

Notices

Federal Register

Vol. 62, No. 185

Wednesday, September 24, 1997

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. DA-97-10]

Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed collection, comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Agricultural Marketing Service's (AMS) intention to request an extension for and revision to a currently approved information collection for Reporting Requirements Under Regulations Governing Inspection and Grading Services of Manufactured or Processed Products.

DATES: Comments on this notice must be received by November 24, 1997 to be assured of consideration.

ADDITIONAL INFORMATION OR COMMENTS: Contact Lynn G. Boerger, USDA/AMS/Dairy Division, Dairy Grading Branch, Room 2750-South Building, P.O. Box 96456, Washington, D.C. 20090-6456; Tel: (202) 720-9381, Fax: (202) 720-2643.

SUPPLEMENTARY INFORMATION:

Title: Reporting Requirements Under Regulations Governing Inspection and Grading Services of Manufactured or Processed Products.

OMB Number: 0581-0126.

Expiration Date of Approval: March 31, 1998.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: The dairy grading program is a voluntary user fee program. In order for a voluntary inspection program to perform satisfactorily with a minimum

of confusion, there must be written requirements and rules for both Government and industry. The information collections are essential to carry out and administer the inspection and grading program. The information requested is used to identify the product offered for grading, to identify and contact the party responsible for payment of the grading fee and expense, and to identify persons who are responsible for administering the program.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average .048 hours per response.

Respondents: Distributors, manufacturers and packagers of butter and cheese.

Estimated Number of Respondents: 319.

Estimated Number of Responses per Respondent: 3.97.

Estimated Total Annual Burden on Respondents: 383 hours.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments should reference OMB No. 0581-0126 and the Dairy Inspection and Grading Program and be sent to the Office of the Director, USDA/AMS/Dairy Division, Room 2968-S, P.O. Box 96456, Washington, D.C. 20090-6456. Comments should reference the docket number and the date and page number of this issue of the **Federal Register**. All comments received will be available for public inspection during regular business hours at 14th and Independence Ave. S.W., Washington, D.C., Room 2968 South Building.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Dated: September 17, 1997.

Richard M. McKee,

Director, Dairy Division.

[FR Doc. 97-25276 Filed 9-23-97; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. PY-97-008]

Pasteurized Shell Eggs (Pasteurized In-shell Eggs)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: The purpose of this notice is to inform interested persons that the Agricultural Marketing Service (AMS) intends to approve the official identification of pasteurized shell eggs (in-shell eggs) on a tentative basis. Such shell eggs will be required to be subjected to a pasteurization process deemed acceptable to the Food and Drug Administration (FDA). Additionally, AMS advises all interested parties that it will not develop grade standards for pasteurized shell eggs at this time.

DATES: This tentative approval period begins September 24, 1997 and extends until AMS makes a final determination regarding the official identification of pasteurized shell eggs. Comments should be submitted on or before November 24, 1997.

ADDRESSES: Written comments may be sent to Douglas C. Bailey, Chief, Standardization Branch, Poultry Division, Agricultural Marketing Service, U.S. Department of Agriculture, Stop 0259, 1400 Independence Avenue, SW, Washington, DC 20250-0259. Comments may be inspected at this location between 8 a.m. and 4:00 p.m., Eastern time, Monday through Friday, except holidays. State that your comments refer to Docket No. PY-97-008.

COMMENTS: Commenters are invited to provide specific information during the comment period on the Agency's tentative approval to officially identify pasteurized shell eggs.

FOR FURTHER INFORMATION CONTACT: Rex A. Barnes, Chief, Grading Branch, Poultry Division, 202-720-3271.

SUPPLEMENTARY INFORMATION:**Background**

The Agricultural Marketing Act of 1946, as amended (AMA) (7 U.S.C. 1621 *et seq.*), authorizes the Secretary of Agriculture to set standards for agricultural products and, on a voluntary basis, inspect and certify conformity of agricultural products to such standards to assist in their orderly marketing.

The voluntary shell egg grading program (7 CFR Part 56) administered under the AMA provides that any interested party may make an application with USDA to determine the class, quality, quantity, condition, of shell eggs.

Moreover, USDA may authorize the applicant to officially identify such commodities after they have been graded by a representative of the Secretary and meet the requirements of the authorizing regulations, standards, or specifications.

Grade Standards

On June 18, 1996, the Agricultural Marketing Service (AMS) published a notice in the **Federal Register** (61 FR 30851) advising interested persons that grade standards currently applicable to shell eggs are not appropriate for pasteurized shell eggs. The notice also solicited comments on the need for USDA grade standards for pasteurized shell eggs. AMS received 5 comments during the comment period. Two commenters were not in favor of grade standards for pasteurized shell eggs and 3 commenters addressed issues that were outside the scope of the notice. AMS reviewed this issue and does not plan to develop grade standards for pasteurized shell eggs at this time.

Tentative Official Identification of Pasteurized Shell Eggs

AMS has been requested to permit the official identification of pasteurized shell eggs (in-shell eggs). Pasteurized shell eggs are shell eggs of the domesticated chicken which have been subjected to a process to destroy harmful viable microorganisms. Such processes shall meet the criterion for pasteurization set forth by FDA.

Since FDA is responsible for the definitions and standards or descriptions of foods such as eggs, shell egg processors must first receive FDA authorization to use the term "pasteurized" in conjunction with its shell egg labels. All such labeling must also comply with the Federal Food, Drug and Cosmetic Act; Fair Packaging

and Labeling Act; and Nutrition Labeling and Education Act; and their associated regulations.

The FDA criterion for pasteurization is a 5 log reduction in Salmonella count after introducing a mixture of Salmonella organisms containing *Salmonella enteritidis* into the intact egg. Processors must demonstrate the effectiveness of their pasteurization process by obtaining and providing FDA data which show that their process resulted in the required reduction in Salmonella count. An evaluation of the pasteurization process will include not only a review of the time/temperature data necessary to achieve a 5 log reduction in Salmonella count, but will also include an evaluation of survival and growth of bacteria from eggs held for 30 days at 41 °F after pasteurization. Additionally, processors will also be required to demonstrate that product integrity can be ensured after pasteurization. This may be done by the marking and/or packaging of the pasteurized eggs to ensure that unpasteurized eggs are not substituted in the containers after processing.

After processors have submitted appropriate data acceptable to FDA for use of the term "pasteurized," AMS will consider their requests to permit official identification of the pasteurized shell eggs.

Processors would be authorized to state that USDA certifies the shell eggs as pasteurized when a representative of the Secretary monitors the pasteurization process to ensure it is conducted in accordance with appropriate requirements. Additionally, processors would be authorized to officially identify pasteurized shell eggs with a shield-shaped certified as pasteurized symbol if the eggs certified as pasteurized were produced from eggs which had been officially graded and identified as U.S. Consumer Grade A or Grade AA. An official identification symbol that does not include the shield could also be developed to identify ungraded pasteurized shell eggs if there is sufficient interest in the use of such a symbol.

AMS recognizes that appropriate investigation is needed before amending current regulations to establish an authority for a new official identification. As part of this investigation, AMS is tentatively authorizing the official identification of pasteurized shell eggs to determine industry and consumer acceptance of such a practice, and to permit the collection of other necessary data. Current regulations (7 CFR 56.3) provide

AMS the flexibility needed to permit such experimentation. After AMS has evaluated the results of the tentative authorization of official identification for pasteurized shell eggs, it will determine if the current shell egg grading regulations should be amended, through notice and comment rulemaking, to include authorization to identify shell eggs as certified as pasteurized.

Tentative Requirements for Official Identification of Pasteurized Shell Eggs**Identifying and Marking Products.**

Use of USDA Certified as Pasteurized Statement.

1. During the tentative approval period, processors may state on labels, containers, or packaging material that USDA certifies shell eggs as pasteurized in accordance with the following requirements:

a. Acceptance of the efficacy of the pasteurization process by FDA.

b. Use of a grader to monitor the pasteurization process to ensure it is conducted in accordance with prescribed parameters.

Use of USDA Certified as Pasteurized Official Identification Symbol.

2. During the tentative approval period, processors may use the USDA official symbol certifying shell eggs as pasteurized on labels, containers, or packaging material in accordance with the following requirements:

a. Acceptance of the efficacy of the pasteurization process by FDA.

b. Use of a grader to monitor the pasteurization process to ensure it is conducted in accordance with prescribed parameters.

c. Use of eggs officially graded and identified as U.S. Consumer Grade A or Grade AA to produce pasteurized shell eggs.

Design of Certified as Pasteurized Official Identification Symbol for Graded Eggs.

3. Except as otherwise authorized, the shield set forth in Figure 1 containing the letters "USDA" shall be the official identification symbol to identify cartons of shell eggs which are officially graded and pasteurized. The shield shall be of sufficient size so that the print and other information contained therein is distinctly legible and in approximately the same proportion as shown in Figure 1.



Figure 1

BILLING CODE 3410-02-C

Authority: 7 U.S.C. 1621 *et seq.*

Dated: September 18, 1997.

Lon Hatamiya,

Administrator, Agricultural Marketing Service.

[FR Doc. 97-25277 Filed 9-23-97; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE**Animal and Plant Health Inspection Service**

[Docket No. 97-083-1]

Notice of Request for Extension of Approval of an Information Collection**AGENCY:** Animal and Plant Health Inspection Service, USDA.**ACTION:** Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection in support of regulations to prevent the introduction of exotic Newcastle disease in birds and poultry and chlamydia in poultry.

DATES: Comments on this notice must be received by November 24, 1997 to be assured of consideration.

ADDRESSES: Send comments regarding the accuracy of burden estimate, ways to minimize the burden (such as through the use of automated collection techniques or other forms of information technology), or any other aspect of this collection of information to: Docket No. 97-083-1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please send an original and three copies, and state that your comments refer to Docket 97-083-1. 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: For information regarding exotic Newcastle disease in birds and poultry and chlamydia in poultry, contact Dr. Karen James, Senior Staff Veterinarian, Emergency Programs, VS, APHIS, 4700 River Road Unit 41, Riverdale, MD 20737-1231, (301) 734-8240, or e-mail kjames@aphis.usda.gov. For copies of more detailed information on the information collection, contact Ms. Cheryl Jenkins, Information Collection Coordinator, at (301) 734-5360.

SUPPLEMENTARY INFORMATION:

Title: Exotic Newcastle Disease in Birds & Poultry; Chlamydia in Poultry.

OMB Number: 0579-0116.

Expiration Date of Approval: April 30, 1998.

Type of Request: Extension of approval of an information collection.

Abstract: The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture is responsible for preventing the spread of contagious, infectious, or communicable diseases of animals and poultry from one State to another, and for eradicating such diseases from the United States when feasible.

In connection with this mission, APHIS regulates the interstate movement of certain poultry, birds, and other items from premises and areas quarantined because of exotic Newcastle disease or chlamydia. These regulations enable us to prevent infected or exposed birds from coming into contact with healthy ones.

Regulating the interstate movement of birds, poultry, and other items (such as eggs, carcasses, vehicles, containers, and coops) requires the use of certain information gathering activities, including the completion of documents attesting to the health of the birds or poultry being moved, the number and types of birds or poultry being moved in a particular shipment, the shipment's point of origin, the shipment's

destination, and the reason for the interstate movement.

These documents also provide useful "traceback" information in the event that poultry or birds are infected and an investigation must be launched to determine where the birds or poultry originated.

The information provided by these documents is critical to our ability to prevent the interstate spread of exotic Newcastle disease and chlamydia, which are highly contagious and capable of causing significant economic harm to the U.S. poultry industry.

We are asking the Office of Management and Budget (OMB) to approve the continued use of this information collection activity.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. We need this outside input to help us:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average .46 hours per response.

Respondents: U.S. producers and shippers, State animal protection authorities.

Estimated number of respondents: 45.

Estimated number of responses per respondent: 1.