1. Expand the U.S. Grade Standards To **Include a Maximum Coliform Count in**

Coliform bacteria, abundantly present in the environment, are destroyed by pasteurization. Post-pasteurization contamination has occurred when coliform bacteria are present in nonfat dry milk. The addition of a coliform requirement into the U.S. grade standard increases the assurance that USDA graded nonfat dry milk is produced and packaged in a sanitary manner.

USDA-Graded Product

2. Reduce the Standard Plate Count Requirements

Enumeration of bacteria by the standard plate count method has been a criterium used in the determination of U.S. grade for many years. Improvements in the sanitary production of nonfat dry milk have resulted in a gradual reduction in the number of bacteria present in the product. The proposal would reduce the allowable bacteria from 50,000 to 40,000 per gram for U.S. Extra Grade and from 100,000 to 75,000 per gram for U.S. Standard Grade. These proposed changes accurately reflect the ability of the U.S. dairy industry to produce highquality nonfat dry milk and enhance the image of U.S. products on the world market.

3. Update the Terminology and Format of the Standards

The current U.S. Standards for Grades of Nonfat Dry Milk (Spray Process) were last revised in 1984. Since that time, changes in terminology and formatting of standards have taken place. The proposal would update the standards to provide consistency among the various U.S. grade standards.

USDA grade standards are voluntary standards that are developed pursuant to the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) to facilitate the marketing process. Manufacturers of dairy products are free to choose whether or not to use these grade standards. USDA grade standards for dairy products have been developed to identify the degree of quality in the various products. Quality in general refers to usefulness, desirability, and value of the product—its marketability as a commodity. When nonfat dry milk is officially graded, the USDA regulations and standards governing the grading of manufactured or processed dairy products are used. These regulations also require a charge for the grading service provided by USDA. The Agency believes this proposal would

accurately identify quality characteristics in nonfat dry milk.

Corollary changes are also proposed for the General Specifications for Dairy Plants Approved for USDA Inspection and Grading Service, to conform the definition of nonfat dry milk set forth therein with the proposed revision of the United States Standards for Grades of Nonfat Dry Milk (Spray Process).

List of Subjects in 7 CFR Part 58

Dairy products, Food grades and standards, Food labeling, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that 7 CFR Part 58 be amended as follows:

PART 58—[AMENDED]

1. The authority citation for 7 CFR part 58 continues to read as follows:

Authority: Agricultural Marketing Act of 1946, Secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627, unless otherwise noted.

2. In §58.205, paragraph (a) is revised to read as follows:

§ 58.205 Meaning of words. *

*

* (a) Nonfat dry milk. The product obtained by the removal of only water from pasteurized skim milk. It contains not more than 5 percent by weight of moisture and not more than $1\frac{1}{2}$ percent by weight of milkfat and it conforms to the applicable provisions of 21 CFR 131 "Milk and Cream" as issued by the Food and Drug Administration. Nonfat dry milk shall not contain nor be derived from dry buttermilk, dry whey, or products other than skim milk, and shall not contain any added preservative, neutralizing agent, or other chemical.

3. In Part 58, Subpart L is revised to read as follows:

Subpart L—United States Standards for Grades of Nonfat Dry Milk (Spray Process)¹

Definitions

Sec. 58.2525 Nonfat dry milk.

U.S. Grades

58.2526 Nomenclature of U.S. grades. Basis for determination of U.S. 58.2527

grade. 58.2528 Specifications for U.S. grades. 58.2529 Ú.S. grade not assignable. 58.2532 Test methods.

Explanation of Terms

58.2537 Explanation of Terms.

Supplement to U.S. Standards for Grades of Nonfat Dry Milk (Spray Process): U.S. Heat **Treatment Classification**

- 58.2538 Basis for obtaining heat treatment classification.
- 58.2539 Nomenclature of U.S. Heat Treatment Classification.
- 58.2540 Basis for determination of U.S. Heat Treatment Classification.

58.2541 Test method; whey protein nitrogen.

Subpart L—United States Standards for Grades of Nonfat Dry Milk (Spray Process) 1

Definitions

§58.2525 Nonfat dry milk.

(a) "Nonfat dry milk" is the product obtained by the removal of only water from pasteurized skim milk. It contains not more than 5 percent by weight of moisture and not more than 11/2 percent by weight of milkfat and it conforms to the applicable provisions of 21 CFR part 131, "Milk and Cream" as issued by the Food and Drug Administration. Nonfat dry milk covered by these standards shall not contain nor be derived from dry buttermilk, dry whey, or products other than skim milk, and shall not contain any added preservative, neutralizing agent, or other chemical.

U.S. Grades

§ 58.2526 Nomenclature of U.S. grades.

The nomenclature of U.S. grades is as follows:

- (a) U.S. Extra.
- (b) U.S. Standard.

§58.2527 Basis for determination of U.S. grade.

(a) The U.S. grade of nonfat dry milk is determined on the basis of flavor, physical appearance, bacterial estimate on the basis of standard plate count, milkfat content, moisture content, scorched particle content, solubility index, and titratable acidity.

(b) The final U.S. grade shall be established on the basis of the lowest rating of any one of the quality factors.

§58.2528 Specifications for U.S. grades.

(a) U.S. Extra Grade. U.S. Extra Grade nonfat dry milk shall conform to the following requirements (See Tables I, II, and III of this section):

(1) Flavor. Reconstituted nonfat dry milk shall possess a sweet, pleasing, and desirable flavor, but may possess the following flavors to a slight degree: Chalky, cooked, feed, or flat. See Table I of this section.

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

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