

individuals who are appointed in an agency within 1 year before the date the agency is scheduled by law or Executive order to be terminated. A longer period of time is being established for the Panama Canal Commission employees to ensure that the Panama Canal Commission can determine its severance pay liabilities well in advance of the transfer of Canal operations.

Under the Panama Canal Treaty of 1977, the Canal operation must be transferred to the Republic of Panama free of any debt or encumbrances. Thus, severance pay liabilities must be estimated in advance and prefunded. This prefunding would require increasing Canal tolls paid by the world shipping community. Furthermore, we believe a special rule is justified for this unique situation. In this case, an organization or operation is not being "terminated" in the normal sense, but instead is being transferred to a foreign government under a treaty signed over 20 years before the transfer. (It should be noted that, prior to 1990, OPM regulations provided for a 5-year rule instead of the current 1-year rule in § 550.704(b)(3).)

The proposed regulations provide that those employees who resign before receiving notice of the successor entity's intention not to offer them reasonably comparable employment will be considered voluntarily separated and not entitled to severance pay. This is consistent with the current regulatory provision at § 550.706, which provides that an employee who resigns is considered voluntarily separated unless he or she has received definite notice of involuntary separation (5 CFR 550.706). In the case of Panama Canal Commission employees, there is no loss of continued employment unless the employee is not offered a job with one of the Canal successor entities. If an employee is officially notified that he or she will not be offered reasonably comparable employment and subsequently resigns, the resignation would be considered to be an involuntary separation under § 550.706.

Since the transfer of control of the Panama Canal is a unique situation, the special severance pay rules we are proposing are consolidated in a separate section at the end of subpart G § 550.714.

Regulatory Flexibility Act

I certify that these regulations would not have a significant economic impact on a substantial number of small entities because they would apply only to Federal agencies and employees.

List of Subjects in 5 CFR Part 550

Administrative practice and procedure, Claims, Government employees, Wages.

Office of Personnel Management.

James B. King,

Director.

Accordingly, OPM proposes to amend part 550 of title 5, Code of Federal Regulations, as follows:

PART 550—PAY ADMINISTRATION (GENERAL)

Subpart G—Severance Pay

1. The authority citation for subpart G is revised to read as follows:

Authority: 5 U.S.C. 5595; E.O. 11257, November 13, 1965, 3 CFR 1964–1965 Comp., p357.

2. Section 550.714 is added to read as follows:

§ 550.714 Panama Canal Commission Employees.

(a) Notwithstanding any other provisions of this subpart, an employee separated from employment with the Panama Canal Commission as a result of the implementation of any provision of the Panama Canal Treaty of 1977 and related agreements shall not be entitled to severance pay if he or she—

(1) Receives a written offer of reasonably comparable employment when such offer is made before separation from Commission employment;

(2) Accepts reasonably comparable employment within 30 days after separation from Commission employment; or

(3) Was hired by the Commission on or after (date to be inserted is the date 90 days after publication of final regulations in the **Federal Register**).

(b) The term *reasonably comparable employment* means a position that meets all the following conditions—

(1) The position is with a public or private entity assuming functions previously performed by the Panama Canal Commission for or on behalf of the Republic of Panama;

(2) The rate of basic pay of the position is not more than 20 percent below the employee's rate of basic pay as a Panama Canal Commission employee;

(3) The position is within the employee's commuting area;

(4) The position carries no fixed time limitation as to length of appointment; and

(5) The work schedule (that is, part-time or full-time) of the position is the same as that of the position held by the

employee at the Panama Canal Commission.

(c) A Panama Canal Commission employee who resigns prior to receiving an official written notice that he or she will not be offered reasonably comparable employment shall be considered to be voluntarily separated. Section 550.706(a) shall be applied, as appropriate, to any employee who resigns after receiving such notice.

(d) Except as otherwise provided by paragraphs (a) through (c) of this section, the provisions of this subpart remain applicable to Panama Canal Commission employees.

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 82, 145, and 147

[Docket No. 94–091–1]

National Poultry Improvement Plan and Auxiliary Provisions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the National Poultry Improvement Plan (the Plan) and its auxiliary provisions by providing new or modified administrative and testing procedures for Plan participants and participating flocks. The proposed changes were voted on and approved by the voting delegates at the Plan's 1992 and 1994 National Plan Conferences. These changes would keep the provisions of the Plan current with changes in the poultry industry, reduce paperwork requirements for some Plan participants, establish new program classifications, and allow the use of new sampling and laboratory procedures.

DATES: Consideration will be given only to comments received on or before September 5, 1995.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 94–091–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 94–091–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday,

except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. Andrew R. Rhorer, Senior Coordinator, Poultry Improvement Staff, National Poultry Improvement Plan, Veterinary Services, APHIS, USDA, 1500 Klondike Road, Suite A-102, Conyer, GA 30207; (404) 922-3496.

SUPPLEMENTARY INFORMATION:

Background

The National Poultry Improvement Plan (referred to below as "the Plan") is a cooperative Federal-State-industry mechanism for controlling certain poultry diseases. The Plan consists of a variety of programs intended to prevent and control egg-transmitted, hatchery-disseminated poultry diseases. Participation in all Plan programs is voluntary, but flocks, hatcheries, and dealers must qualify as "U.S. Pullorum-Typhoid Clean" before participating in any other Plan program. Also, the regulations in 9 CFR part 82, subpart B, which provide for certain testing, restrictions on movement, and other restriction on certain chickens, eggs, and other articles due to the presence of *Salmonella enteritidis*, require that no hatching eggs or newly hatched chicks from egg-type chicken breeding flocks may be moved interstate unless they are classified "U.S. Sanitation Monitored" under the Plan or they meet the requirements of a State classification plan that the Administrator of the Animal and Plant Health Inspection Service (APHIS) has determined to be equivalent to the Plan, in accordance with 9 CFR 145.23(d).

The Plan identifies States, flocks, hatcheries, and dealers that meet certain disease control standards specified in the Plan's various programs. As a result, customers can buy poultry that has tested clean of certain diseases or that has been produced under disease-prevention conditions.

The regulations in 9 CFR parts 145 and 147 (referred to below as the regulations) contain the provisions of the Plan. APHIS amends these provisions from time to time to incorporate new scientific information and technologies within the Plan. In this document, we are proposing to amend the regulations to:

1. Require the ratio of male to female birds in representative samples taken from certain flocks for pullorum-typhoid testing to reflect the ratio of male to female birds in the flock from which the sample was taken;

2. Alter the number of birds serologically monitored for *Mycoplasma gallisepticum* and *M. synoviae* in egg-type and meat-type chicken breeding flocks;

3. Allow the use of a federally licensed enzyme-linked immunosorbent assay (ELISA) test for the serological screening of egg-type chickens in the "U.S. S. Enteritidis Monitored" program;

4. Allow the use of fishmeal as an animal protein source for meat-type breeding chickens and turkey breeding flocks;

5. Establish a new "U.S. S. Enteritidis Clean" classification for primary meat-type chicken breeding flocks;

6. Establish a new "U.S. M. Synoviae Clean State" classification for turkeys;

7. Provide alternative reporting methods for participating waterfowl, exhibition poultry, and game bird flocks;

8. Establish a maximum number of positive samples for *Mycoplasma gallisepticum* or *M. synoviae* that would be examined using the hemagglutination inhibition (HI) and/or serum plate dilution (SPD) tests;

9. Allow the use of a colony lift assay as a supplemental screening test to aid in the detection of group D salmonella suspect colonies on selective and non-selective agar culture plates;

10. Establish new procedures for collecting environmental samples and cloacal swabs from egg-type and meat-type chicken flocks and waterfowl, exhibition poultry, and game bird flocks for bacteriological examination;

11. Provide a laboratory protocol for the bacteriological examination of baby chicks from egg-type and meat-type chicken flocks and waterfowl, exhibition poultry, and game bird flocks; and

12. Modify the composition of the Plan's General Conference Committee.

These proposed amendments, with the exception of number 10, are consistent with the recommendations approved by the voting delegates to the National Plan Conference that was held from June 26 to 28, 1994. Proposed amendment number 10 was approved by the voting delegates to the National Plan Conference that was held from June 30 to July 2, 1992. Participants in the 1992 and 1994 National Plan Conferences represented flockowners, breeders, hatcherymen, and Official State Agencies from all cooperating States. The proposed amendments are discussed in greater detail below.

Amendment 1—Blood Testing

Blood testing is used to qualify flocks for official Plan classifications such as

U.S. Pullorum-Typhoid Clean.

Generally, the regulations require all the birds in a flock to be blood tested for the flock to achieve or maintain its status, but some Plan programs allow, under certain conditions, a representative sample of birds to be blood tested in lieu of the entire flock. Section 145.14 provides that such representative samples must include a minimum of 30 birds from each house, with at least one bird taken from each pen and unit in the house. We would amend § 145.14 to further require, for meat-type chicken and waterfowl, exhibition poultry, and game bird flocks, that the ratio of male to female birds in the representative sample reflect the ratio of male to female birds in the flock. Requiring a representative number of male and female birds to be included in the sample would ensure that the samples provide an accurate representation of the birds in any given meat-type chicken or waterfowl, exhibition poultry, or game bird flock when blood testing is required.

Amendment 2—Monitoring for *Mycoplasma Gallisepticum* and *M. Synoviae*

Sections 145.23(c) and 145.33(c) set forth the criteria for attaining and maintaining the "U.S. M. Gallisepticum Clean" classification in, respectively, egg-type and meat-type chicken breeding flocks. Similarly, §§ 145.23(e) and 145.33(e) set forth the criteria for attaining and maintaining the "U.S. M. Synoviae Clean" classification in egg-type and meat-type chicken breeding flocks.

To retain the *M. gallisepticum* or *M. synoviae* "Clean" classification, the regulations require that a sample of at least 150 birds from the flock be tested for the program disease at intervals of not more than 90 days. The regulations provide that a sample of fewer than 150 birds may be tested at any one time if the flockowner has received the approval of the Official State Agency and the concurrence of APHIS, as long as a total of 150 birds are tested within each 90-day period. Based on our experience with these programs, we believe that it is no longer necessary to require flockowners to receive the approval of the Official State Agency and the concurrence of APHIS before testing a sample of fewer than 150 birds. Therefore, we are proposing to amend paragraphs (c)(1)(i) and (e)(1)(i) in both § 145.23 and § 145.33 to remove the official approval and concurrence requirement; we would require only that the flockowner ensure that all pens are equally represented in each sample of fewer than 150 birds. The flockowner

would still have to test a total of 150 birds within each 90-day period.

In both the *M. gallisepticum* and *M. synoviae* "Clean" classifications, certain multiplier breeding flocks retain their classification through either periodic egg yolk testing or the testing of a 50-bird sample each 90 days. For flockowners who elect to test birds, the regulations provide that a sample of fewer than 50 birds may be tested at any one time if a minimum of 30 birds per flock or 15 birds per pen, whichever is greater, are tested each time and a total of at least 50 birds are tested within each 90-day period. We are proposing to amend paragraphs (c)(1)(ii) and (e)(1)(ii) in both § 145.23 and § 145.33 to increase the sample size to 75 birds per 90 days. We would allow a sample of fewer than 75 birds to be tested at any one time as long as all pens are equally represented and a total of 75 birds are tested by the end of the 90-day period. Increasing the sample size and replacing the per-flock and per-pen minimums with a requirement that all pens be equally represented would provide flockowners with more representative samples of birds that would better reflect the *M. gallisepticum* and *M. synoviae* status of the flock.

Amendment 3—Federally Licensed ELISA Test

The "U.S. S. Enteritidis Monitored" classification is intended to reduce the incidence of salmonella organisms in hatching eggs and chicks through an effective and practical sanitation program at the breeder farm and in the hatchery. The regulations in § 145.23(d) set forth the eligibility requirements for participation by egg-type chicken breeding flocks in the "U.S. S. Enteritidis Monitored" classification. Paragraph (d)(1)(vi) of § 145.23 provides that a federally licensed *Salmonella enteritidis* bacterin may be used to vaccinate birds in a multiplier breeding flock that has been bacteriologically examined for group D salmonella; however, a sample of 350 of the flock's birds must be banded for identification and remain unvaccinated. When the flock reaches at least 4 months of age, 300 of the banded, unvaccinated birds must be officially tested with a pullorum-typhoid antigen. We are proposing to amend the regulations to give flock owners the option of using a federally licensed ELISA test for the required testing of the 300 unvaccinated birds. Because of the relative speed and accuracy of ELISA tests, many breeders already use ELISA tests to monitor their flocks for a number of diseases. Allowing the use of a federally licensed ELISA test in the "U.S. S. Enteritidis

Monitored" classification would give producers another effective disease surveillance tool and may result in fewer false positive and false negative test results.

Amendment 4—Fishmeal as an Animal Protein Source

The "U.S. Sanitation Monitored" classifications for meat-type chickens and turkeys are intended to help flockowners control or reduce the level of salmonella in their flocks. The regulations governing the classifications are located in § 145.33(d) for meat-type chickens and in § 145.43(f) for turkeys. For both meat-type chickens and turkeys, the regulations set forth the monitoring, testing, and management practices that must be conducted by participating flockowners.

The regulations state that feed fed to participating flocks must contain either no animal protein or only animal protein products produced under the Animal Protein Products Industry (APPI) Salmonella Education/Reduction Program. We are proposing to amend §§ 145.33(d) and 145.43(f) to allow the use of fishmeal as an additional protein source for meat-type chicken breeding flocks and turkey breeding flocks participating in the "U.S. Sanitation Monitored" classification. The fishmeal products would have to be in the form of pelletized feed, would have to be produced under the Fishmeal Inspection Program of the National Marine Fisheries Service (NMFS), and would have to meet the same minimum moisture content and heating criteria that apply to products produced under the APPI program. We believe that allowing the use of fishmeal in pelletized feed would provide flockowners with another option for feeding their flocks, while the proposed inspection, moisture, and heating criteria would ensure that the feed is safe and nutritionally sound.

Amendment 5—Salmonella Enteritidis Clean

As mentioned above, owners of meat-type chicken flocks may participate in the "U.S. Sanitation Monitored" classification for meat-type chickens, which is intended to help flockowners control or reduce the level of salmonella in their flocks. We are proposing to add a new classification for flockowners who, through the "U.S. Sanitation Monitored" classification, have eliminated salmonella in their flocks. The new classification, "U.S. S. Enteritidis Clean," would be given to primary meat-type chicken breeding flocks in which all chickens have been shown to be free of *Salmonella*

enteritidis and in which no *S. enteritidis* has been detected for at least the previous 12 months. This classification would be a means by which the owners of meat-type chicken breeding flocks could attain official acknowledgment that the chicks produced by their flocks are certified free of *S. enteritidis*.

To qualify for the classification, the Official State Agency would have to determine that a flock and the hatching eggs and chicks produced by the flock met certain requirements. The proposed requirements are modeled after those procedures already being used successfully in the "U.S. S. Enteritidis Monitored" classification for egg-type chickens.

The flock would have to either originate from a "U.S. S. Enteritidis Clean" flock or have been sampled for *S. enteritidis* by an authorized laboratory. The sampling would entail the bacteriological examination of meconium from the chicks and from a sample of chicks that died within 7 days after hatching. Cultures from group D positive samples would have to be serotyped.

All feed fed to the flock would have to contain either no animal protein or only animal protein products produced under the APPI or NMFS inspection programs mentioned above. The feed would have to meet the same minimum moisture content and heating criteria that are required for the "U.S. S. Enteritidis Monitored" and "U.S. Sanitation Monitored" classifications in order to destroy disease-producing organisms that could contaminate the feed and, as in the other classifications, animal protein supplements in mash feed could come only from crumbled pelletized feed. Additionally, the feed would have to be stored and transported in such a manner as to prevent possible contamination.

As with other Plan programs, flocks participating in this proposed program would have to be maintained in compliance with the flock sanitation procedures of § 147.21, the cleaning and disinfection procedures of § 147.24(a), and the procedures in § 147.26 for establishing isolation and maintaining sanitation and good management practices for the control of salmonella and mycoplasma infections.

As a means of monitoring the flock's environment for salmonella organisms, we would require that environmental samples be collected from the flock after the flock reaches 4 months of age. The environmental samples would have to be collected by an authorized agent using the procedures described in § 147.12 of the regulations. The authorized agent would continue to

collect samples every 30 days after the first sample had been collected. The samples would have to be examined bacteriologically for group D salmonella at an authorized laboratory, and cultures from group D positive samples would have to be serotyped.

As a means of monitoring the salmonella status of the birds in the flock, we would require that blood samples from 300 birds be officially tested with pullorum antigen when the flock is at least 4 months of age. All birds with positive or inconclusive reactions, up to a maximum of 25 birds, would have to be submitted to an authorized laboratory and examined for the presence of group D salmonella according to the procedures described in §§ 147.10 and 147.11 of the regulations. Cultures from group D positive samples would have to be serotyped to determine the antigenic identity of the organism involved. The 300 birds/25 reactors sampling pattern that would be required is the same sampling pattern that has been used effectively in other Plan programs that conduct testing for group D salmonella.

As a means of preventing the transmission of salmonella through hatching eggs, the established procedures that are used in other Plan classifications would be required in the proposed "U.S. S. Enteritidis Clean" classification. Specifically, we would require that hatching eggs be collected from the flock as quickly as possible, handled in accordance with the established sanitation procedures described in § 147.22 of the regulations, and sanitized or fumigated in accordance with § 147.25 of the regulations. The hatching eggs would have to be incubated in a hatchery that is in compliance with the recommendations in §§ 147.23 and 147.24(b) and that has been sanitized by fumigation or by a procedure approved by the Official State Agency.

If *Salmonella enteritidis* serotype Enteritidis (SE) was isolated from a specimen taken from a bird in the flock, the flock would not be eligible for the classification.

If SE was isolated from an environmental specimen, a random sample of 25 live birds from the flock would have to be bacteriologically examined for SE using the procedures described in § 147.11 of the regulations. If only one bird from that 25-bird sample was found positive for SE, the participant would be able to request that a second 25-bird sample be bacteriologically examined for SE; if no SE was recovered from any of the specimens in the second sample, the

flock would be eligible for the classification.

If SE had been isolated from an environmental sample, we would also require 300 birds from the flock to be blood tested with a pullorum antigen every 30 days, with no positive samples found. This blood testing routine would be necessary to ensure that the SE found in the environment was not due to the presence of SE in the flock.

We are also proposing to require that, in order for a hatchery to sell products of the "U.S. S. Enteritidis Clean" classification, all products handled by the hatchery would have to meet the requirements of the classification. The proposed new section would end with a statement indicating that the "U.S. S. Enteritidis Clean" classification could be revoked by the Official State Agency if a participant failed to follow recommended corrective measures.

Amendment 6—Mycoplasma Synoviae Clean State, Turkeys

We are proposing to add a new § 145.44(d) to establish a new "U.S. M. Synoviae Clean State" classification for turkeys. This proposed new classification would be given to qualifying States in which all turkey flocks have been shown to be free of *Mycoplasma synoviae* and in which no *M. synoviae* has been detected in turkey flocks for at least the previous 12 months.

For a State to qualify for this proposed new classification, all turkey breeding flocks in production in the State would have to qualify as "U.S. M. Synoviae Clean" or its equivalent, and all turkey hatcheries within the State would have to handle only products that are classified as "U.S. M. Synoviae Clean" or its equivalent. Additionally, all shipments of products from turkey breeding flocks other than those classified as "U.S. M. Synoviae Clean" or its equivalent into the State would be prohibited.

All persons performing poultry disease diagnostic services within the State would be required to report to the Official State Agency within 48 hours the source of all turkey specimens that are identified as being infected with *M. synoviae*; such reports would have to be followed by an investigation by the Official State Agency to determine the origin of the infection. Any turkey breeding flock found to be infected with *M. synoviae* would have to be quarantined until marketed under supervision of the Official State Agency.

If a State no longer met any of the above conditions, or if repeated outbreaks of *M. synoviae* occurred in turkey breeding flocks, or if an infection

spread from the premises on which it originated, APHIS would have grounds to revoke its determination that the State was entitled to the classification. Such action would not be taken until APHIS had conducted a thorough investigation and the Official State Agency had been given an opportunity for a hearing in accordance with the rules of practice adopted by the Administrator of the Service.

Amendment 7—Paperwork

Section 145.52, "Participation," contains statements regarding compliance with the general and specific provisions of the Plan by participating flocks of waterfowl, exhibition poultry, and game birds. As a means of reducing the paperwork burden on certain Plan participants, we are proposing to add a provision that would allow waterfowl, exhibition poultry, and game bird breeding flock hatcheries to report poultry sales to importing States by using printouts of computerized monthly shipping and receiving reports in lieu of VS Form 9-3, "Report of Sales of Hatching Eggs, Chicks, and Poults." To ensure that a particular flockowner's computerized shipping and receiving reports contained the comparable information to the VS Form 9-3, the use of printouts in lieu of the VS Form 9-3 would be subject to the approval of APHIS and the Official State Agencies in the importing and exporting States.

Amendment 8—Serum Plate Samples

Section 147.6 contains procedures for determining the status of flocks reacting to tests for *Mycoplasma gallisepticum*, *M. synoviae*, and *M. meleagridis*. Section 147.6(b) states that if a laboratory examination or a supplemental serological test for mycoplasma is positive, the flock from which the samples were taken will be considered suspicious and further testing must be conducted using the tube agglutination or the serum plate test. If the tube agglutination test or the serum plate test is positive, the samples must then be subjected to the HI or the SPD test.

When a large percentage of the samples from a flock are positive on the initial tube agglutination or serum plate test, the subsequent HI or SPD testing can be time-consuming and expensive. We are, therefore, proposing to amend § 147.6 to establish a maximum number of positive samples for *Mycoplasma gallisepticum*, *M. synoviae*, or both, that would have to be examined using the HI and/or SPD tests. Specifically, when the number of positive samples exceeds 50 percent of the total number of samples

taken from a flock, we would require that 10 percent of the positive samples or 25 of the positive samples (whichever is greater) be tested using the HI or SPD tests. We believe that testing at least 10 percent of all positive samples from a flock in lieu of testing all the positive samples would reduce the amount of time and money spent by flockowners on HI and SPD testing while ensuring that a sufficient number of samples are tested to accurately determine the *M. gallisepticum* or *M. synoviae* status of a flock.

When this particular proposal was voted upon at the 1994 Plan conference, the delegates of turkey industry elected to remove turkeys from consideration for this particular proposal. Therefore, the proposed amendment discussed above would apply only to egg-type and meat-type chicken flocks and waterfowl, exhibition poultry, and game bird flocks.

Amendment 9—Colony Lift Assay

Section 147.11 contains the recommended laboratory procedures for the bacteriological examination of salmonella reactors. Paragraph (a) of § 147.11 contains the procedures that are used for examining reactors from egg-type and meat-type chicken and waterfowl, exhibition poultry, and game bird flocks.

When using enrichment culture for examining salmonella reactors, as described in § 147.11(a)(2), it can be difficult to detect group D salmonella on a standard colony pick to triple sugar-iron and lysine-iron agar slants. Therefore, we are proposing to amend § 147.11(a) to allow the use of a colony lift assay as a supplemental screening test to aid in the detection of group D salmonella suspect colonies on selective and nonselective agar culture plates. This proposed change would also entail amending illustration 2 of § 147.11(a), which is a flow diagram that represents the process detailed in § 147.11(a)(2) through (6). The illustration would be amended to indicate that the use of a colony lift assay is allowed and that a participant using a colony lift assay should follow the instructions provided with the assay for confirming positive and negative samples. We believe that allowing the use of a supplemental colony lift assay would make available a valuable tool for detecting the presence of group D salmonella.

Amendment 10—Collecting Samples for Bacteriological Examination

Section 147.12 contains the procedures for collecting environmental samples and cloacal swabs for bacteriological examination under the

Plan's "U.S. S. Enteritidis Monitored" and "U.S. Sanitation Monitored" classifications. We are proposing to amend § 147.12 by modifying those procedures as they apply to egg-type and meat-type chickens and waterfowl, exhibition poultry, and game birds. (During the 1992 Plan conference, representatives of the turkey industry elected to remove turkeys from consideration for this particular proposal. Because some of the techniques in the proposed new procedures would not apply to the collection of samples from turkeys, the existing provisions of § 147.12 would be retained for use with turkeys only.)

The proposed new procedures provide more detailed instructions for assembling drag swab sets, impregnating the drag swab sets with double-strength skim milk, sampling floor litter and nest boxes, and sealing, storing, and culturing the used drag swab sets. We believe that these proposed new procedures would help prevent the spread of salmonella in egg-type chicken, meat-type chicken, and waterfowl, exhibition poultry, and game bird flocks by decreasing the likelihood of false negatives on flock screening tests and reducing the amount of time required for laboratory diagnoses.

Amendment 11—Bacteriological Examination of Baby Chicks

We are proposing to add a new § 147.17, which would provide a laboratory protocol for the bacteriological examination of baby chicks. The proposed procedure would be recommended as a means of bacteriologically examining cull chicks from egg-type and meat-type chicken flocks and waterfowl, exhibition poultry, and game bird flocks for salmonella. The proposed new section would provide detailed instructions for preparing organ, yolk, and intestinal pools, transferring the pools to an enrichment broth, and culturing the pools to detect the presence of salmonella. By adding a protocol for the bacteriological examination of baby chicks, we would provide Plan participants with another means of screening egg-type and meat-type chicken flocks and waterfowl, exhibition poultry, and game bird flocks for salmonella.

Amendment 12—General Conference Committee

Section 147.43 of the regulations contains provisions regarding the composition, duties, and functions of the Plan's General Conference Committee (GCC). We are proposing to amend § 147.43(a) by removing

provisions that make the Assistant Secretary of Agriculture for Marketing and Inspection Services a permanent member of the GCC and the elected member-at-large the vice chairperson of the committee. In place of those permanent assignments, the chairperson and vice chairperson of the GCC would be elected by the GCC from among its members. The only permanent seat on the GCC would be that of an APHIS representative who would serve as the committee's executive secretary and would provide the necessary staff support for the GCC.

Miscellaneous

We are also proposing to amend several other sections of the regulations to reflect the proposed changes discussed above or to reflect a change made in a previously published final rule.

We would add two new illustrative designs to § 145.10 to reflect the proposed addition of the "U.S. S. Enteritidis Clean" and "U.S. M. Synoviae Clean State, Turkeys" classifications discussed above. We would also amend two of the illustrative designs already in § 145.10—those for the "U.S. Pullorum-Typhoid Clean State" and "U.S. Pullorum-Typhoid Clean State, Turkeys" classifications—to remove outdated references to the Agricultural Research Service, which formerly administered the provisions of the Plan.

As mentioned above, the regulations in subpart B of 9 CFR part 82 require that no hatching eggs or newly hatched chicks from egg-type chicken breeding flocks may be moved interstate unless they are classified "U.S. Sanitation Monitored" under the Plan or they meet the requirements of an equivalent State classification plan. In a final rule published in the **Federal Register** on March 18, 1994 (59 FR 12795-12805, Docket No. 92-151-2), and effective April 18, 1994, the title of the "U.S. Sanitation Monitored" classification as it applies to egg-type chickens was changed to "U.S. S. Enteritidis Monitored." Two references to that classification are made in part 82, one in the definition of *Certified Salmonella enteritidis serotype enteritidis Tested Free Flocks* in § 82.30 and the other in the text of § 82.34. Those references should have been amended as part of the March 1994 final rule to reflect the name change, but were overlooked.

Section 147.26 contains the procedures for establishing and maintaining sanitation and good management practices for the control of salmonella and mycoplasma infections. Paragraph (a) of that section contains a

list of Plan classifications in which participants are required to observe those practices; we would amend that list by adding references to the proposed new "U.S. S. Enteritidis Clean" and "U.S. M. Synoviae Clean State, Turkeys" classifications discussed above and the "U.S. S. Enteritidis Monitored" classification from the March 1994 final rule.

Finally, we would amend two footnotes in part 147 to reflect the new address of the National Poultry Improvement Plan staff.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

The proposed changes contained in this document are based on the recommendations of representatives of member States, hatcheries, dealers, flockowners, and breeders who took part in the Plan's 30th and 31st Biennial Conferences. The proposed changes would keep the provisions of the Plan current with changes in the poultry industry, reduce paperwork requirements for some Plan participants, establish new program classifications, and allow the use of new sampling and laboratory procedures.

The Plan serves as a "seal of approval" for egg and poultry producers in the sense that tests and procedures recommended by the Plan are considered optimal for the industry. Several of the recommendations in this proposed rule, such as the serological sampling of male meat-type birds for pullorum-typhoid and the use of fishmeal as a protein source, are already practiced by the industry. Other proposed changes, such as the addition of a laboratory protocol for the bacteriological examination of baby chicks, provide guidelines for practices that may not currently be in use but are recognized as being potentially beneficial for the industry. In all cases, the proposed changes have been generated by the industry itself with the goal of reducing disease risk and increasing product marketability.

Because participation in the Plan is voluntary, individuals are likely to remain in the program as long as the costs of implementing the program are lower than the added benefits they receive from the program.

The only proposed change in this document that could entail additional costs for some producers is the proposed creation of the "U.S. S. Enteritidis Clean" classification for primary meat-type chicken breeding flocks. However, we expect that any additional costs associated with the new classification would be slight in comparison to the expected increase in U.S. poultry exports, particularly to countries that require strict *Salmonella enteritidis* testing of poultry.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule will be submitted for approval to the Office of Management and Budget. Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please send a copy of your comments to (1) Docket No. 94-091-1, Regulatory Analysis and Development, PPD, APHIS, 4700 River Road Unit 118, Suite 3C03, Riverdale, MD 20737-1238 and (2) Clearance Officer, OIRM, USDA, room 404-W, 14th Street and Independence Avenue SW., Washington, DC 20250.

List of Subjects

9 CFR Part 82

Animal diseases, Poultry and poultry products, Quarantine, Reporting and

recordkeeping requirements, Transportation.

9 CFR Parts 145 and 147

Animal diseases, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, we propose to amend 9 CFR parts 82, 145, and 147 as follows:

PART 82—EXOTIC NEWCASTLE DISEASE IN ALL BIRDS AND POULTRY: PSITTACOSIS AND ORNITHOSIS IN POULTRY: POULTRY DISEASE CAUSED BY SALMONELLA ENTERITIDIS SEROTYPE ENTERITIDIS

1. The authority citation for part 82 would continue to read as follows:

Authority: 21 U.S.C. 111-113, 115, 117, 120, 123-126, 134a, 134b, and 134f; 7 CFR 2.17, 2.51, and 371.2(d).

§ 82.30 [Amended]

2. In § 82.30, in the definition of *certified Salmonella enteritidis serotype enteritidis tested free flocks*, the words "Sanitation Monitored" would be removed and the words "S. Enteritidis Monitored" added in their place.

§ 82.34 [Amended]

3. In § 82.34, the words "Sanitation Monitored" would be removed and the words "S. Enteritidis Monitored" added in their place.

PART 145—NATIONAL POULTRY IMPROVEMENT PLAN

4. The authority citation for part 145 would continue to read as follows:

Authority: 7 U.S.C. 429; 7 CFR 2.17, 2.51, and 371.2(d).

5. In § 145.10, in paragraph (g), figure 8, and in paragraph (h), figure 9, the illustrative designs for "U.S. Pullorum-Typhoid Clean State" and "U.S. Pullorum-Typhoid Clean State, Turkeys" would be amended by removing the words "AGRICULTURAL RESEARCH SERVICE" in each design, and new paragraphs (m) and (n) would be added to read as set forth below.

§ 145.10 Terminology and classification; flocks, products, and States.

* * * * *

(m) *U.S. S. Enteritidis Clean*. (See § 145.33(h).)

BILLING CODE 3410-34-P



Figure 14

(n) *U.S. M. Synoviae Clean State, Turkeys.* (See § 145.44(d).)

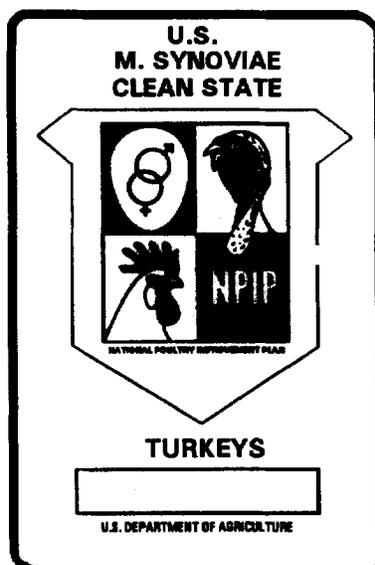


Figure 15

BILLING CODE 3410-10-C

6. In § 145.14, the introductory text would be amended by adding a new sentence immediately before the last sentence and by revising the last sentence to read as follows:

§ 145.14 Blood testing.

* * * The representative sample of birds from meat-type chicken, waterfowl, exhibition poultry, and game bird flocks must contain a representative percentage of males and females in the flock. In houses containing fewer than 30 birds, all birds in the house must be tested.

* * * * *

§ 145.23 [Amended]

7. Section 145.23 would be amended as follows:

a. Paragraph (c)(1)(i) would be amended by removing the words “with the approval of the Official State Agency and the concurrence of the Service, provided that a minimum” and adding the words “provided that all pens are equally represented and a total” in their place.

b. Paragraph (c)(1)(ii)(A) would be amended by removing the words “, with a minimum of 30 birds per pen, whichever is greater,” and by adding the words “, *Provided*, that a sample of fewer than 75 birds may be tested at any one time if all pens are equally represented and a total of at least 75 birds is tested within each 90-day

period” immediately before the semicolon.

c. In paragraph (d)(1)(vii), the first sentence would be amended by adding the word “either” immediately after the word “with” and by adding the words “or by a federally licensed Salmonella enteritidis enzyme-linked immunosorbent assay (ELISA) test” immediately after the word “antigen”.

d. Paragraph (e)(1)(i) would be amended by removing the words “, with the approval of the Official State Agency and the concurrence of the Service, provided that a minimum” and adding the words “if all pens are equally represented and a total” in their place.

e. Paragraph (e)(1)(ii)(A) would be amended by removing the number “50” each time it appears and adding the

number "75" in its place, and by removing the words "provided that a minimum of 30 birds per flock with a minimum of 15 birds per pen, whichever is greater, is tested each time" and adding the words "if all pens are equally represented" in their place.

8. Section 145.33 would be amended as follows:

a. Paragraph (c)(1)(i) would be amended by removing the words "with the approval of the Official State Agency and the concurrence of the Service, provided that a minimum" and adding the words "provided that all pens are equally represented and a total" in their place.

b. Paragraph (c)(1)(ii)(A) would be amended by removing the words ", with a minimum of 30 birds per pen, whichever is greater" and by adding the words ", Provided, that a sample of fewer than 75 birds may be tested at any one time if all pens are equally represented and a total of at least 75 birds is tested within each 90-day period" immediately before the semicolon.

c. In paragraph (d)(1)(iii), the first sentence would be amended by adding the words "or the Fishmeal Inspection Program of the National Marine Fisheries Service" immediately before the period.

d. Paragraph (d)(1)(iv) would be amended by adding the words "or the Fishmeal Inspection Program of the National Marine Fisheries Service" immediately before the semicolon.

e. Paragraph (e)(1)(i) would be amended by removing the words ", with the approval of the Official State Agency and the concurrence of the Service, provided that a minimum" and adding the words "if all pens are equally represented and a total" in their place.

f. Paragraph (e)(1)(ii)(A) would be amended by removing the number "50" each time it appears and by adding the number "75" in its place, and by removing the words "provided that a minimum of 30 birds per flock with a minimum of 15 birds per pen, whichever is greater, is tested each time" and adding the words "if all pens are equally represented" in their place.

g. A new paragraph (h) would be added to read as set forth below.

§ 145.33 Terminology and classification; flocks and products.

* * * * *

(h) *U.S. S. Enteritidis Clean*. This classification is intended for primary meat-type breeders wishing to assure their customers that the chicks produced are certified free of *Salmonella enteritidis*.

(1) A flock and the hatching eggs and chicks produced from it shall be eligible for this classification if they meet the following requirements, as determined by the Official State Agency:

(i) The flock originated from a U.S. S. Enteritidis Clean flock, or meconium from the chicks and a sample of chicks that died within 7 days after hatching have been examined bacteriologically for *S. enteritidis* at an authorized laboratory and any group D salmonella samples have been serotyped.

(ii) All feed fed to the flock meets the following requirements:

(A) Pelletized feed contains either no animal protein or only animal protein products produced under the Animal Protein Products Industry (APPI) Salmonella Education/Reduction Program or the Fishmeal Inspection Program of the National Marine Fisheries Service. The protein products must have a minimum moisture content of 14.5 percent and must have been heated throughout to a minimum temperature of 190 °F, or to a minimum temperature of 165 °F for at least 20 minutes, or to a minimum temperature of 184 °F under 70 lbs. pressure during the manufacturing process;

(B) Mash feed contains either no animal protein or only animal protein product supplements manufactured in pellet form and crumbled; and

(C) All feed is stored and transported in such a manner as to prevent possible contamination.

(iii) The flock is maintained in compliance with §§ 147.21, 147.24(a), and 147.26 of this chapter.

(iv) Environmental samples, as described in § 147.12 of this chapter, are collected from the flock by an Authorized Agent when the flock reaches 4 months of age and every 30 days thereafter. The environmental samples shall be examined bacteriologically for group D salmonella at an authorized laboratory, and cultures from group D positive samples shall be serotyped.

(v) Blood samples from 300 birds are officially tested with pullorum antigen when the flock is at least 4 months of age. All birds with positive or inconclusive reactions, up to a maximum of 25 birds, shall be submitted to an authorized laboratory and examined for the presence of group D salmonella in accordance with §§ 147.10 and 147.11 of this chapter. Cultures from group D positive samples shall be serotyped.

(vi) Hatching eggs are collected as quickly as possible, are handled as described in § 147.22 of this chapter, and are sanitized or fumigated in

accordance with § 147.25 of this chapter.

(vii) Hatching eggs produced by the flock are incubated in a hatchery that is in compliance with the recommendations in §§ 147.23 and 147.24(b) of this chapter, and the hatchery must have been sanitized either by a procedure approved by the Official State Agency or by fumigation conducted in accordance with § 147.25 of this chapter.

(2) A flock shall not be eligible for this classification if *Salmonella enteritidis* serotype Enteritidis (SE) is isolated from a specimen taken from a bird in the flock. If SE is isolated from an environmental sample collected from the flock in accordance with paragraph (h)(1)(iv) of this section, a random sample of 25 live birds must be bacteriologically examined for SE as described in § 147.11 of this chapter. If only one bird from the 25-bird sample is found positive for SE, the participant may request bacteriological examination of a second 25-bird sample from the flock. If no SE is recovered from any of the specimens in the second sample, the flock will be eligible for the classification.

(3) If *Salmonella enteritidis* serotype Enteritidis (SE) has been isolated from an environmental sample collected from the flock in accordance with paragraph (h)(1)(iv) of this section, the flock may remain eligible for this classification if blood testing is conducted in accordance with paragraph (h)(1)(v) of this section each 30 days and no positive samples are found.

(4) In order for a hatchery to sell products of this classification, all products handled by the hatchery must meet the requirements of the classification.

(5) This classification may be revoked by the Official State Agency if the participant fails to follow recommended corrective measures.

(Approved by the Office of Management and Budget under control number 0579-0007)

§ 145.43 [Amended]

9. In § 145.43, paragraph (f)(3)(ii) would be amended by adding the words "or the Fishmeal Inspection Program of the National Marine Fisheries Service" immediately before the period.

10. In § 145.44, a new paragraph (d) would be added to read as follows:

§ 145.44 Terminology and classification; States.

* * * * *

(d) *U.S. M. Synoviae Clean State, Turkeys*. (1) A State will be declared a U.S. M. Synoviae Clean State, Turkeys,

when it has been determined by the Service that:

(i) No *Mycoplasma synoviae* is known to exist nor to have existed in turkey breeding flocks in production within the State during the preceding 12 months;

(ii) All turkey breeding flocks in production are tested and classified as U.S. M. Synoviae Clean or have met equivalent requirements for *M. synoviae* control under official supervision;

(iii) All turkey hatcheries within the State only handle products that are classified as U.S. M. Synoviae Clean or have met equivalent requirements for *M. synoviae* control under official supervision;

(iv) All shipments of products from turkey breeding flocks other than those classified as U.S. M. Synoviae Clean, or equivalent, into the State are prohibited;

(v) All persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all turkey specimens that have been identified as being infected with *M. synoviae*;

(vi) All reports of *M. synoviae* infection in turkeys are promptly followed by an investigation by the Official State Agency to determine the origin of the infection; and

(vii) All turkey breeding flocks found to be infected with *M. synoviae* are quarantined until marketed under supervision of the Official State Agency.

(2) The Service shall have grounds to revoke its determination that the State is entitled to this classification if any of the conditions described in paragraph (d)(1) of this section are discontinued; if repeated outbreaks of *M. synoviae* occur in turkey breeding flocks described in paragraph (d)(1)(ii) of this section; or if an infection spreads from the originating premises. The Service shall not take such an action until it has conducted a thorough investigation and the Official State Agency has been given an opportunity for a hearing in accordance with rules of practice adopted by the Administrator of the Service.

11. In § 145.52, a new paragraph (c) would be added to read as follows:

§ 145.52 Participation.

* * * * *

(c) Subject to the approval of the Service and the Official State Agencies in the importing and exporting States, participating flocks may report poultry sales to importing States by using printouts of computerized monthly shipping and receiving reports in lieu of VS Form 9-3, "Report of Sales of Hatching Eggs, Chicks, and Poults."

PART 147—AUXILIARY PROVISIONS ON NATIONAL POULTRY IMPROVEMENT PLAN

12. The authority citation for part 147 would continue to read as follows:

Authority: 7 U.S.C. 429; 7 CFR 2.17, 2.51, and 371.2(d).

§ 147.5 [Amended]

13. In § 147.5, footnote 4 would be amended by removing the words "Animal and Plant Health Inspection Service, Veterinary Services, Operational Support, 4700 River Road Unit 33, Riverdale, Maryland 20737-1231" and adding the words "National Poultry Improvement Plan, Veterinary Services, APHIS, USDA, 1500 Klondike Road, Suite A-102, Conyer, GA 30207" in their place.

14. Section 147.6 would be amended as follows:

a. In § 147.6, paragraph (b)(2) would be amended by adding two new sentences at the end of the paragraph to read as set forth below.

b. In paragraph (b)(8), the words "on the retest" would be added immediately after the word "positive".

§ 147.6 Procedure for determining the status of flocks reacting to tests for *Mycoplasma gallisepticum*, *Mycoplasma synoviae*, and *Mycoplasma meleagridis*.

* * * * *

(b) * * *

(2) * * * *Provided*, that for egg-type and meat-type chicken and waterfowl, exhibition poultry, and game bird flocks, if more than 50 percent of the samples are positive for either *Mycoplasma gallisepticum*, *M. synoviae*, or both, the HI and/or the SPD test shall be conducted on 10 percent of the positive samples or 25 positive samples, whichever is greater. The results of the HI and/or SPD tests must be followed by the action prescribed in paragraphs (b)(3), (b)(4), and (b)(5) of this section.

* * * * *

15. Section 147.11 would be amended as follows:

a. Paragraph (a)(3) would be amended by adding a new sentence at the end of the paragraph to read as set forth below.

b. In paragraph (a)(4), the last sentence would be amended by adding the words "and paragraph (a)(5) of this section" immediately after the words "illustration 2", and by adding the words "and a colony lift assay to aid in the detection of group D salmonella colonies" immediately after the word "XLT4".

c. Paragraph (a)(5) would be revised as set forth below.

d. At the end of paragraph (a)(6), in illustration 2, in the leftmost box in the

second row, the words "Evaluation by rapid detection systems (antigen capture, gene probe, etc.)" would be removed and the words "Evaluate by rapid detection systems (antigen capture, gene probe, colony lift assay, etc.). Follow instructions for confirmation of positives and negatives." would be added in their place.

§ 147.11 Laboratory procedure recommended for the bacteriological examination of salmonella.

(a) * * *

(3) * * * As a supplemental procedure, a colony lift assay may also be used as a screening test to aid in the detection of group D salmonella suspect colonies on selective and nonselective agar culture plates, if desired.

* * * * *

(5) As a supplement to the standard colony pick to triple sugar-iron (TSI) and lysine-iron (LI) agar slants, a group D colony lift assay may be utilized to signal the presence of hard-to-detect group D salmonella colonies on agar culture plates. A system such as the Analytical Profile Index for Enterobacteriaceae (API) may also be utilized to aid cultural identifications.

* * * * *

§§ 147.12, 147.14, 147.15, and 147.16 [Amended]

16. In §§ 147.12, 147.14, 147.15, and 147.16, footnotes 11 through 21 and their references would be redesignated as footnotes 12 through 22.

17. Section 147.12 would be amended as follows:

a. Paragraphs (a) through (c) would be redesignated as follows:

Old section:

147.12(a), introductory text
147.12(a)(1)
147.12(a)(2)
147.12(b), introductory text
147.12(b)(1)
147.12(c), introductory text
147.12(c)(1)
147.12(c)(2)
147.12(c)(2)(i)
147.12(c)(2)(ii)

New section:

147.12(b)(1)
147.12(b)(1)(i)
147.12(b)(1)(ii)
147.12(b)(2)
147.12(b)(2)(i)
147.12(b)(3)
147.12(b)(3)(i)
147.12(b)(3)(ii)
147.12(b)(3)(ii)(A)
147.12(b)(3)(ii)(B)

b. A new paragraph (a) and an introductory paragraph (b) would be added to read as set forth below.

c. In newly redesignated paragraph (b)(1), the introductory text of the paragraph would be amended by removing the reference "(a) (1) or (2)" and replacing it with the reference "(b)(1)(i) or (b)(1)(ii)".

d. In newly redesignated paragraph (b)(2), the introductory text of the paragraph would be amended by removing the reference "(a)(1)" and replacing it with the reference "(b)(2)(i)".

e. In newly redesignated paragraph (b)(3)(ii), the text of newly redesignated footnote 12 would be amended by removing the words "Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737-1231" and adding the words "National Poultry Improvement Plan, Veterinary Services, APHIS, USDA, 1500 Klondike Road, Suite A-102, Conyer, GA 30207" in their place.

§ 147.12 Procedures for collecting environmental samples and cloacal swabs for bacteriological examination.

* * * * *

(a) *For egg- and meat-type chickens, waterfowl, exhibition poultry, and game birds.* All samples and swabs described in this paragraph shall be cultured in accordance with illustration 2 of § 147.11, including delayed secondary enrichment. All salmonellae recovered shall be serogrouped or serotyped.

(1) *Environmental samples.* Fecal material, litter, dust, or floor litter surface or nest box drag swab samples to be submitted for bacteriological examination shall be collected in accordance with the procedures described in paragraphs (a)(1), (a)(2), or (a)(3) of this section:

(i) *Procedure for sampling in broth.* Authorized laboratories will provide capped tubes 1 to 2 cm in diameter and 15 to 20 cm in length that are two-thirds full of a recently made, refrigerated, sterile enrichment broth (Hajna or Mueller-Kauffmann Tetrathionate Brilliant Green) for each sample. Sufficient tubes shall be taken to the premises to provide at least one tube per pen or one tube per 500 birds, whichever is greater. At least one sterile, cotton-tipped applicator will be needed for each tube. The dry applicator is first placed in or drawn through fresh manure (under roost, near water troughs, fecal droppings, or diarrhetic droppings). After this and each subsequent streaking, place the cotton-tipped applicator in the tube of broth and swirl the applicator to remove the collected material. Withdraw the applicator from the tube and use it to

take additional specimens by streaking on or through areas where defecation, trampling of feces, or settling of dust is common; e.g., on or near waterers, feeders, nests, or rafters, etc. When the volume of material collected equals approximately 10 percent of the volume of the broth (usually 10-12 streakings), place the applicator in the tube and break the stick in half, leaving the lower or cotton-tipped half in the broth and retaining the upper half for future disposal. Replace the cap on the inoculated tube and continue the sampling procedure in other areas of the pen.

(ii) *Procedure for sampling in dry containers.* Place a sample of fecal material, litter, or dust in a sterile, sealable container. The sample shall consist of several specimens of material taken from a representative location in the pen or house. Collect at least 10 g (approximately a heaping tablespoonful) of material for each sample. Collect the specimens in each sample with a sterile tongue depressor or similar uncontaminated instrument. The samples shall vary in type and consistency. Half of the samples shall be comprised of material representing defecated matter from a large portion of the flock; i.e., trampled, caked material near waterers and feeders. The minimum number of samples to be taken shall be determined by the following: Five samples from pens or houses of up to 500 birds; Ten samples from pens or houses of 500 to 2,500 birds; Fifteen samples from pens or houses with more than 2,500 birds. The composite samples above may be pooled to not fewer than five samples at the laboratory as long as the volume of material collected equals approximately 10 percent of the volume of the broth.

(2) *Cloacal swabs.* Cloacal swabs for bacteriological examination shall be taken from each bird in the flock or from a minimum of 500 birds in accordance with the procedure described in paragraph (a)(2)(i) of this section.

(i) *Procedure for taking cloacal swabs.* The authorized laboratory will provide sterile capped tubes or other suitable containers and cotton-tipped applicators for use in taking the cloacal swabs. Insert the cotton-tipped applicator into the cloaca and rectum in such a manner as to ensure the collection of fecal material. Place the swab and adhering fecal material in the tube and break the stick in half, keeping the upper half of the stick for future disposal. The cloacal swabs may be combined in the sterile tubes in multiples of five or in combinations specified by the authorized laboratory.

(3) *Drag-swabs.* Utilization of drag swabs (DS) involves the exposure of gauze pads, a key component of a DS sampler, to the surface of random, flock-representative floor litter and nest box areas. The sampler pads shall be sterile and slightly moist to promote adherence of particulate material, and impregnated with double-strength skim milk¹¹ to protect salmonella viability during sample collection, batching, storage, and shipment. Floor litter surface DS sample results tend to reflect the salmonella carrier/shedder status of a flock. Nonetheless, other environmental samples as described in paragraphs (a)(1)(i), (a)(1)(ii), or (a)(3)(iv) of this section shall also be periodically collected.

(i) *Drag-swab sampler assembly.* Drag-swab (DS) samplers may be assembled using two 3- by-3-inch sterile gauze pads; size 20 wrapping twine; and paper clips, staples, or similar fasteners. Fold each gauze pad in half and attach one pad to a 2-foot-long (60 cm) piece of twine and the other to a 1-foot-long (30 cm) piece of twine. To attach a pad to the twine with a paper clip, bend the end wires of the paper clip slightly and push them through the fabric of the folded pad, thus securing the clips to the folded pads; then securely tie the twine to the free rounded end of the paper clip. To attach a pad to the twine with a staple, staple the twine to the pad near the center of the fold, applying the staple at a right angle to the twine and parallel to the fold. (A pre-tied knot in the free end of the twine will prevent the twine from slipping under the staple during use.) Once the pads and the twine have been attached, securely connect the free ends of both lengths of twine to a small loop tied at the end of a 5-foot-long piece of twine. The resulting assembly resembles the letter Y, with a long vertical stem and two diagonal branches of different lengths with a gauze pad securely attached to the end of each branch. Wrap the twine around each two-pad DS sampler to produce a small bundle. Autoclave the assembled DS sampler bundle and transfer it with sterile forceps or other aseptic method to a resealable sterile bag. Aseptically add 15 mL of double-strength skim milk to the bag and massage the milk into the gauze pads. Seal the bags and store at -20 °C.

(ii) *Procedures and applications for DS samplers.* DS samplers shall be

¹¹ Obtain procedure for preparing double strength skim milk from USDA-APHIS "Recommended Sample Collection Methods for Environmental Samples," available from the National Poultry Improvement Plan, Veterinary Services, APHIS, USDA, 1500 Klondike Road, Suite A-102, Conyer, GA 30207.

completely thawed prior to use. Complete pad/twine/fastener assemblies shall be used to sample floor litter surfaces; nest box surfaces may be sampled using 3- by-3-inch sterile gauze pads impregnated with double-strength skim milk as described in paragraph (a)(1) of this section. In either instance, the Plan participant collecting the samples shall wear a fresh pair of disposable sterile gloves for each flock or house sampled. Each sampler bag shall be marked with the type of sample (floor litter or nest box surface) and the identity of the house or flock from which the sample was taken.

(iii) *Floor litter sampling technique.* For flocks with fewer than 500 breeders, at least one DS set (two DS pads) shall be dragged across the floor litter surface for a minimum of 15 minutes. For flocks with 500 or more breeders, a minimum of two DS sets (four DS pads) shall be dragged across the floor litter surface for a minimum of 15 minutes per DS set. Upon completion of dragging, lower each DS pad by its attached twine into a separate, resealable sterile bag. Alternatively, each DS set of two pads may be lowered by its attached twine into the storage/transport bag from which the DS set was originally taken. Remove the twine from the pad or DS set by grasping the pad or DS set through the sides of the bag with one hand while pulling on the twine with the other hand until the connection is broken. Seal the bags and promptly refrigerate them to between 2 and 4 °C. Do not freeze. Discard the twine in an appropriate disposal bag.

(iv) *Nest box sampling technique.* The Plan participant shall collect nest-box samples by using two 3-by-3-inch sterile gauze pads premoistened with double-strength skim milk and wiping the pads over assorted locations in about 10 percent of the total nesting area. Upon completion, place each pad in a separate, resealable sterile bag. Seal the bags and promptly refrigerate them to between 2 and 4 °C. Do not freeze.

(v) *Culturing of litter surface and nest box samples.* When refrigerated to between 2 and 4 °C, pads impregnated with double-strength skim milk may be stored or batched for 5 to 7 days prior to culturing. Pads shipped singly or paired in a single bag shall not be pooled for culturing but shall be separately inoculated into 60 mL of selective enrichment broth.

(b) *For turkeys.* * * *

* * * * *

§ 147.14 [Amended]

18. In § 147.14, paragraph (a)(2)(ii) would be amended by removing the word "and"; by adding the words ", and

colony lift assays" immediately after the word "procedures"; and by adding the words "and paragraph (a)(5)" immediately after the words "illustration 2".

19. In part 147, Subpart B—Bacteriological Examination Procedure, a new § 147.17 would be added to read as follows:

§ 147.17 Laboratory procedure recommended for the bacteriological examination of cull chicks for salmonella.

The laboratory procedure described in this section is recommended for the bacteriological examination of cull chicks from egg-type and meat-type chicken flocks and waterfowl, exhibition poultry, and game bird flocks for salmonella.

(a) From 25 randomly selected 1- to 5-day-old chicks, prepare 5 organ pools, 5 yolk pools, and 5 intestinal tissue pools as follows:

(1) *Organ pool:* From each of five chicks, composite and mince 1- to 2-gram samples of heart, lung, liver, and spleen tissues and the proximal wall of the bursa of Fabricus.

(2) *Yolk pool:* From each of five chicks, composite and mince 1- to 2-gram samples of the unabsorbed yolk sac or, if the yolk sac is essentially absent, the entire yolk stalk remnant.

(3) *Intestinal pool:* From each of five chicks, composite and mince approximately 0.5 cm² sections of the crop wall and 5-mm-long sections of the duodenum, cecum, and ileocecal junction.

(b) Transfer each pool to tetrathionate selective enrichment broth (Hajna or Mueller-Kauffmann) at a ratio of 1 part tissue pool to 10 parts broth.

(c) Repeat the steps in paragraphs (a) and (b) of this section for each five-chick group until all 25 chicks have been examined, producing a total of 15 pools (5 organ, 5 yolk, and 5 intestinal).

(d) Culture the 15 tetrathionate pools as outlined for selective enrichment in illustration 2 of § 147.12. Incubate the organ and yolk pools for 24 hours at 37 °C and the intestinal pools at 41.5 °C. Plate as described in illustration 2 of § 147.12 and examine after both 24 and 48 hours of incubation. Confirm suspect colonies as described. Further culture all salmonella-negative tetrathionate broths by delayed secondary enrichment procedures described for environmental, organ, and intestinal samples in illustration 2 of § 147.12. A colony lift assay may also be utilized as a supplement to TSI and LI agar picks of suspect colonies.

§ 147.26 [Amended]

20. In § 147.26, in paragraph (a), the introductory text would be amended by

removing the word "and" and by adding the words ", U.S. S. Enteritidis Monitored, and U.S. S. Enteritidis Clean" immediately before the word "classifications".

21. In § 147.43, the introductory text of paragraph (a) would be amended by adding two new sentences before the first sentence to read as set forth below; by removing the words "the Assistant Secretary of Agriculture for Marketing and Inspection Services, or his/her designee,"; and by removing the words "and who shall be designated as vice chairperson,".

§ 147.43 General Conference Committee.

(a) The Committee Chairperson and the Vice Chairperson shall be elected by the Committee from among its members. A representative of the Animal and Plant Health Inspection Service will serve as Executive Secretary and will provide the necessary staff support for the Committee. * * *

* * * * *

Done in Washington, DC, this 28th day of June 1995.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-16677 Filed 7-6-95; 8:45 am]

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DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 34

[Docket No. 95-16]

RIN 1557-AB48

Real Estate Lending and Appraisals

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of the Comptroller of the Currency (OCC) proposes to revise its rules governing real estate lending. This proposal is another component of the OCC's Regulation Review Program to update and streamline OCC regulations and to reduce unnecessary regulatory costs and other burdens. The proposal would modernize and clarify the real estate lending rules, reduce unnecessary regulatory burdens, and, consistent with statutory requirements, impose regulatory requirements only where needed to address safety and soundness concerns or accomplish other statutory responsibilities of the OCC.

DATES: Comments must be received by September 5, 1995.