

the exporting producer should make an effort to determine whether the beef will be used to produce intact or non-intact product. If the shipping company does, and it conducts any testing and finds *E. coli* O157:H7 on the beef, that company could ensure that the beef is handled appropriately once it is shipped.

In response to the second commenter above, as discussed under *Testing for E. coli* O157:H7, FSIS agrees that end-product testing alone is ineffective for ensuring process control. However, FSIS began its testing program for ground beef, an end-product testing program, as a means of spurring establishments into taking more aggressive action to control their processes. Also, at this point, FSIS does not intend to narrow the scope of products affected by the *E. coli* O157:H7 policy. With regard to this commenter's suggestion that appropriate compliance action should be determined based on the level of generic *E. coli* in the contaminated product, data show that levels of generic *E. coli* are not necessarily indicative of the levels of *E. coli* O157:H7 in product.

In response to the comments from the FSIS bargaining unit employee, FSIS ensures that products exported to the United States are produced under inspection requirements equivalent to those in the Federal meat inspection regulations. In addition, FSIS schedules sample collection for imported ground beef product. These samples are collected and tested for *E. coli* O157:H7 according to the same procedures as are used for domestic product.

Comments on Related Documents

FSIS received comments recommending changes to FSIS Directive 10,010.1, "Microbiological Testing Program For *Escherichia coli* O157:H7 in Raw Ground Beef." FSIS also received comments regarding the questions and answers it developed shortly before the March 8, 1999, public meeting.

FSIS is currently considering whether and how to revise these documents. In considering revisions to these documents, FSIS will take into account the comments submitted and information from the risk assessment on ground beef. Further, FSIS soon expects to receive the results from the industry carcass testing study and will consider modifying the directive based on its review of the results of the study.

Industry Protocol

Two consumer groups objected to FSIS' decision to delay implementation of the policy discussed in the January 19, 1999, policy statement. One of these commenters stated that FSIS should not

await the results of the industry study before implementing the policy. The other expressed concerns with regard to FSIS' interest in comments to the industry protocol. For example, the commenter questioned what bearing comments from the public will have on the study. In addition, this commenter expressed doubt that the industry study would be carried out in an unbiased manner.

Another consumer group stated that data from the industry's study could offer valuable insight into both the prevalence of the pathogen and the ability of existing intervention technologies to eliminate it from beef carcasses. However, the commenter suggested that certain changes should be made to the protocol. For example, the commenter stated that FSIS' recommended changes should be incorporated into the study, and that industry should ensure that the plants involved in the study are representative of the variations that exist among plants that produce raw ground and non-intact beef products.

FSIS delayed implementation of the policy discussed in the January 19, 1999, policy statement because it was waiting for the results of the risk assessment for *E. coli* O157:H7 in ground beef and needed time to consider comments received concerning the policy, not because of the industry study. With regard to the industry study, FSIS reviewed the protocol and provided suggested changes to the industry. In addition, FSIS made the comments discussed above available to the industry through the FSIS docket room. Although FSIS reviewed and provided suggested changes to the industry, this study is an industry study; therefore, the industry was not required to revise its protocol based on comments from FSIS or from the public. FSIS has not yet received the results of the study. When reviewing the results, FSIS will take into account any shortcomings in the protocol.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development are important. Consequently, in an effort to better ensure that minorities, women, and persons with disabilities are aware of this notice of public meeting, FSIS will announce it and provide copies of this **Federal Register** publication in the FSIS Constituent Update. FSIS provides a weekly FSIS Constituent Update, which is communicated via fax to over 300 organizations and individuals. In addition, the update is available on line through the FSIS web page located at <http://www.fsis.usda.gov>. The update is

used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and any other types of information that could affect or would be of interest to our constituents/stakeholders. The constituent fax list consists of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals that have requested to be included. Through these various channels, FSIS is able to provide information to a much broader, more diverse audience. For more information and to be added to the constituent fax list, fax your request to the Congressional and Public Affairs Office, at (202) 720-5704.

Done at Washington, DC, on: February 7, 2000.

Thomas J. Billy,

Administrator.

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DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 381

[Docket No. 99-059DF]

Termination of Designation of the State of Minnesota with Respect to the Inspection of Poultry and Poultry Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is amending the poultry products inspection regulations by terminating the designation of the State of Minnesota under sections 1 through 4, 6 through 11, and 12 through 22 of the Poultry Products Inspection Act.

DATES: This final rule is effective February 11, 2000.

ADDRESSES: Authorizing letters from Minnesota State officials are on file in the FSIS Docket Room, Room 102, Cotton Annex Building, 300 12th Street, SW, Washington, DC 20250-3700. The Docket Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Dr. William F. Leese, Director, Federal-State Relations Staff, Food Safety and Inspection Service; telephone (202) 418-8900 or fax (202) 418-8834.

SUPPLEMENTARY INFORMATION:

Background

Section 5(c) of the Poultry Products Inspection Act (PPIA; 21 U.S.C. 454(c)) authorizes the Secretary of Agriculture to designate a State as one in which the provisions of sections 1-4, 6-11, and 12-22 of the PPIA will apply to operations and transactions wholly within the State after the Secretary has determined that requirements at least equal to those imposed under the Act have not been developed and effectively enforced by the State.

On January 2, 1971 and May 16, 1972, the Secretary of Agriculture designated the State of Minnesota under section 5(c) of the PPIA (21 U.S.C.) and section 301(c) (21 U.S.C. 661(c)) of the Federal Meat Inspection Act (FMIA) as a State in which the U.S. Department of Agriculture (USDA) is responsible for providing meat and poultry products inspection at eligible establishments and otherwise enforcing the applicable provisions of PPIA and FMIA with regard to intrastate activities in the State.

In addition, on January 31, 1975 (40 FR 4646), a document was published in the **Federal Register** announcing that effective on that date, USDA would assume the responsibility of administering the authorities provided under sections 202, 203, and 204 (21 U.S.C. 642, 643, and 644) of the FMIA and sections 11(b) and (c) (21 U.S.C. 460(b) and (c)) of the PPIA regarding certain categories of processors of meat and poultry products.

These designations were undertaken by USDA when it was determined that the State of Minnesota was not in a position to enforce meat and poultry inspection requirements under State laws for products in intrastate commerce that were at least "equal to" the requirements of the PPIA and FMIA as enforced by USDA.

In 1998, the Governor of the State of Minnesota informed FSIS that Minnesota will be in a position to administer a State meat inspection program that includes requirements at least "equal to" those imposed under the Federal meat inspection program for products in interstate commerce.

Therefore, the designations of Minnesota under Titles I, II, and IV of FMIA were terminated, effective December 28, 1998. However, the designation of the State of Minnesota under the appropriate provisions of the PPIA has remained in effect since that time.

Section 5(c) of the PPIA provides that, whenever the Secretary of Agriculture determines that any designated State has developed and will enforce State

meat inspection requirements at least "equal to" those imposed by USDA under the PPIA, with regard to intrastate operations and transactions within the State, the Secretary will terminate the designation of such State. The Secretary has determined that the State of Minnesota has developed and will enforce such a State poultry products inspection program in accordance with applicable provisions of the PPIA. In addition, the Secretary has determined that the State of Minnesota also is in a position to enforce effectively the provisions of sections 1-4, 6-11, and 12-22 of the PPIA. Therefore, the designations of the State of Minnesota under these sections are terminated.

Because it does not appear that public participation in this matter would make additional relevant information available to the Secretary under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary.

Executive Order 12866

This final rule is issued in conformance with Executive Order 12866 and has been determined not to be a major rule. It will not result in an annual effect on the economy of \$100 million or more. It will not cause a major increase in costs or prices for consumers, individual industries, governments, or geographic regions. Terminating the designation of the State of Minnesota will provide for the State to assume the responsibility, previously limited to USDA, of administering a poultry products inspection program for intrastate operations and transactions and for ensuring compliance by persons, firms, and corporations engaged in intrastate commerce in specified kinds of businesses. Qualifying businesses will have the option to operate under State inspection as an alternative to Federal inspection. The State of Minnesota will be required to administer the poultry products inspection program in a manner that is at least "equal to" the inspection program administered by USDA.

Effect on Small Entities

The Administrator has made an initial determination that this final rule would not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601). As stated above, the State of Minnesota is assuming a responsibility, previously limited to USDA, of administering the poultry products inspection program for intrastate poultry operations and transactions.

Additional Public Notification

FSIS has considered the potential civil rights impact of this final rule on minorities, women, and persons with disabilities. FSIS anticipates that this final rule will not have a negative or disproportionate impact on minorities, women, or persons with disabilities. However, final rules generally are designed to provide information and receive public comments on issues that may lead to new or revised Agency regulations or instructions. Public involvement in all segments of rulemaking and policy development is important. Consequently, in an effort to better ensure that minorities, women, and persons with disabilities are informed about the mechanism for providing their comments, FSIS will announce it and provide copies of this **Federal Register** publication in the FSIS Constituent Update.

FSIS provides a weekly Constituent Update, which is communicated via fax to more than 300 organizations and individuals. In addition, the update is available on-line through the FSIS web page located at <http://www.fsis.usda.gov>. The update is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and any other types of information that could affect or would be of interest to our constituents/stakeholders. The constituent fax list consists of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals who have requested to be included. Through these various channels, FSIS is able to provide information to a much broader, more diverse audience. For more information and to be added to the constituent fax list, fax your request to the Congressional and Public Affairs Office, at (202) 720-5704.

List of Subjects in 9 CFR Part 381

Poultry and poultry products.

Accordingly, Part 381 of the poultry products inspection regulations (9 CFR Part 381) is amended as follows:

PART 381—[AMENDED]

1. The authority citation for Part 381 continues to read as follows:

Authority: 7 U.S.C. 138f; 7 U.S.C. 450; 21 U.S.C. 451-470; 7 CFR 2.17, 2.55.

§ 381.221 [Amended]

2. Section 381.221 is amended by removing "Minnesota" from the States column and by removing the corresponding date.

§ 381.224 [Amended]

3. Section 381.224 is amended by removing "Minnesota" from the "State" column in two places and by removing the corresponding dates.

Done at Washington, DC, on February 4, 2000.

Thomas J. Billy,
Administrator.

[FR Doc. 00-3164 Filed 2-10-00; 8:45 am]

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EMERGENCY STEEL GUARANTEE LOAN BOARD**13 CFR Part 400**

RIN 3003-ZA00

Loan Guarantee Decision: Application Deadline

AGENCY: Emergency Steel Guarantee Loan Board.

ACTION: Final rule.

SUMMARY: In order to provide additional time for filing applications, the Emergency Steel Guarantee Loan Board is reopening the application window for the submission of guarantee applications.

DATES: This rule is effective February 11, 2000.

FOR FURTHER INFORMATION CONTACT: Jay E. Dittus, Executive Director, Emergency Steel Guarantee Loan Board, U.S. Department of Commerce, Washington, D.C. 20230, (202) 219-0584.

SUPPLEMENTARY INFORMATION:**Background**

In order to provide additional time for submission of completed applications, the deadline for the submission of applications has been reopened until February 28, 2000.

Administrative Law Requirements**Executive Order 12866**

This final rule has been determined not to be a significant for purposes of Executive Order 12866.

Administrative Procedure Act

This rule is exempt from the requirement to provide prior notice and an opportunity for public comment pursuant to 5 U.S.C. 553(b)(A), as it involves a matter relating to Board procedures and practice. Similarly, because this rule of procedure does not have a substantive effect on the public, it is not subject to a 30 day delay in effective date, as normally is required under 5 U.S.C. 553(d). However, the Board is interested in receiving public comment and is, therefore, issuing this rule as interim final.

Regulatory Flexibility Act

Because this rule is not subject to a requirement to provide prior notice and an opportunity for public comment pursuant to 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

Congressional Review Act

This rule has been determined to be not major for purposes of the Congressional Review Act, 5 U.S.C. 801 *et seq.*

Intergovernmental Review

No intergovernmental consultations with State and local officials is required because the rule is not subject to the provisions of Executive Order 12372 or Executive Order 12875.

Unfunded Mandate Reform Act of 1995

This rule contains no Federal mandates, as that term is defined in the Unfunded Mandates Reform Act, on State, local and tribal governments or the private sector.

Executive Order 13132

This rule does not contain policies having federalism implications requiring preparation of a Federalism Assessment.

Executive Order 12630

This rule does not contain policies that have takings implications.

List of Subjects in 13 CFR Part 400

Administrative practice and procedure, Loan Program—Steel, Reporting and recordkeeping requirements.

Jay E. Dittus,

Executive Director, Emergency Steel Guarantee Loan Board.

For the reasons set forth in the preamble, the Emergency Steel Guarantee Loan Board amends 13 CFR part 400 as follows:

1. The authority citation for part 400 continues to read as follows:

Authority: Pub. L. 106-51, 113 Stat. 255 (15 U.S.C. 1841 note).

2. Section 400.205 is amended by revising paragraphs (a) to read as follows:

§ 400.205 Application Process

(a) Application process. An original application and three copies must be received by the Board no later than 5 P.M. EST, February 28, 2000, in the US Department of Commerce, 1401 Constitution Avenue NW., Room H-2500, Washington, DC 20230. Applications which have been provided

to a delivery service on or before February 27, 2000, with "delivery guaranteed" before 5 P.M. on February 28, 2000, will be accepted for review if the Applicant can document that the application was provided to the delivery service with delivery to the address listed in this section guaranteed prior to the closing date and time. A postmark of February 27, 2000, is not sufficient to meet this deadline as the application must be received by the required date and time. Applications will not be accepted via facsimile machine transmission or electronic mail.

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[FR Doc. 00-3290 Filed 2-10-00; 8:45 am]

BILLING CODE 3510-17-M

EMERGENCY OIL AND GAS GUARANTEED LOAN BOARD**13 CFR Part 500**

RIN 3003-ZA00

Loan Guarantee Decision; Application Deadline

AGENCY: Emergency Oil and Gas Guaranteed Loan Board.

ACTION: Final rule.

SUMMARY: In order to provide additional time for filing applications, the Emergency Oil and Gas Guaranteed Loan Board is reopening the application window for the submission of guarantee applications.

DATES: This rule is effective February 11, 2000.

FOR FURTHER INFORMATION CONTACT: Charles E. Hall, Executive Director, Emergency Oil and Gas Guaranteed Loan Board, US Department of Commerce, Washington, D.C. 20230, (202) 219-0584.

SUPPLEMENTARY INFORMATION:**Background**

In order to provide additional time for the submission of completed applications, the deadline for the submission of applications has been reopened until February 28, 2000.

Administrative Law Requirements:**Executive Order 12866**

This final rule has been determined not to be a significant for purposes of Executive Order 12866.

Administrative Procedure Act

This rule is exempt from the requirement to provide prior notice and