

# 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

### Food Safety and Inspection Service

#### 9 CFR Parts 416, 417, and 430

[Docket No. FSIS-2010-0023]

#### Shiga Toxin-Producing *Escherichia coli* in Certain Raw Beef Products

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Public meeting; extension of comment period.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) is announcing that it will hold a public meeting on the Agency's implementation plans and methods for controlling non-O157 Shiga toxin-producing *Escherichia coli* in raw, intact and non-intact beef products and product components. To provide stakeholders with ready access to the public meeting, FSIS will conduct the meeting by teleconference. This document provides information on the meeting.

In the Agency's September 20, 2011, document announcing these plans and methods (76 FR 58157), FSIS asked for comments on a variety of issues (76 FR 58164). That comment period, which was originally scheduled to end on November 21, 2011, is now being extended and will end on December 21, 2011.

**DATES:** The teleconference will be held on December 1, 2011, from 1 p.m. to 3 p.m. EST. Submit comments on or before December 21, 2011.

**ADDRESSES:**

**Registration:** Pre-registration for this meeting is required. To pre-register, access the FSIS Web site, at [http://www.fsis.usda.gov/News/Meetings\\_&\\_Events/](http://www.fsis.usda.gov/News/Meetings_&_Events/). We are asking that anyone interested in making a public comment during the teleconference indicate so on the registration form. Call-in information for the teleconference will be provided and will be available on the FSIS Web site at the link listed above.

**Public Comment:** In addition to this teleconference, interested persons may submit comments on the Agency's implementation plans and methods for controlling non-O157 Shiga toxin-producing *Escherichia coli* in raw, intact and non-intact beef products and product components on or before December 21, 2011, using either of the following methods:

**Federal eRulemaking Portal:** Go to <http://www.regulations.gov> and follow the online instructions at that site for submitting comments. Mail, including floppy disks or CD-ROMs, and hand- or courier-delivered items: Send to U.S. Department of Agriculture (USDA), FSIS, OPPD, RIMD, Docket Clearance Unit, Patriots Plaza III, 8-164, 355 E Street SW., Washington, DC 20024-3221.

**Instructions:** All items submitted by mail or electronic mail must include the Agency name and docket number FSIS-2010-0023. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to: <http://www.regulations.gov>.

**Docket:** For access to background documents or comments received, go to the FSIS Docket Room at the address listed above between 8:30 a.m. and 4:30 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** For technical information: Contact Daniel Engeljohn, Assistant Administrator, Office of Policy and Program Development, at (202) 205-0495, or by fax at (202) 720-2025.

**For teleconference information:** Contact Joan Lindenberger, Public Affairs Specialist, Congressional and Public Affairs Office, by telephone at (202) 720-6755, or by email to [Joan.lindenberger@fsis.usda.gov](mailto:Joan.lindenberger@fsis.usda.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On September 20, 2011, FSIS published a document regarding non-O157 Shiga toxin-producing (STEC) *Escherichia coli* (*E. coli*). The document also requested comments regarding the Agency's implementation plans and methods for controlling these pathogens in raw, non-intact beef products and product components (76 FR 58157). The comment period was set to end on November 21, 2011.

In the September document, FSIS announced that it intends to carry out verification procedures, including sampling and testing of manufacturing trim and other raw ground beef components, to ensure control of both *E. coli* O157:H7 and six other serogroups of STEC *E. coli* (O26, O45, O103, O111, O121, and O145). FSIS has determined that they, as well as O157:H7, are adulterants of non-intact raw beef products and product components within the meaning of the Federal Meat Inspection Act. The Agency also announced that it is publishing guidance for use in validating commercial pathogen detection test kits that may be capable of detecting the STEC of concern.

Finally, FSIS stated that it is planning a survey of its field personnel who are stationed in beef slaughtering and processing establishments, similar to the 2007 "checklist" survey, to determine the processing practices that are employed to reduce the likelihood of contamination of intact and non-intact beef product with these STEC.

In October 2011, the Agency announced its planned revision to the FSIS Microbiology Laboratory Guidebook (MLG) 5B, "Detection and Isolation of Non-O157 Shiga-Toxin Producing *Escherichia coli* (STEC) from Meat Products," to expand laboratory testing for the detection of the six targeted serogroups. Chapters MLG 5B.01, MLG 5B Appendix 1.00, MLG 5B Appendix 2.00 and MLG Appendix 1.06 are now available at [http://www.fsis.usda.gov/Science/Microbiological\\_lab\\_guidebook/index.asp](http://www.fsis.usda.gov/Science/Microbiological_lab_guidebook/index.asp).

FSIS intends to use these methods, beginning March 5, 2012, in testing raw ground beef or in source material used to make ground beef, as well as mechanically tenderized steaks and roasts, for *E. coli* serogroups O26, O45, O103, O111, O121 and O145. If the Agency finds any of those serogroups in these types of products, it will prohibit the product from entering commerce. Like *E. coli* O157:H7, these serogroups can cause severe illness and even death; young children and the elderly are at highest risk. The Centers for Disease Control and Prevention also identifies these particular serogroups as those responsible for the greatest numbers of non-O157 STEC illnesses,

hospitalizations and deaths in the United States.

Beef slaughter and further processing plants should now begin to assess their food safety systems to ensure that they are capable of controlling these pathogens. Given FSIS's planned course of action, establishments that produce the listed products should take steps to ensure that the laboratory test they use to verify the controls they employ is effective in reliably detecting the presence of these pathogens. Establishments can rely upon the FSIS laboratory methodology released in October and updated on November 4, 2011, which has been demonstrated to reliably identify these pathogens, or they can use an equivalent methodology of their choice.

## II. Purpose of the Meeting and Agenda

To provide the public with an opportunity to comment on the Agency's implementation plans and methods for controlling non-O157 STEC in raw, intact and non-intact beef products and product components, FSIS will hold a public meeting by teleconference. The meeting will be held on December 1, 2011. Submit comments on or before December 21, 2011. The teleconference format is being used to provide individuals with easier access to the meeting, particularly those who may lack the resources or time to attend a meeting in person. Access to the 800 number for the teleconference number should be toll free for both domestic and international callers.

Interested persons are encouraged to join the teleconference at or near the start time. FSIS may end the teleconference early if participants are no longer calling in to make comments.

## III. Transcripts

As soon as the meeting transcripts are available, they will be accessible at <http://www.regulations.gov>. The transcripts may be viewed at the FSIS Docket Room, U.S. Department of Agriculture, Food Safety and Inspection Service, Patriots Plaza III, 8-164, 355 E Street SW., Washington, DC 20024-3221.

### Additional Public Notification

FSIS will announce this document online through the FSIS Web page located at [http://www.fsis.usda.gov/regulations\\_policies/Federal\\_Register\\_Notices/index.asp](http://www.fsis.usda.gov/regulations_policies/Federal_Register_Notices/index.asp).

FSIS will also make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices,

FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. In addition, FSIS offers an electronic mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at [http://www.fsis.usda.gov/News\\_Events/Email\\_Subscription/](http://www.fsis.usda.gov/News_Events/Email_Subscription/). Options range from recalls to export information to regulations, directives and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

Done at Washington, DC, on November 18, 2011.

**Alfred V. Almanza**,  
Administrator, FSIS.

[FR Doc. 2011-30271 Filed 11-18-11; 4:15 pm]

**BILLING CODE 3410-DM-P**

## DEPARTMENT OF ENERGY

### 10 CFR Parts 429 and 430

[Docket No. EERE-2008-BT-TP-0011]

RIN 1904-AB78

### Energy Conservation Program: Test Procedure for Microwave Ovens

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Supplemental notice of proposed rulemaking.

**SUMMARY:** The U.S. Department of Energy (DOE) published an interim final rule on March 9, 2011, amending its test procedures for microwave ovens under the Energy Policy and Conservation Act (EPCA) to provide for the measurement of standby mode and off mode power use by microwave ovens. Those amendments incorporated into the DOE test procedure provisions from the International Electrotechnical Commission (IEC) Standard 62301, "Household electrical appliances—Measurement of standby power," First Edition 2005-06 (IEC Standard 62301 (First Edition)). In addition, those amendments adopted in the DOE test procedure definitions of modes based on the relevant provisions from the IEC Standard 62301 Second Edition, Final Draft International Standard (IEC

Standard 62301 (FDIS)), as well as language to clarify application of these provisions for measuring standby mode and off mode power consumption in microwave ovens. Just prior to publication of the interim final rule, the IEC replaced the First Edition of this standard with the current Second Edition. This supplemental notice of proposed rulemaking proposes to incorporate the latest edition of IEC Standard 62301.

**DATES:** DOE will accept comments, data, and information regarding this supplemental notice of proposed rulemaking (SNOPR) submitted no later than December 23, 2011. See section V, "Public Participation," for details.

**ADDRESSES:** Any comments submitted must identify the SNOPR on Test Procedures for Microwave Ovens, and provide docket number EERE-2008-BT-TP-0011 and/or regulatory information number (RIN) 1904-AB78. Comments may be submitted using any of the following methods:

1. *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

2. *Email:* [MicroOven-2008-TP-0011@ee.doe.gov](mailto:MicroOven-2008-TP-0011@ee.doe.gov). Include docket number EERE-2008-BT-TP-0011 and/or RIN 1904-AB78 in the subject line of the message.

3. *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE-2], 1000 Independence Avenue SW., Washington, DC 20585-0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.

4. *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 6th Floor, 950 L'Enfant Plaza SW., Washington, DC 20024. Telephone: (202) 586-2945. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

For detailed instructions on submitting comments and additional information on the rulemaking process, see section V of this document (Public Participation).

**Docket:** The docket is available for review at <http://www.regulations.gov>, including **Federal Register** notices, framework documents, public meeting attendee lists and transcripts, comments, and other supporting documents/materials. All documents in the docket are listed in the <http://www.regulations.gov> index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.