildlife habitat improvement consisting of conifer/mast underplanting, commercial release, opening construction/seeding, apple trees pruning, planting in openings, non-commercial release, and enhancing vernal pond; (5) Transportation activities consisting of road reconstruction, closing roads and seeding, limestone surfacing, installing gates, and pit expansion.

DATES: Comments and suggestions concerning the scope of the analysis should be submitted (postmarked) by August 28, 2000 to ensure timely consideration.

ADDRESSES: Submit written, oral, or e-mail comments by: (1) mail—Lewis Run Project, ID Team Leader, Star Route 1 Box 88, Bradford, PA 16701; (2) phone—814–362–4613; (3) e-mail—anf/r9_allegheny@fs.fed.us (**Please note:** when commenting by e-mail be sure to list Lewis Run EIS in the subject line and include a US Postal Service address so we may add you to our mailing list).

FOR FURTHER INFORMATION CONTACT: Andrea Hille or Ruth Miller, Bradford Ranger District, at 814–362–4613.

SUPPLEMENTARY INFORMATION: The Allegheny Forest Plan provides for management of forest resources. Management objectives include producing a sustainable supply of high-quality sawtimber and wood products, developing and maintaining a wide array of wildlife habitats, and providing a range of recreation settings and experiences. Specific objectives are defined for each Management Area, and the Lewis Run Project is located entirely within Management Area 3.0, which emphasizes timber harvest as a means for making desired changes to forest vegetation and satisfying the public demand for wood products.

Preliminary Issues were developed based on past projects in the area (environmental assessments), issues developed for similar projects, and Forest Service concerns and opportunities identified in the Project Area. These issues are listed below:

1. Road Management—The Forest Service will complete a Roads Analysis, which includes evaluating all roads in the Project Area for effects to the ecosystem. The proposed action requires examining the road system to determine if the existing road system is adequate (or if improvements are needed), and if any roads need to be closed for resource protection or other reasons (*e.g.,* water quality, wildlife, or recreation opportunities).

2. Even-Aged/Uneven-Aged Management—The Forest Plan provides direction regarding the primary silvicultural system to be used in each management area; for Management Area 3.0 it is even-aged management. Uneven-aged management is an option considered for inclusions such as riparian areas, wet soils, or visually sensitive areas. A court decision (10/15/97) determined that the Forest should more fully explore the use of uneven-aged management techniques.

3. Threatened and Endangered Species—The Forest Service is mandated to protect all proposed, threatened, endangered and sensitive (PETS) species. Suitable Indiana and Northern long-eared bat habitat was sampled within the project area in 1999; although no bats were detected or captured, the project area is assumed to provide occupied habitat for both species. All treatments in the proposed action would adhere to terms and conditions set forth in the 6/1/99 Biological Opinion issued by the US Fish and Wildlife Service.

Commenting: A range of alternatives will be considered after public comments are received and analyzed. One of these will consider No Action for the Project Area. The Draft EIS is expected to be filed with the Environmental Protection Agency and available for public review by January 2001. At that time the Environmental Protection Agency will publish a Notice of Availability of the document in the **Federal Register** (this will begin the 45-day comment period on the Draft EIS). After the comment period ends on the Draft EIS, the comments will be analyzed and considered by the Forest Service in preparing the final environmental impact statement. The Final EIS is scheduled for release in June 2001.

Comments received, including names and addresses of those who comment, will be considered part of the public record and may be subject to public disclosure. Any person may request the Agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality.

The Forest Service believes it is important to give reviewers notice at this early stage of several court ruling related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions (*Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519 553 [1978]). Also, environmental objection that could be raised at the draft environmental impact statement state but that are not raised until after completion of the final environmental impact statement stage may be waived or dismissed by the courts (*City of Angoon* v. *Hodel*, 803 f.2nd 1016, 1022 [9th Cir. 1986] and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 [E.D. Wis. 1980]).

Because of the above rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments are made available to the Forest Service at a time when they can be meaningfully considered and responded to in the final environmental impact statement. Comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages, sections, or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in