

Proposed Rules

Federal Register

Vol. 63, No. 48

Thursday, March 12, 1998

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 Part 145

[Docket No. 97-043-1]

National Poultry Improvement Plan; Special Provisions for Ostrich Breeding Flocks and Products

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the National Poultry Improvement Plan (the Plan) to provide for the participation of ostrich breeding flocks in the provisions of the Plan. The proposed addition of provisions for ostrich breeding flocks to the Plan was voted on and approved by the voting delegates at the Plan's 1996 National Plan Conference. Adding provisions for ostriches to the Plan would make it possible for the owners of ostrich flocks to voluntarily participate in the Plan's programs for the prevention and control of egg-transmitted, hatchery-disseminated poultry diseases.

DATES: Consideration will be given only to comments received on or before May 11, 1998.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 97-043-1, 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. 97-043-1. 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, 1498 Klondike Road, Suite 200, Conyers, GA 30094-5104; (770) 922-3496; E-mail: arhorer@aphis.usda.gov.

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 C, 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. S. Enteritidis 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 part 145 (referred to below as the regulations) contain the general provisions of the Plan (subpart A, §§ 145.1 through 145.14) and special provisions regarding the participation of breeding flocks of egg-type chickens (subpart B, §§ 145.21 through 145.24), meat-type chickens (subpart C, §§ 145.31 through 145.34), turkeys (subpart D, §§ 145.41 through 145.44), and waterfowl, exhibition poultry, and game birds (subpart E, §§ 145.51 through 145.54). APHIS amends these provisions from time to time to incorporate new scientific

information and technologies into the Plan.

In this document, we are proposing to amend the regulations to add a new subpart F to provide for the participation of ostrich breeding flocks and their products. This proposed amendment is consistent with the recommendations approved by the voting delegates to the National Plan Conference that was held from June 30 to July 2, 1996. Participants in the 1996 National Plan Conference represented flockowners, breeders, hatcherymen, and Official State Agencies from all cooperating States. This proposed action is discussed in greater detail below.

Proposed Changes to Existing Regulations

Our proposed addition of ostriches to the provisions of the Plan would entail changes to subpart A of the regulations, "General Provisions," in order to accommodate the inclusion of ostriches and reflect the addition of a new subpart containing special provisions for ostrich breeding flocks and products.

First, we would add ostriches to the definition of *poultry* in § 145.1 to ensure that the general provisions of the regulations would apply, where applicable, to ostriches as well as to the types of poultry already covered by the Plan. With the proposed addition of ostriches, the definition of *poultry* would read: "Domesticated fowl, including chickens, turkeys, ostriches, waterfowl, and game birds, except doves and pigeons, which are bred for the primary purpose of producing eggs or meat."

Under § 145.3(c), "Participation," a Plan participant in any State must participate with all of his poultry hatching egg supply flocks and hatchery operations in that State. To demonstrate compliance with that requirement, the Plan participant must submit a report of each of his breeding flocks within the State to the Official State Agency before the birds in a breeding flock reach 24 weeks of age. Under the provisions of this proposed rule, those participation requirements would also apply to ostrich hatching egg supply flocks and hatchery operations, but with one difference. Because ostriches mature at a slower rate than other poultry, ostrich breeding flocks would have to be reported to the Official State Agency before the birds in the flock reach 20

months of age, rather than 24 weeks of age as required for other poultry.

Paragraph (c) of § 145.5 refers to flocks qualifying for the U.S. Pullorum-Typhoid Clean classification as prescribed in subpart B, C, D, or E of part 145. Because we are proposing to add a subpart F to the regulations for ostriches, and because that new subpart would contain a U.S. Pullorum-Typhoid Clean classification for ostriches, we would amend § 145.5(c) so that it would refer to flocks qualified for the classification "as prescribed in subparts B, C, D, E, or F." A similar reference to flocks meeting the requirements of subpart B, C, D, or E is found in the introductory text of § 145.10. We would also amend that text so that it includes a reference to subpart F.

Section 145.10 contains illustrative designs or emblems that correspond to the Plan's various classifications. The design for the U.S. Pullorum-Typhoid Clean classification is found in § 145.10(b), which currently reads "*U.S. Pullorum-Typhoid Clean*. (See § 145.23(b), § 145.33(b), § 145.43(b), and § 145.53(b).)" Because we are proposing to establish a U.S. Pullorum-Typhoid Clean classification for ostriches, we would amend § 145.10(b) so that it also refers to § 145.63(a), which is the section in proposed subpart F that would contain the requirements of the U.S. Pullorum-Typhoid Clean classification for ostriches. Similarly, § 145.14(a)(5) refers to provisions of § 145.23, § 145.33, § 145.43, and § 145.53 regarding the U.S. Pullorum-Typhoid Clean classification; we would include a reference to § 145.63 in that paragraph as well.

Finally, we would amend the introductory text of § 145.14 by adding a provision regarding the blood testing of ostriches. That text currently states that poultry must be more than 4 months of age when blood tested for an official classification, except for turkeys, which may be blood tested at 12 weeks of age, and game birds, which may be blood tested when more than 4 months of age or upon reaching sexual maturity, whichever comes first. In providing for the blood testing of ostriches, we are proposing to add a similar exception. Specifically, we would provide that ostriches must be more than 12 months of age to be blood tested for an official classification. We would include that exception because ostriches do not reach sexual maturity until approximately a year after hatching. The immature ostriches are kept in a juvenile rearing facility for that first year, so it would not be necessary to test them for an official classification until

such time as they were ready to be integrated into a breeding flock.

Proposed New Regulations

As noted above, we would add a new subpart F, "Special Provisions for Ostrich Breeding Flocks and Products," to the regulations to provide for the participation of ostrich breeding flocks in the Plan. The proposed new subpart, which would consist of §§ 145.61 through 145.63, would have the same format as existing subparts B through E, but would contain only the U.S. Pullorum-Typhoid Clean classification. Other official classifications may be added later through other proposed rules if voting delegates at future National Plan Conferences recommend that new classifications for ostrich flocks and products be established.

The proposed new subpart would begin with § 145.61, "Definitions." With one exception, the terms used in proposed subpart F are terms that are used elsewhere in the regulations and are, therefore, already defined in § 145.1. The only term that we are proposing to define in proposed § 145.61 is *ostrich*, which we would define as: "Birds of the species *Struthio camelus*, including all subspecies and subspecies hybrids." That proposed definition would limit the scope of proposed subpart F to ostrich breeding flocks and products and would exclude flocks and products of other ratites such as rheas, emus, and cassowaries.

Proposed § 145.62, "Participation," would take the same form as the "Participation" sections in subparts B through E (§§ 145.22, 145.32, 145.42, and 145.52). The introductory text of the section would state that participating flocks of ostriches, and the eggs and chicks produced from them, would have to comply with the applicable general provisions of subpart A and the special provisions of subpart F. That statement would be included to explain the location of the regulations that would apply to the participation of ostrich flocks in the Plan.

Paragraph (a) would provide that started poultry (young poultry that have been fed and watered and that are less than 6 months old) would lose their identity under Plan terminology—that is, they would not be considered U.S. Pullorum-Typhoid Clean poultry—if they were not maintained under the conditions prescribed in § 145.5(a). Under § 145.5(a), poultry equipment, poultry houses, and the land in their immediate vicinity must be kept in sanitary condition, and the participating flock, its eggs, and all equipment used in connection with the flock must be kept separated from nonparticipating

flocks. The sanitation and segregation described in § 145.5(a) are important factors in maintaining the health of flocks, which is why we would require that those conditions be met in order for started poultry to retain its identity under Plan terminology.

Paragraph (b) of proposed § 145.62 would require that the hatching eggs produced by primary breeding flocks must be fumigated or otherwise sanitized and refers the reader to § 147.22, which contains procedures for the sanitation of hatching eggs. This proposed requirement for the sanitation of hatching eggs would serve to help prevent the transmission of egg-disseminated diseases that could be spread by unsanitized eggs.

Proposed § 145.63, "Terminology and classification; flocks and products," would provide the criteria that would have to be met by ostrich breeding flocks to qualify for Plan classifications. The introductory text of § 145.63 would, therefore, explain that participating flocks, and the eggs and baby poultry produced from them, that had met the respective requirements specified in the section could be designated by the terms denoting each classification (e.g., U.S. Pullorum-Typhoid Clean) and their corresponding designs illustrated in § 145.10. (As noted above, although we are proposing to establish only a U.S. Pullorum-Typhoid Clean classification for ostriches, other classifications for ostrich flocks and products could be added in the future.)

Paragraph (a) of proposed § 145.63 would set forth the qualifying criteria for the U.S. Pullorum-Typhoid Clean classification for ostrich flocks. Ostrich flocks seeking the U.S. Pullorum-Typhoid Clean classification would demonstrate their freedom from pullorum and typhoid to the Official State Agency in one of two ways, which are explained below. The two sets of criteria that we would include under proposed § 145.63(a) for ostrich flocks are essentially the same as two of the sets of criteria provided for other poultry flocks seeking the U.S. Pullorum-Clean classification in subparts B through E, and would serve the same purpose.

Because blood testing may be used to demonstrate a flock's freedom from pullorum-typhoid, the introductory text of proposed § 145.63(a) would include a statement indicating that the procedures for pullorum-typhoid blood testing are set out in § 145.14(a). Indeed, under proposed § 145.63(a)(1)—the first of the two proposed sets of criteria—a flock could qualify for the U.S. Pullorum-Typhoid Clean classification solely on the basis of blood testing if the flock had

been blood tested within the last 12 months with no reactors, i.e., none of the ostriches in the flock had tested positive for pullorum or typhoid causal agents (*Salmonella pullorum* and *S. gallinarum*, respectively).

Under proposed § 145.63(a)(2), a multiplier breeding flock or primary breeding flock could qualify for the U.S. Pullorum-Typhoid Clean classification if a sample (all ostriches from flocks of 30 birds or fewer, at least 30 ostriches from flocks up to 300 birds, or 10 percent of the ostriches in flocks of more than 300 birds) had been officially tested for pullorum-typhoid within the past 12 months with no reactors. Proposed § 145.63(a)(2) would provide that a bacteriological examination monitoring program could be used in lieu of annual blood testing if the Official State Agency and APHIS approved the alternative monitoring program. If the flock was a multiplier breeding flock located in a State that had been a U.S. Pullorum-Typhoid Clean State for the past 3 years, with no isolations of pullorum or typhoid traceable to a source in that State during that 3-year period, a serological examination monitoring program could also be used in lieu of annual blood testing with the approval of the Official State Agency and APHIS.

As noted previously, the two sets of criteria for the U.S. Pullorum-Typhoid Clean classification for ostrich flocks described above are, for all practical purposes, the same as two of the sets of criteria provided in §§ 145.23(b), 145.33(b), 145.43(b), and 145.53(b) for the U.S. Pullorum-Typhoid Clean classifications for egg-type chicken flocks, meat-type chicken flocks, turkey flocks, and waterfowl, exhibition poultry, and game bird flocks, respectively. Those criteria for demonstrating the freedom of a flock from pullorum and typhoid have been used, and are currently being used, successfully by Plan participants operating under the existing regulations in subparts B through E, and we believe, with the concurrence of the voting delegates to the 1996 National Plan Conference, that those criteria would be appropriate and effective for use in ostrich 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.

This proposed rule would amend the Plan to provide for the participation of ostrich breeding flocks in the provisions of the Plan. Adding provisions for ostriches to the Plan would make it possible for the ostrich flocks to voluntarily participate in the Plan's programs for the prevention and control of egg-transmitted, hatchery-disseminated poultry diseases. 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 1996 National Plan Conference.

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.

According to industry estimates, there were approximately 350,000 to 500,000 ostriches of all ages in the United States in 1995. There were approximately 371,000 ostrich chicks hatched during the same period. In comparison, within the chicken industry, about 8,324 million chicks (broiler and meat type) were hatched by commercial hatcheries, with a total value to the poultry industry was about \$17.2 billion in 1995. Thus, the ostrich industry, in comparison to the rest of the poultry industry, is very small.

Although participation in the Plan is voluntary, 99 percent of poultry breeders and hatcheries are participants in the Plan and benefit from various aspects of the program. There are several economic and other advantages that would accrue to ostrich breeders and hatcheries if they could participate in the Plan as a result of this proposed rule.

If the bulk of ostrich producers were to participate in the Plan, their implementation of the Plan's management practices could be expected to raise, or at least maintain, the level of health of ostriches in the United States. Wide membership would also provide a voice for the ostrich industry with regard to regulatory control of infectious poultry diseases that affect ostriches.

Allowing ostrich flocks to participate in the Plan could validate the ostrich industry in the eyes of the public and of the agricultural industry as whole. Participating flockowners could anticipate some potential advancement in the marketability of ostriches and

ostrich products throughout the country. To those interested in acquiring ostriches or their products, it would be reassuring to know that these are from breeders and hatcheries that are participants in the Plan. Similarly, overseas importers may be more at ease knowing the ostriches and products are derived from flocks that are part of the Plan. We believe that it would be advantageous to those who raise ostriches and to the poultry industry as a whole, as well as to APHIS, that as many producers of poultry and poultry products, including ostriches, participate in the Plan and follow the standards developed and practiced by Plan participants.

Because participation in any Plan program is voluntary, individuals are likely to continue in the program only as long as the benefits they receive from the program outweigh the costs of their participation. Tests and procedures recommended by the Plan are considered optimal for the industry. Any increased cost to ostrich breeders and hatcheries for the detection and prevention programs would be minor compared to the losses that each producer would bear in case of undetected disease spread. Furthermore, the number of birds required to be tested is small compared to the size of flocks within the industry. The costs of conducting tests, as well as the cost of specific antigens used to detect specific diseases, are modest. For example, the cost of performing Pullorum-Typhoid plate test averages between \$0.04 and \$0.08 per bird. The cost of Mycoplasma gallisepticum plate test antigen is \$0.10 per plate test, while the cost of antigen for each pullorum-typhoid plate test is \$0.08. In many States, pullorum testing is provided for free. Although the cost for the laboratory testing of blood samples from ostriches would not differ significantly from the cost of testing blood samples from other poultry, the process of obtaining blood samples from ostriches may require more resources than for other birds. Applying these costs to the small sizes of the ostrich flocks, and comparing the total potential losses that individual producers could incur as a result of the loss of some or all of their flock due to disease, the cost of testing a small number of birds would be minor.

Because participation in the Plan would not be mandatory, it is not clear how many owners of ostriches would join the program. However, there are about 7,380 flockowners, owning on average between 50 and 70 ostriches each, who could potentially join. The potential entry of the ostrich flocks into the Plan would not be expected to

change the supply and demand conditions in the market for poultry of any type, including ostriches; as a result, changes in prices are not anticipated. Finally, since the additional costs would be minor and could be expected to be balanced out by the benefits, we have concluded that the proposed rule would be unlikely to have any significant impact on producers or consumers. Including ostrich flocks in the Plan would not likely result in any significant change in program operations.

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

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please state that your comments refer to Docket No. 97-043-1. Please send a copy of your comments to: (1) Docket No. 97-043-1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238, and (2) Clearance Officer, OIRM, USDA, room 404-W, 14th Street and Independence Avenue SW., Washington, DC 20250. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this proposed rule.

This proposed rule would amend the provisions of the Plan to provide for the participation of ostrich breeding flocks and products. This would make it possible for the owners of ostrich flocks to voluntarily participate in the Plan's programs for the prevention and control of egg-transmitted, hatchery-disseminated poultry diseases.

Expanding the Plan to include ostrich breeding flocks and products would necessitate the use of several forms that would enable us to acquire important information concerning sales of ostrich hatching eggs and chicks, flock testing reports, hatchery records, and other data. This information would allow us to monitor the movements of hatching eggs, chicks, and poult; determine the source of a hatchery-disseminated or egg-transmitted disease, and maintain an up-to-date list of program participants.

We are soliciting comments from the public (as well as affected agencies) concerning these proposed information collection and recordkeeping requirements. We need this outside input to help us:

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

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

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

(4) Minimize the burden of the proposed information collection on those who are to respond (such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses).

Estimate of burden: Public reporting burden for this collection of information is estimated to average 1 hour per response.

Respondents: Flockowners, breeders, hatchery operators, and State veterinary medical officers.

Estimated annual number of respondents: 1.

Estimated annual number of responses per respondent: 5.

Estimated annual number of responses: 5.

Estimated total annual burden on respondent: 5 hours.

Copies of this information collection can be obtained from Clearance Officer, OIRM, USDA, room 404-W, 14th Street

and Independence Avenue SW., Washington, DC 20250.

List of Subjects in 9 CFR Part 145

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

Accordingly, 9 CFR part 145 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).

§ 145.1 [Amended]

2. In § 145.1, the definition of *poultry* would be amended by adding the word "ostriches," immediately after the word "turkeys,".

§ 145.3 [Amended]

3. In § 145.3, in the introductory text of paragraph (c), the second sentence would be amended by adding the words "or, in the case of ostriches, before the birds reach 20 months of age" immediately after the word "age".

§ 145.5 [Amended]

4. In § 145.5, paragraph (c) would be amended by removing the words "or E" and adding the words "E, or F" in their place.

§ 145.10 [Amended]

5. In § 145.10, the introductory text of the section would be amended by removing the words "or E" and adding the words "E, or F" in their place, and paragraph (b) would be amended by removing the words "and § 145.53(b)" and adding the words "§ 145.53(b), and § 145.63(a)" in their place.

§ 145.14 [Amended]

6. In § 145.14, in the introductory text of the section, the first sentence would be amended by adding the words " , and ostriches blood tested under subpart F must be more than 12 months of age" immediately after the word "first".

7. In § 145.14, paragraph (a)(5) would be amended by removing the words "and 145.53" and adding the words " , 145.53, and 145.63" in their place.

8. A new subpart F would be added to read as follows:

Subpart F—Special Provisions for Ostrich Breeding Flocks and Products

145.61 Definitions.

145.62 Participation.

145.63 Terminology and classification; flocks and products.

Subpart F—Special Provisions for Ostrich Breeding Flocks and Products

§ 145.61 Definitions.

Except where the context otherwise requires, for the purposes of this subpart the following terms shall be construed, respectively, to mean:

Ostrich. Birds of the species *Struthio camelus*, including all subspecies and subspecies hybrids.

§ 145.62 Participation.

Participating flocks of ostriches, and the eggs and chicks produced from them, shall comply with the applicable general provisions of subpart A of this part and the special provisions of this subpart.

(a) Started poultry shall lose their identity under Plan terminology when not maintained by Plan participants under the conditions prescribed in § 145.5(a).

(b) Hatching eggs produced by primary breeding flocks shall be fumigated or otherwise sanitized (see § 147.22 of this chapter).

§ 145.63 Terminology and classification; flocks and products.

Participating flocks, and the eggs and baby poultry produced from them, that have met the respective requirements specified in this section may be designated by the following terms and their corresponding designs illustrated in § 145.10.

(a) *U.S. Pullorum-Typhoid Clean.* A flock in which freedom from pullorum and typhoid has been demonstrated to the Official State Agency under the criteria in paragraph (a)(1) or (a)(2) of this section. (See § 145.14(a) relating to the official blood test for pullorum-typhoid where applicable.)

(1) It has been officially blood tested within the past 12 months with no reactors.

(2) It is a multiplier or primary breeding flock in which a sample of each bird in flocks of 30 or fewer birds, a minimum of 30 birds from flocks up to 300 birds, or 10 percent of all birds from flocks exceeding 300 birds has been officially tested for pullorum-typhoid within the past 12 months with no reactors: *Provided*, That a bacteriological examination monitoring program for ostriches acceptable to the Official State Agency and approved by the Service may be used in lieu of annual blood testing: *And provided further*, That when a flock is a multiplier breeding flock located in a State which has been deemed to be a U.S. Pullorum-Typhoid Clean State for the past 3 years, and during which time no isolation of pullorum or typhoid has

been made that can be traced to a source in that State, a bacteriological examination monitoring program or a serological examination monitoring program acceptable to the Official State Agency and approved by the Service may be used in lieu of annual blood testing.

(b) [Reserved]

Done in Washington, DC, this 9th day of March 1998.

Craig A. Reed,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98-6374 Filed 3-11-98; 8:45 am]

BILLING CODE 3410-34-P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[Docket No. PRM-72-4]

Prairie Island Coalition; Receipt of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; Notice of receipt.

SUMMARY: The Nuclear Regulatory Commission (NRC) has received and requests public comment on a petition for rulemaking filed by the Prairie Island Coalition. The petition has been docketed by the Commission and has been assigned Docket No. PRM-72-4. The petitioner requests that NRC undertake rulemaking to examine certain issues addressed in the petition relating to the potential for thermal shock and corrosion in dry cask storage. The petitioner requests that the NRC amend its regulations that govern independent storage of spent nuclear fuel in dry storage casks to define the parameters of acceptable degradation of spent fuel in dry cask storage. The petitioner also requests an amendment to the regulations to define the parameters of retrievability of spent nuclear fuel in dry cask storage and to require licensees to demonstrate safe cask unloading ability before a cask may be used at an Independent Spent Fuel Storage Installation (ISFSI).

DATES: Submit comments by May 26, 1998. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: *Submit comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555,

Attention: Rulemakings and Adjudications staff.

Deliver comments to: 11555 Rockville Pike, Rockville, Maryland, between 7:30 am and 4:15 pm on Federal workdays.

For a copy of the petition, write: David L. Meyer, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

You may also provide comments via the NRC's interactive rulemaking website through the NRC home page (<http://www.nrc.gov>). This site provides the availability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking website, contact Ms. Carol Gallagher, (301) 415-5905 (e-mail: CAG@nrc.gov).

FOR FURTHER INFORMATION CONTACT:

David L. Meyer, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. *Telephone:* 301-415-7163 or *Toll Free:* 1-800-368-5642 or *E-mail:* DLM1@NRC.GOV.

SUPPLEMENTARY INFORMATION:

Background

The Nuclear Regulatory Commission received a petition for rulemaking submitted by George Crocker on behalf of the Prairie Island Coalition (PIC) in the form of a letter and an attached document addressed to L. Joseph Callan, Executive Director for Operations, NRC, dated August 26, 1997. Most of the issues presented in Mr. Crocker's letter and the attached document pertain to a petition filed under 10 CFR 2.206 regarding dry storage cask regulations that has been reviewed by the NRC Office of Nuclear Reactor Regulation (NRR). See 62 FR 53031. The resolution of these issues is presented in a decision published by the Director, NRR (DD-98-02; 2/11/98). This notice pertains to paragraphs 13, 14, and 15 on page 3 of the document attached to the August 26, 1997, letter from PIC. These paragraphs contain a request for rulemaking under 5 U.S.C. 553(e) of the Administrative Procedure Act (APA).

The NRC has determined that the issues presented in paragraphs 13, 14, and 15 of the PIC document constitute a petition for rulemaking under 10 CFR 2.802. Paragraph 13 requests NRC to solicit and review information regarding thermal shock and corrosion inherent in dry cask storage and usage and to define the parameters of degradation of spent nuclear fuel in dry cask storage acceptable under 10 CFR 72.122(h). Paragraph 14 requests NRC to define the parameters of retrievability required