

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Parts 145 and 147

[Docket No. 96-070-1]

#### 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 establishing new program classifications and providing new or modified sampling 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 1994 and 1996 National Plan Conferences. These changes would keep the provisions of the Plan current with changes in the poultry industry and provide for the use of new sampling and testing procedures.

**DATES:** Consideration will be given only to comments received on or before May 12, 1997.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 96-070-1, 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. 96-070-1. 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, Conyers, GA 30207; (770) 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 restrictions 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. Standardize the time frame for the retesting of U.S. Pullorum-Typhoid Clean breeding flocks retained for more than 12 months by requiring that the retesting take place a minimum of 4 weeks after the induction of molt.

2. Establish a "U.S. Salmonella Monitored" program for primary meat-type chicken breeding flocks.

3. Establish a "U.S. M. Gallisepticum Monitored" classification for multiplier meat-type chicken breeding flocks that are not participating in the "U.S. M. Gallisepticum Clean" classification.

4. Establish a "U.S. M. Synoviae Monitored" classification for multiplier meat-type chicken breeding flocks that are not participating in the "U.S. M. Synoviae Clean" classification.

5. Amend the "U.S. M. Gallisepticum Clean" and "U.S. M. Synoviae Clean" classifications for meat-type chicken breeding flocks by augmenting testing when adding (spiking) males.

6. Add a procedure for swabbing or collecting chick papers for bacteriological examination for salmonella.

7. Add a 4 to 6 week surveillance test for *M. gallisepticum* to the "U.S. M. Gallisepticum Clean" classification for turkeys.

8. Make the qualification test sample size for "U.S. M. Meleagridis Clean" consistent with that for the "U.S. M. Gallisepticum Clean" and "U.S. M. Synoviae Clean" classifications for turkeys.

9. Simplify the description of the procedure for determining the status of flocks reacting to tests for *M. gallisepticum*, *M. synoviae*, and *M. meleagridis*.

10. Amend the "U.S. Sanitation Monitored, Turkeys" classification to remove the requirement for the environmental sampling of a laying house following the removal of a flock from the house.

11. Establish a "U.S. M. Synoviae Clean" classification for waterfowl, exhibition poultry and game birds.

12. Raise from 75 to 150 the number of birds to be tested to qualify flocks for "U.S. M. Synoviae Clean" status.

These proposed amendments, with the exception of number 12, are consistent with the recommendations approved by the voting delegates to the National Plan Conference that was held from June 30 to July 2, 1996. Proposed amendment number 12 was approved by the voting delegates to the National Plan Conference that was held from June 26 to 28, 1994. Participants in the 1994 and 1996 National Plan Conferences represented flockowners, breeders, hatcherymen, and Official

State Agencies from all cooperating States. The proposed amendments are discussed in greater detail below.

#### Retesting of U.S. Pullorum-Typhoid Clean Breeding Flocks

We are proposing to amend §§ 145.23(b), 145.33(b), and 145.43(b) to provide a minimum time period before the retesting of a U.S. Pullorum-Typhoid Clean participating breeding flock that is retained for more than 12 months. The regulations in those sections currently set forth the criteria under which flocks may qualify for the U.S. Pullorum-Typhoid Clean classification and provide that flocks that are retained for more than 12 months shall be retested at the discretion of the Official State Agency with the concurrence of APHIS.

As breeding flocks, including those retained for more than 12 months, progress through a laying cycle, the shell quality of the eggs produced tends to deteriorate as calcium and other essential minerals are depleted from the laying birds. Flockowners may pause the laying cycle in these birds by inducing molt, which gives the birds the opportunity to replenish their levels of the depleted minerals. Thus, when the birds, which are referred to as recycled breeding birds, begin a new laying cycle, shell quality is back at the proper level.

Research has shown that the stress of molting causes birds that are affected with *salmonella* to shed the organism at a higher rate than during the laying cycle, which means that the best opportunity to isolate the *salmonella* organism through testing will come following the induction of molt. Therefore, we are proposing to amend the requirements for the retesting of such flocks by requiring that recycled breeding birds be retested a minimum of 4 weeks after the induction of molt, rather than at the discretion of the Official State Agency with the concurrence of APHIS. This proposed change would standardize the retesting requirements for U.S. Pullorum-Typhoid Clean flocks retained for more than 12 months and ensure that the recertification of those flocks is based on testing conducted at a time when the *salmonella* organism is most likely to be isolated.

#### U.S. Salmonella Monitored Classification

We are proposing to amend § 145.33 to establish a "U.S. Salmonella Monitored" classification for primary meat-type chicken breeding flocks. The proposed new classification, like the existing "U.S. Sanitation Monitored"

classification available to primary meat-type chicken breeding flocks, is intended to serve as a means for the prevention and control of Salmonellosis in hatching eggs and chicks through an effective and practical sanitation program at the breeder farm and in the hatchery.

The proposed "U.S. Salmonella Monitored" classification differs from the existing "U.S. Sanitation Monitored" classification in two respects. First, the proposed new classification specifically calls for the collection of environmental samples at the hatchery from meconium and chick papers every 30 days; those samples would have to be examined bacteriologically at an authorized laboratory for *salmonella*. That proposed requirement, which is not required by the existing "U.S. Sanitation Monitored" classification, would provide for the continuous monitoring of the *salmonella* status of participating hatcheries.

The proposed new classification also differs from the existing "U.S. Sanitation Monitored" classification with regard to the use of vaccines. In the proposed "U.S. Salmonella Monitored" classification, owners of flocks would be allowed to vaccinate their flocks with a paratyphoid vaccine as a preventive measure, provided that a sample of 350 birds remains unvaccinated to serve as sentinel birds. The sample of 350 unvaccinated birds would have to be banded for identification and remain unvaccinated until the flock reaches at least 4 months of age. Under the existing "U.S. Sanitation Monitored" classification, a flockowner may not vaccinate a flock unless the flock has been found to be infected with paratyphoid *salmonella*. The proposed new "U.S. Salmonella Monitored" classification, therefore, would give participating flockowners the opportunity to take a more aggressive approach to the prevention of Salmonellosis by allowing them to use vaccines before there is an indication of the presence of *salmonella* in a flock.

#### New M. Gallisepticum Monitored and M. Synoviae Monitored Classifications

We are proposing to amend § 145.33 to establish a "U.S. M. Gallisepticum Monitored" classification for meat-type chicken multiplier breeding flocks that are not participating in the "U.S. M. Gallisepticum Clean" classification and to establish a "U.S. M. Synoviae Monitored" classification for meat-type chicken multiplier breeding flocks that are not participating in the "U.S. M. Synoviae Clean" classification. Adding these two new "monitored"

classifications would give flockowners the ability to participate in disease-monitoring programs for *M. gallisepticum* and *M. synoviae* without incurring the higher testing costs associated with the "clean" classifications for those two diseases. The proposed new classifications would also allow official State agencies and the Plan to monitor the *M. gallisepticum* and *M. synoviae* status of flocks that would not otherwise be monitored for those diseases.

Under both the proposed "U.S. M. Gallisepticum Monitored" and the proposed "U.S. M. Synoviae Monitored" classifications, flocks would be qualified by testing a sample of at least 20 birds per house for the classification's disease of concern (*M. gallisepticum* or *M. synoviae*, as the case may be) once the flock reaches at least 4 months of age. Once qualified, the flock's classification would be retained by additional tests for the disease of concern conducted on additional 20-bird samples collected when the flock reaches 36 to 38 weeks and again at 48 to 50 weeks. Testing at this level would provide a basic level of monitoring for *M. gallisepticum* or *M. synoviae* within a flock but would not involve the higher expenses incurred by flockowners testing the larger samples required by the "clean" classifications for those two diseases. To help ensure that the samples of birds would be representative of all the birds in each house, half of the samples would have to be drawn from the front of the house and half of the samples would have to be drawn from the back. Additionally, the ratio of male to female birds in a sample would have to reflect the ratio of male to female birds in the house, and samples would have to be labeled accordingly. Requiring a representative number of male and female birds to be included in the sample would further ensure that the samples provide an accurate representation of the birds in the house.

To help prevent the possible exposure of flocks in these "monitored" classifications to disease from outside the flock, we would require participating flockowners handling U.S. M. Gallisepticum Monitored or U.S. M. Synoviae Monitored products (i.e., poultry breeding stock and hatching eggs, baby poultry, and started poultry) to keep those products separate from other products in a manner satisfactory to the Official State Agency. Because *M. gallisepticum* and *M. synoviae* are egg-transmitted diseases, we would further specify that chicks from the multiplier breeding flocks in these two "monitored" classifications would have

to be produced in incubators and hatchers in which only eggs from flocks with the same classification are set. This precaution would ensure that eggs from a monitored flock would not be set in the same incubator or hatcher as eggs from a flock that is not qualified under the "U.S. M. Gallisepticum Monitored" or "U.S. M. Synoviae Monitored" classifications. By that same token, we would also prohibit eggs from these monitored flocks from being set in hatchers or incubators where eggs from "U.S. M. Gallisepticum Clean" or "U.S. M. Synoviae Clean" primary breeding flocks are set, since the eggs from a monitored flock would be, from a disease-control perspective, of lesser status than eggs from a flock with clean status.

As a final precaution, chicks from these monitored flocks would have to be boxed in clean boxes and delivered in trucks that had been cleaned and disinfected in order to minimize the possibility that the chicks could be exposed to disease during transport.

#### Testing of Additional Male Breeding Birds

We are proposing to amend the "U.S. M. Gallisepticum Clean" and "U.S. M. Synoviae Clean" classifications for meat-type chicken breeding flocks, §§ 145.33(c) and 145.33(e), respectively, by adding a requirement for the testing of a sample of male birds prior to their addition to a participating multiplier breeding flock. Male birds are added to breeding flocks to augment the male fertility of the flock, which tends to decrease over time. Although the birds to be added must already be drawn from a qualified "clean" flock, we believe that testing a sample of those birds would serve as an additional safeguard to ensure that the new birds would not have a negative effect on the disease status of the flock to which they would be added.

We would require that a sample of at least 3 percent of the birds to be added, with a minimum of 10 birds per pen, be tested for the classification's disease of concern (*M. gallisepticum* or *M. synoviae*) a minimum of 14 days prior to the date the birds were to be added to the flock. The birds would have to be tested using either a serologic test provided for by § 145.14(b) or with a polymerase chain reaction (PCR)-based procedure approved by the Department as provided by § 147.6. The male birds from which the sample was drawn would be considered to be affected with the disease if a serologic test yielded hemagglutination inhibition titers of 1:40 or higher or if the results of the PCR tested were positive. If such

positive results were disclosed, the affected male birds could not be added to the flock and would have to be retested or destroyed in order to prevent the disease from spreading.

#### Use of Chick Papers

We are proposing to amend § 147.12 to add another environmental sampling procedure for use in monitoring for the presence of salmonella. Specifically, the proposed new procedure would provide for the collection of samples from chick box papers for bacterial examination. Chick box papers are used to line the bottom of chick boxes to catch the meconium droppings produced by the chicks. Chick boxes are used to transport baby poultry from the hatchery to the brooding house for grow-out.

Under the proposed procedure, which would be added to the regulations as § 147.12(c), the Plan participant would collect chick papers from one out of every ten boxes of chicks placed in a brooding house. The Plan participant would have the choice of collecting samples from the papers or sending the chick box papers to a laboratory where the samples would be collected. For Plan participants who choose to collect the samples, the proposed new procedure provides detailed instructions for preventing contamination of the samples, impregnating the sampling pads with double-strength skim milk, sampling the chick box papers, and sealing, storing, and transporting the samples. Likewise, the proposed procedures provide packing and transport instructions for those Plan participants who choose to send the chick box papers to the laboratory for sampling and culturing. In either case, the samples collected from the chick box papers would be cultured at the laboratory for the presence of salmonella.

The collection of samples from chick box papers is, in essence, a smaller-scale version of the drag swab technique already used to collect environmental samples, which is described in § 147.12(a)(3). Like the drag swab sampling, chick box paper sampling would help prevent the spread of salmonella in participating flocks by decreasing the likelihood of false negatives on flock screening tests and reducing the amount of time required for laboratory diagnoses.

#### Surveillance and Qualification Tests for Turkeys

We are proposing to amend the procedures in § 145.43(c) for the "U.S. M. Gallisepticum Clean" classification for turkeys by adding a requirement for

surveillance testing. Currently, to qualify a flock for the classification, a random sample of the birds in the flock must be tested when the birds are more than 12 weeks of age. To retain the classification, additional samples of 30 birds from male flocks and 60 birds from female flocks must be tested when the birds in the flock are 28 to 30 weeks of age. We are proposing to follow the week 30 test with continuing surveillance tests conducted every 4 to 6 weeks thereafter. The tests would be conducted on the same 30 male or 60 female sample size as the week 30 test and would provide a means of continually monitoring a turkey breeding flock throughout the laying cycle.

We are also proposing to increase the sample size that must be tested to qualify a turkey flock under § 145.43(d) for the "U.S. M. Meleagridis Clean" classification. We would increase the sample size, which currently is set at 60 birds, to 100 birds to make it consistent with the sample size used in the "U.S. M. Gallisepticum Clean" and "U.S. M. Synoviae Clean" classifications and to provide flockowners with more representative samples of birds that would better reflect the *M. meleagridis* status of their flocks.

#### Status of Flocks

We are proposing to amend § 147.6 to simplify the description of the procedure that is used to determine the status of flocks that react to tests for *M. gallisepticum*, *M. synoviae*, or *M. meleagridis*. Plan participants have indicated that the current description of the procedure in § 147.6 is somewhat confusing and difficult to interpret. We would, therefore, amend § 147.6 to eliminate duplication and make the procedure easier to follow. The procedure itself, however, would not be substantively changed.

#### U.S. Sanitation Monitored, Turkeys, Classification

We are proposing to amend the "U.S. Sanitation Monitored, Turkeys" classification by removing the requirement for the collection and examination of environmental samples from laying houses following the removal of a flock. We believe this requirement, which is currently located in § 145.43(f)(7), could be removed because the regulations already provide for environmental samples to be collected and examined bacteriologically for salmonella when a flock is 12 to 20 weeks of age (§ 145.43(f)(4)) and again when the flock is 35 to 50 weeks of age and from each molted flock at midlay (§ 145.43(f)(6)).

Because that sampling and testing will have been conducted, and because a house from which a flock has been removed must be thoroughly cleaned and disinfected before a new flock may be placed in the house, we believe that further environmental sampling after a flock has been removed from a house is unnecessary.

#### U.S. M. Synoviae Clean Classification

We are proposing to add a new § 145.53(d) to establish a new "U.S. M. Synoviae Clean" classification for waterfowl, exhibition poultry, and game bird breeding flocks. The classification would be given to qualifying waterfowl, exhibition poultry, and game bird breeding flocks that are free from *M. synoviae* and that are maintained in a manner that prevents *M. synoviae* from being introduced into the flock. The sampling, testing, and other criteria under which waterfowl, exhibition poultry, and game bird breeding flocks would qualify for the proposed "U.S. M. Synoviae Clean" classification would be the same as those used in the existing "U.S. M. Synoviae Clean" classifications for egg-type chickens (§ 145.23(e)) and meat-type chickens (§ 145.33(e)) and would serve the same purpose.

#### Miscellaneous

We are also proposing to amend § 145.10 by adding three new illustrative designs to represent the proposed new "U.S. Salmonella Monitored," "U.S. M. Gallisepticum Monitored," and "U.S. M. Synoviae Monitored" classifications discussed above.

Finally, we are also proposing to correct an oversight dating back to the last time the regulations were amended. On March 21, 1996, we published a final rule in the Federal Register (61 FR 11515-11525, Docket No. 94-091-2) that amended the regulations to reflect the proposals adopted by the voting delegates to the Plan's 1994 biennial conference. One of those adopted proposals called, in part, for raising from 75 to 150 the minimum number of birds tested to qualify an egg-type chicken or meat-type chicken multiplier breeding flock for "U.S. M. Synoviae Clean" status and raising from 50 to 75 the number of birds to be tested each 90 days for the flock to retain "U.S. M. Synoviae Clean" status. In the March 1995 final rule, as in the proposed rule that preceded it (60 FR 35343-35353, Docket No. 94-091-1, published July 7, 1995), the number of birds to be tested each 90 days was raised from 50 to 75, but we neglected to raise from 75 to 150 the number of birds to be tested to

qualify flocks for "U.S. M. Synoviae Clean" status. Therefore, to correct that oversight, we are proposing in this document to amend §§ 145.23(e)(1)(ii) and 145.33(e)(1)(ii) to require that a sample comprised of a minimum of 150 birds be tested for *M. synoviae* when the flock is more than 4 months of age to qualify egg-type chicken and meat-type chicken multiplier breeding flocks for the "U.S. M. Synoviae Clean" classification. Increasing the sample size would provide flockowners with more representative samples of birds that would better reflect the *M. synoviae* status of their flocks.

#### 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 32nd Biennial Conference. The proposed changes would amend the Plan and its auxiliary provisions by establishing new program classifications and providing new or modified sampling and testing procedures for Plan participants and participating flocks. These changes would keep the provisions of the Plan current with changes in the poultry industry and provide for the use of new sampling and testing 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. In all cases, the changes proposed in this document 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. Nine of the 12 proposed amendments involve minor procedural changes that would have negligible economic consequences. Plan participants could realize some cost savings because the testing requirements for the proposed new "U.S. M. Gallisepticum Monitored" and "U.S. M. Synoviae Monitored" classifications are not as stringent as the testing requirements for the "clean"

classifications for *M. gallisepticum* and *M. synoviae*. These savings would, however, likely be offset by the proposed amendments to the "U.S. M. Gallisepticum Clean" and "U.S. M. Synoviae Clean" programs that would require additional tests for meat-type chicken breeding flocks when spiking males are introduced. Of the 3,979 pullorum-typhoid clean flocks currently participating in the Plan, 2,842 flocks are classified as "U.S. M. Gallisepticum Clean" and "U.S. M. Synoviae Clean;" the remaining 1,137 flocks are eligible for the proposed new "U.S. M. Gallisepticum Monitored" and "U.S. M. Synoviae Monitored" programs. However, because participation in Plan programs is voluntary, the Agency could not estimate the number of producers who may participate in the two proposed new "monitored" classifications or use the new tests.

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 12988

This proposed rule has been reviewed under Executive Order 12988, 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

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### List of Subjects in 9 CFR Parts 145 and 147

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

Accordingly, 9 CFR parts 145 and 147 would be amended as follows:

**PART 145—NATIONAL POULTRY IMPROVEMENT PLAN**

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

Authority: 7 U.S.C. 429; 7 CFR 2.22, 2.80, and 371.2(d).

2. Section 145.10 would be amended as follows:

a. In paragraph (e), the words “and § 145.43(e)” would be removed and the words “145.43(e), and § 145.53(d)” would be added in their place.

b. New paragraphs (o), (p), and (q) would be added to read as set forth below.

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

\* \* \* \* \*

BILLING CODE 3410-34-P

(o) U.S. Salmonella Monitored. (See § 145.33(i).)



Figure 16

(p) U.S. M. Gallisepticum Monitored. (See § 145.33(j).)

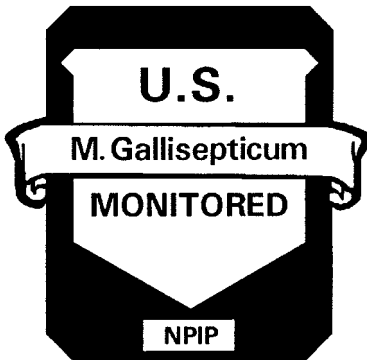


Figure 17

(q) U.S. M. Synoviae Monitored. (See § 145.33(k).)

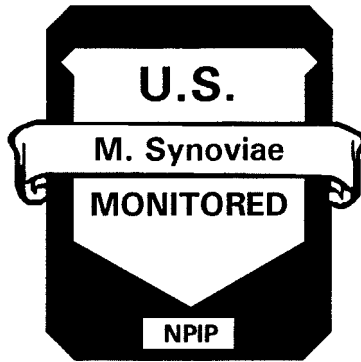


Figure 18

BILLING CODE 3410-34-C

**§ 145.23 [Amended]**

3. Section 145.23 would be amended as follows:

a. In paragraph (b), in the introductory text, the words “at the discretion of the official State agency with the concurrence of the Service” would be removed and the words “conducted a minimum of 4 weeks after the induction of molt” would be added in their place.

b. In paragraph (e)(1)(ii), in the introductory text, the words “75 birds” would be removed and the words “150 birds” would be added in their place.

4. Section 145.33 would be amended as follows:

a. In paragraph (b), in the introductory text, the words “at the discretion of the official State agency with the concurrence of the Service” would be removed and the words “conducted a minimum of 4 weeks after the induction of molt” would be added in their place.

b. A new paragraph (c)(4) would be added to read as set forth below.

c. In paragraph (e)(1)(ii), in the introductory text, the words “75 birds” would be removed and the words “150 birds” would be added in their place.

d. A new paragraph (e)(4) would be added to read as set forth below.

e. New paragraphs (i), (j), and (k) would be added to read as set forth below.

**§ 145.33 Terminology and classification; flocks and products.**

\* \* \* \* \*

(c) \* \* \*

(4) Before male breeding birds may be added to a participating multiplier breeding flock, a sample of at least 3 percent of the birds to be added, with a minimum of 10 birds per pen, shall be tested for *M. gallisepticum* as provided in § 145.14(b) or by a polymerase chain reaction (PCR)-based procedure approved by the Department. The male birds shall be tested no more than 14 days prior to their intended introduction into the flock. If the serologic testing of the birds yields

hemagglutination inhibition titers of 1:40 or higher, or if the PCR testing is positive for *M. gallisepticum*, the male birds may not be added to the flock and must be either retested or destroyed.

\* \* \* \* \*

(e) \* \* \*

(4) Before male breeding birds may be added to a participating multiplier breeding flock, a sample of at least 3 percent of the birds to be added, with a minimum of 10 birds per pen, shall be tested for *M. synoviae* as provided in § 145.14(b) or by a polymerase chain reaction (PCR)-based procedure approved by the Department. The male birds shall be tested no more than 14 days prior to their intended introduction into the flock. If the serologic testing of the birds yields hemagglutination inhibition titers of 1:40 or higher, or if the PCR testing is positive for *M. synoviae*, the male birds may not be added to the flock and must be either retested or destroyed.

\* \* \* \* \*

(i) *U.S. Salmonella Monitored*. This program is intended to be the basis from which the breeding-hatching industry may conduct a program for the prevention and control of Salmonellosis. It 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. This will afford other segments of the poultry industry an opportunity to reduce the incidence of Salmonella in their products.

(1) A flock and the hatching eggs and chicks produced from it that have met the following requirements, as determined by the Official State Agency:

- (i) The flock shall originate from a source where sanitation and management practices, as outlined in § 145.33(d)(1), are conducted;
- (ii) The flock is maintained in compliance with §§ 147.21, 147.24(a), and 147.26 of this chapter;
- (iii) If feed contains animal protein, the protein products should be purchased from participants in the Animal Protein Products Industry (APPI) Salmonella Education/Reduction Program. 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 above, 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;
- (iv) Feed shall be stored and transported in a manner to prevent possible contamination;

(v) Chicks shall be hatched in a hatchery meeting the requirements of §§ 147.23 and 147.24(b) and sanitized or fumigated (see § 147.25 of this chapter).

(vi) An Authorized Agent shall take environmental samples from the hatchery every 30 days; i.e., meconium and chick papers. An authorized laboratory for Salmonella shall examine the samples bacteriologically;

(vii) An Authorized Agent shall take environmental samples as described in § 147.12 of this chapter from each flock at 4 months of age and every 30 days thereafter. An authorized laboratory for Salmonella shall examine the environmental samples bacteriologically;

(viii) Owners of flocks may vaccinate with a paratyphoid vaccine: *Provided*, That a sample of 350 birds, which will be banded for identification, shall remain unvaccinated until the flock reaches at least 4 months of age.

(2) The Official State Agency may use the procedures described in § 147.14 of this chapter to monitor the effectiveness of the egg sanitation practices.

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

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

(j) *U.S. M. Gallisepticum Monitored*. (1) A multiplier breeding flock in which all birds or a sample of at least 20 birds per house has been tested for *M. gallisepticum* as provided in § 145.14(b) when more than 4 months of age: *Provided*, That to retain this classification, a minimum of 20 birds per house shall be tested again at 36 to 38 weeks and at 48 to 50 weeks at a minimum: *And provided further*, That each 20-bird sample should come from two locations within the house (10 from the front half of the house and 10 from the back half of the house). A representative sample of males and females should be sampled. The samples shall be marked "male" or "female."

(2) A participant handling U.S. M. Gallisepticum Monitored products shall keep these products separate from other products in a manner satisfactory to the Official State Agency: *Provided*, That U.S. M. Gallisepticum Monitored chicks from multiplier breeding flocks shall be produced in incubators and hatchers in which only eggs from flocks qualified under paragraph (j)(1) of this section are set. Eggs from U.S. M. Gallisepticum Monitored multiplier breeding flocks shall not be set in hatchers or incubators in which eggs from U.S. M.

Gallisepticum Clean primary breeding flocks qualified under paragraph (c)(1)(i) of this section are set.

(3) U.S. M. Gallisepticum Monitored chicks shall be boxed in clean boxes and delivered in trucks that have been cleaned and disinfected as described in § 147.24(a) of this chapter.

(k) *U.S. M. Synoviae Monitored*. (1) A multiplier breeding flock in which all birds or a sample of at least 20 birds per house has been tested for *M. synoviae* as provided in § 145.14(b) when more than 4 months of age: *Provided*, That to retain this classification, a minimum of 20 birds per house shall be tested again at 36 to 38 weeks and at 48 to 50 weeks at a minimum: *And provided further*, That each 20-bird sample should come from two locations within the house (10 from the front half of the house and 10 from the back half of the house). A representative sample of males and females should be sampled. The samples shall be marked "male" or "female."

(2) A participant handling U.S. M. Synoviae Monitored products shall keep these products separate from other products in a manner satisfactory to the Official State Agency: *Provided*, That U.S. M. Synoviae Monitored chicks from multiplier breeding flocks shall be produced in incubators and hatchers in which only eggs from flocks qualified under paragraph (k)(1) of this section are set. Eggs from U.S. M. Synoviae Monitored multiplier breeding flocks shall not be set in hatchers or incubators in which eggs from U.S. M. Synoviae Clean primary breeding flocks qualified under paragraph (e)(1)(i) of this section are set.

(3) U.S. M. Synoviae Monitored chicks shall be boxed in clean boxes and delivered in trucks that have been cleaned and disinfected as described in § 147.24(a) of this chapter.

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

#### § 145.43 [Amended]

5. Section 145.43 would be amended as follows:

a. In paragraph (b), in the introductory text, the words "at the discretion of the official State agency with the concurrence of the Service" would be removed and the words "conducted a minimum of 4 weeks after the induction of molt" would be added in their place.

b. In paragraph (c)(1), at the end of the paragraph, the words "and at 4-6 week intervals thereafter" would be added immediately after the words "28-30 weeks of age".

c. In paragraph (d)(1)(i), the words "60 birds" would be removed and the

words "100 birds" would be added in their place.

d. In paragraph (d)(2), at the end of the second sentence, the words "of this chapter" would be added immediately after the citation "\$ 147.6(b)".

e. Paragraph (f)(7) would be removed and paragraph (f)(8) would be redesignated as paragraph (f)(7).

6. Section 145.53 would be amended by adding a new paragraph (d) to read as follows:

#### § 145.53 Terminology and classification; flocks and products.

\* \* \* \* \*

(d) *U.S. M. Synoviae Clean*. (1) A flock maintained in compliance with the provisions of § 147.26 of this chapter and in which freedom from *Mycoplasma synoviae* has been demonstrated under the criteria specified in paragraph (d)(1)(i) or (d)(1)(ii) of this section.

(i) It is a flock in which a minimum of 300 birds has been tested for *M. synoviae* as provided in § 145.14(b) when more than 4 months of age: *Provided*, That to retain this classification, a sample of at least 150 birds shall be tested at intervals of not more than 90 days: *And provided further*, That a sample comprised of fewer than 150 birds may be tested at any one time with the approval of the Official State Agency and the concurrence of the Service, provided that a minimum of 150 birds is tested within each 90-day period; or

(ii) It is a multiplier breeding flock that originated as U.S. M. Synoviae Clean chicks from primary breeding flocks and from which a sample comprised of a minimum of 75 birds has been tested for *M. synoviae* as provided in § 145.14(b) when more than 4 months of age: *Provided*, That to retain this classification, the flock shall be subjected to one of the following procedures:

(A) At intervals of not more than 90 days, a sample of 50 birds shall be tested: *Provided*, That a sample of fewer than 50 birds may be tested at any one time, 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 a total of at least 50 birds is tested within each 90-day period; or

(B) At intervals of not more than 30 days, egg yolk testing shall be conducted in accordance with § 147.8 of this chapter.

(2) A participant handling U.S. M. Synoviae Clean products shall keep those products separate from other products in a manner satisfactory to the Official State Agency: *Provided*, That

U.S. M. Synoviae Clean chicks from primary breeding flocks shall be produced in incubators and hatchers in which only eggs from flocks qualified under paragraph (d)(1)(i) or (d)(1)(ii) of this section are set.

(3) U.S. M. Synoviae Clean chicks shall be boxed in clean boxes and delivered in trucks that have been cleaned and disinfected as described in § 147.24(a) of this chapter.

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

#### **PART 147—AUXILIARY PROVISIONS ON NATIONAL POULTRY IMPROVEMENT PLAN**

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

Authority: 7 U.S.C. 429; 7 CFR 2.22, 2.80, and 371.2(d).

8. Section 147.6 would be amended as follows:

a. Paragraph (a) would be removed and paragraph (b) would be redesignated as paragraph (a).

b. The introductory text of newly redesignated paragraph (a) would be revised to read as set forth below.

c. In newly redesignated paragraph (a)(2), the words "paragraphs (b)(3), (b)(4), and (b)(5)" would be removed and the words "paragraphs (a)(3), (a)(4), and (a)(5)" would be added in their place.

d. In newly redesignated paragraphs (a)(3), (a)(4), (a)(5), (a)(9), and (a)(10), the words "paragraph (b)(6)" would be removed and the words "paragraph (a)(6)" would be added in their place.

e. In newly redesignated paragraph (a)(5), in the first sentence, the words "in conjunction with any of the criteria described in paragraph (a)(1) of this section," would be removed and, in the second sentence, the words "but none of the criteria described in paragraph (a)(1) of this section are evident," would be removed.

f. In newly redesignated paragraph (a)(13), the word "both" would be removed.

g. A new paragraph (b) would be added and reserved.

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

\* \* \* \* \*

(a) The status of a flock for Mycoplasma shall be determined according to the following criteria:

\* \* \* \* \*

9. Section 147.12 would be amended by adding a new paragraph (c) to read as follows:

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

\* \* \* \* \*

(c) *Chick box papers.* Samples from chick box papers may be bacteriologically examined for the presence of salmonella. The Plan participant may collect the samples in accordance with paragraph (c)(1) of this section or submit chick box papers directly to a laboratory in accordance with paragraph (c)(2) of this section.

(1) Instructions for collecting samples from chick box papers:

(i) Collect 1 chick box paper for each 10 boxes of chicks placed in a house and lay the papers on a clean surface.

(ii) Clean your hands and put on latex gloves. Do not apply disinfectant to the gloves. Change gloves after collecting samples from 10 chick box papers or any time a glove is torn.

(iii) Saturate a sterile 3-by-3 inch gauze pad with double-strength skim milk (see footnote 11 to this section) and rub the pad across the surface of five chick box papers. Rub the pad over at least 75 percent of each paper and use sufficient pressure to rub any dry meconium off the paper. Pouring a small amount of double-strength skim milk (1 to 2 tablespoons) on each paper will make it easier to collect samples.

(iv) After collecting samples from 10 chick box papers, place the two gauze pads used to collect the samples (i.e., one pad per 5 chick box papers) into an 18 oz. Whirl-Pak bag and add 1 to 2 tablespoons of double-strength skim milk.

(v) Promptly refrigerate the Whirl-Pak bags containing the samples and transport them, on ice or otherwise refrigerated, to a laboratory within 48 hours of collection. The samples may be frozen for longer storage if the Plan participant is unable to transport them to a laboratory within 48 hours.

(2) The Plan participant may send chick box papers directly to a laboratory, where samples may be collected as described in paragraph (c)(1) of this section. To send chick box papers directly to a laboratory, the Plan participant shall:

(i) Collect 1 chick box paper for each 10 boxes of chicks placed in a house and place the chick papers immediately into large plastic bags and seal the bags.

(ii) Place the plastic bags containing the chick box papers in a clean box and transport them within 48 hours to a laboratory. The plastic bags do not require refrigeration.

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

Done in Washington, DC, this 4th day of March 1997.

Donald W. Luchsinger,  
*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 97-6025 Filed 3-10-97; 8:45 am]

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## **FEDERAL RESERVE SYSTEM**

### **12 CFR Parts 204 and 209**

[Regulations D and I; Docket No. R-0963]

#### **Reserve Requirements of Depository Institutions and Issue and Cancellation of Capital Stock of Federal Reserve Banks**

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Proposed rule.

**SUMMARY:** The Board is proposing amendments to Regulations D and I, Reserve Requirements of Depository Institutions and Issue and Cancellation of Capital Stock of Federal Reserve Banks, to define the location of a depository institution. The proposed amendments would clarify the Federal Reserve District where a depository institution is eligible for Federal Reserve membership and the location of a depository institution's reserve account. The Board is proposing these changes to facilitate interstate banking.

**DATES:** Comments must be submitted on or before April 18, 1997.

**ADDRESSES:** Comments, which should refer to Docket No. R-0963, may be mailed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551. Comments addressed to Mr. Wiles also may be delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m. and to the security control room outside of those hours. Both the mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, NW. Comments may be inspected in Room MP-500 between 9:00 a.m. and 5:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** Oliver Ireland, Associate General Counsel, (202/452-3625) or Stephanie Martin, Senior Attorney (202/452-3198), Legal Division. For the hearing impaired *only*, contact Dorothea Thompson, Telecommunications Device for the Deaf (TDD) (202/452-3544), Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551.