

■ e. In paragraphs (c)(1)(ix) introductory text, (c)(1)(ix)(A), and (c)(1)(ix)(B), by adding the words “or HPAI” after the words “Newcastle disease” each time they occur;

■ f. In paragraph (c)(1)(ix)(C), in the first sentence, by adding the words “region free of HPAI, or from a” before the words “flock of origin”;

■ g. In paragraph (c)(2), by adding the words “and HPAI” after the words “Newcastle disease”;

■ h. In paragraph (c)(3), by adding the words “and HPAI” after the words “Newcastle disease” each time they occur, and by removing the words “paragraph (f)” and adding the words “paragraph (d)” in their place; and

■ i. In paragraph (c)(4), by removing the words “paragraph (f)” and adding the words “paragraph (d)” in their place.

The revision reads as follows:

**§ 94.6 Carcasses, meat, parts or products of carcasses, and eggs (other than hatching eggs) of poultry, game birds, or other birds; importations from regions where Newcastle disease or highly pathogenic avian influenza is considered to exist.**

(a) \* \* \*

(1) \* \* \*

(i) A list of such regions is maintained on the APHIS National Import Export Services Web site at [http://www.aphis.usda.gov/import\\_export/animals/animal\\_disease\\_status.shtml](http://www.aphis.usda.gov/import_export/animals/animal_disease_status.shtml). Copies of the list will also be available upon request to Regional Evaluation Services, National Import Export Services, Veterinary Services, Animal and Plant Health Inspection Service, 4700 River Road Unit 38, Riverdale, Maryland 20737; fax: (301) 851-3300; email: [AskNCIE.Products@aphis.usda.gov](mailto:AskNCIE.Products@aphis.usda.gov).

\* \* \* \* \*

**PART 95—SANITARY CONTROL OF ANIMAL BYPRODUCTS (EXCEPT CASINGS), AND HAY AND STRAW, OFFERED FOR ENTRY INTO THE UNITED STATES**

■ 12. The authority citation for part 95 continues to read as follows:

**Authority:** 7 U.S.C. 8301-8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

■ 13. Section 95.1 is amended by adding, in alphabetical order, the definition of *highly pathogenic avian influenza (HPAI)* to read as follows:

**§ 95.1 Definitions.**

\* \* \* \* \*

*Highly pathogenic avian influenza (HPAI).* Highly pathogenic avian influenza is defined as follows:

(1) Any influenza virus that kills at least 75 percent of eight 4- to 6-week-

old susceptible chickens within 10 days following intravenous inoculation with 0.2 mL of a 1:10 dilution of a bacteria-free, infectious allantoic fluid or inoculation of 10 susceptible 4- to 8-week-old chickens resulting in an intravenous pathogenicity index (IVPI) of greater than 1.2;

(2) Any H5 or H7 virus that does not meet the criteria in paragraph (1) of this definition, but has an amino acid sequence at the haemagglutinin cleavage site that is compatible with highly pathogenic avian influenza viruses; or

(3) Any influenza virus that is not an H5 or H7 subtype and that kills one to five out of eight inoculated chickens and grows in cell culture in the absence of trypsin within 10 days.

\* \* \* \* \*

**§ 95.3 [Amended]**

■ 14. Section 95.3 is amended by adding the words “highly pathogenic avian influenza, Newcastle disease,” after the words “foot-and-mouth disease,”.

**§ 95.16 [Amended]**

■ 15. Section 95.16 is amended as follows:

■ a. In the introductory text, by removing the citation “§ 95.6” and adding the citation “§ 95.17” in its place; and

■ b. In footnote 1, by removing the citation “§ 95.41” and adding the citation “§ 95.17” in its place.

**§ 95.17 [Amended]**

■ 16. In § 95.17, paragraph (c) is amended by adding the word “highly pathogenic avian influenza,” after the words “African swine fever,”.

**§ 95.23 [Amended]**

■ 17. In § 95.23, paragraph (c) is amended by removing the word “and” after the words “foot-and-mouth disease,” and by adding the words “highly pathogenic avian influenza, and Newcastle disease,” after the word “rinderpest,”.

**§ 95.41 [Removed]**

■ 18. Section 95.41 is removed.

Done in Washington, DC, this 25th day of November 2014.

**Jere L. Dick,**

*Associate Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2014-28244 Filed 11-28-14; 8:45 am]

**BILLING CODE 3410-34-P**

**DEPARTMENT OF AGRICULTURE**

**Food Safety and Inspection Service**

**9 CFR Parts 317 and 381**

[Docket No. FSIS-2014-0042]

RIN 0583-AD05

**Uniform Compliance Date for Food Labeling Regulations**

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

**ACTION:** Final rule.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) is establishing January 1, 2018, as the uniform compliance date for new meat and poultry product labeling regulations that are issued between January 1, 2015, and December 31, 2016. FSIS periodically announces uniform compliance dates for new meat and poultry product labeling regulations to minimize the economic impact of label changes.

**DATES:** This rule is effective December 1, 2014. Comments on this final rule must be received on or before December 31, 2014.

**ADDRESSES:** FSIS invites interested persons to submit relevant comments on this final rule. Comments may be submitted by the following methods:

- Federal eRulemaking Portal: This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthy comments. Go to <http://www.regulations.gov/>. Follow the online instructions at that site for submitting comments.

- Mail, including CD-ROMs: Send to Docket Clerk, U.S. Department of Agriculture (USDA), FSIS, OPPD, Patriots Plaza 3, 1400 Independence Avenue SW., Mailstop 3782, Room 8-163A, Washington, DC 20250-3700.

- Hand- or courier-delivered items: Send to Docket Clerk, U.S. Department of Agriculture (USDA), FSIS, OPPD, Patriots Plaza 3, 355 E Street SW., Room 8-163A, Washington, DC 20250-3700.

*Instructions:* All items submitted by mail or electronic mail must include the Agency name and docket number FSIS-2014-0042. 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 Patriots Plaza 3, 355 E Street SW., Room 8-164, Washington, DC 20250-3700 between 8:00 a.m. and 4:30 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:**

Rosalyn Murphy-Jenkins, Director, Labeling and Program Delivery Division, Office of Policy and Program Development, Food Safety and Inspection Service, U.S. Department of Agriculture, Telephone: 301-504-0879.

**SUPPLEMENTARY INFORMATION:****Background**

FSIS periodically issues regulations that require changes in the labeling of meat and poultry food products. Many meat and poultry establishments also produce non-meat and non-poultry food products that are subject to the jurisdiction of the Food and Drug Administration (FDA). FDA also periodically issues regulations that require changes in the labeling of products under its jurisdiction.

On December 14, 2004, FSIS issued a final rule that established January 1, 2008, as the uniform compliance date for new meat and poultry labeling regulations issued between January 1, 2005, and December 31, 2006. The 2004 final rule also provided that the Agency would set uniform compliance dates for new labeling regulations in 2-year increments and periodically issue final rules announcing those dates. Consistent with that final rule, the Agency has published four final rules establishing the uniform compliance dates of January 1, 2010, January 1, 2012, January 1, 2014, and January 1, 2016 (72 FR 9651, 73 FR 75564, 75 FR 71344, and 77 FR 76824).

**The Final Rule**

This final rule establishes January 1, 2018, as the uniform compliance date for new meat and poultry product labeling regulations that are issued between January 1, 2015 and December 31, 2016, and is consistent with the previous final rules that established uniform compliance dates. In addition, FSIS's approach for establishing uniform compliance dates for new food labeling regulations is consistent with FDA's approach. FDA is also planning to publish a final rule establishing a new compliance date.

Two-year increments enhance the industry's ability to make orderly adjustments to new labeling requirements without unduly exposing consumers to outdated labels. With this approach, the meat and poultry industry is able to plan for use of label inventories and to develop new labeling materials that meet the requirements of all labeling regulations made within the two year period, thereby minimizing the economic impact of labeling changes.

This compliance approach also serves consumer's interests because the cost of

multiple short-term label revisions that would otherwise occur would likely be passed on to consumers in the form of higher prices.

FSIS encourages meat and poultry companies to comply with new labeling regulations as soon as it is feasible. If companies initiate voluntary label changes, they should consider incorporating any new requirements that have been published as final regulations.

The new uniform compliance date will apply only to final FSIS regulations that require changes in the labeling of meat and poultry products and that are published after January 1, 2015, and before December 31, 2016. For each final rule that requires changes in labeling, FSIS will specifically identify January 1, 2018, as the compliance date. All meat and poultry food products that are subject to labeling regulations promulgated between January 1, 2015 and December 31, 2016, will be required to comply with these regulations on products introduced into commerce on or after January 1, 2018. If any food labeling regulation involves special circumstances that justify a compliance date other than January 1, 2018, the Agency will determine an appropriate compliance date and will publish that compliance date in the rulemaking.

In rulemaking that began with the May 4, 2004, proposed rule, FSIS provided notice and solicited comment on the concept of establishing uniform compliance dates for labeling requirements (69 FR 24539). In the March 5, 2007, final rule, FSIS noted that the Agency received only four comments in response to the proposal, all fully supportive of the policy to set uniform compliance dates. Therefore, in the March 5, 2007, final rule, FSIS determined that further rulemaking for the establishment of uniform compliance dates for labeling requirements is unnecessary (72 FR 9651). The Agency did not receive comments on the 2007 final rule, and the comments FSIS received on the 2012 final rule on the uniform compliance date were outside the scope of the rule (77 FR 76824). Consistent with its statement in 2007, FSIS finds at this time that further rulemaking on this matter is unnecessary. However, FSIS is providing an opportunity for comment on the uniform compliance date established in this final rule.

**Executive Order 12988**

This final rule has been reviewed under the Executive Order 12988, Civil Justice Reform. Under this final rule: (1) All state and local laws and regulations that are inconsistent with this rule will

be preempted; (2) no retroactive effect will be given to this rule; and (3) no retroactive proceedings will be required before parties may file suit in court challenging this rule.

**Executive Orders 12866 and 13563 and the Regulatory Flexibility Act**

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order (E.O.) 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This final rule has been reviewed under E.O. 12866. The Office of Management and Budget (OMB) has determined that it is a not significant regulatory action under section 3(f) of E.O. 12866 and, therefore, it has not been reviewed by OMB.

This rule does not have a significant economic impact on a substantial number of small entities; consequently, a regulatory flexibility analysis is not required (5 U.S.C. 601-612).

**Paperwork Requirements**

There are no paperwork or recordkeeping requirements associated with this policy under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

**E-Government Act Compliance**

FSIS and USDA are committed to achieving the purposes of the E-Government Act (44 U.S.C. 3601, *et seq.*) by, among other things, promoting the use of the Internet and other information technologies and providing increased opportunities for citizen access to Government information and services, and for other purposes.

**USDA Nondiscrimination Statement**

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

## How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at [http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain\\_combined\\_6\\_8\\_12.pdf](http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf), or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

### Mail

U.S. Department of Agriculture,  
Director, Office of Adjudication, 1400  
Independence Avenue SW.,  
Washington, DC 20250-9410

### Fax

(202) 690-7442

### Email

[program.intake@usda.gov](mailto:program.intake@usda.gov)

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

## Additional Public Notification

FSIS will announce this rule online through the FSIS Web page located at [http://www.fsis.usda.gov/regulations\\_&\\_policies/Interim\\_&\\_Final\\_Rules/index.asp](http://www.fsis.usda.gov/regulations_&_policies/Interim_&_Final_Rules/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 25, 2014

**Alfred V. Almanza,**

*Acting Administrator.*

[FR Doc. 2014-28269 Filed 11-28-14; 8:45 am]

**BILLING CODE 3410-DM-P**

## DEFENSE NUCLEAR FACILITIES SAFETY BOARD

### 10 CFR Part 1708

#### Procedures for Safety Investigations

**AGENCY:** Defense Nuclear Facilities Safety Board.

**ACTION:** Final rule.

**SUMMARY:** The Defense Nuclear Facilities Safety Board (Board) is promulgating a final rule which establishes procedures for conducting preliminary and formal safety investigations of events or practices at Department of Energy (DOE) defense nuclear facilities that the Board determines have adversely affected, or may adversely affect, public health and safety. The Board's experience in conducting formal safety investigations necessitates codifying the procedures set forth in this final rule. Among other benefits, these procedures will ensure a more efficient investigative process, protect confidential and privileged safety information, and promote uniformity of future safety investigations. The rule also promotes public awareness through greater transparency in the conduct of Board investigations.

**DATES:** This rule is effective December 1, 2014.

**FOR FURTHER INFORMATION CONTACT:** John G. Batherson, Associate General Counsel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW., Suite 700, Washington, DC 20004, telephone (202) 694-7018, facsimile (202) 208-6518, email [JohnB@dnfsb.gov](mailto:JohnB@dnfsb.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On July 27, 2012, the Board published a proposed rule in the **Federal Register** (77 FR 44174). The Board initially provided a 30-day public comment period for the proposed rule, and then extended the comment period an additional 30 days to September 26, 2012 (77 FR 51943). Subsequent to publication of the proposed rule and disposition of comments, but before the final rule was published, the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013 amended the Board's enabling legislation on January

2, 2013. The NDAA amendments required the Board to further modify the proposed rule. On August 11, 2014, the Board published a second notice of proposed rule in the **Federal Register** (79 FR 46720). The second notice of proposed rule incorporated changes necessitated by those NDAA amendments.

The Board is responsible for making recommendations to the Secretary of Energy and the President as the Board determines are necessary to ensure adequate protection of public health and safety at DOE defense nuclear facilities. The Board is vested with broad authority pursuant to 42 U.S.C. 2286a(b)(2) to investigate events or practices which have adversely affected, or may adversely affect, public health and safety at DOE's defense nuclear facilities. The Board is authorized to promulgate this final rule pursuant to its enabling legislation in the Atomic Energy Act of 1954, as amended, at 42 U.S.C. 2286b(c), which states that the Board may prescribe regulations to carry out its responsibilities. The final rule establishes a new Part 1708 in the Board's regulations, setting forth procedures governing the conduct of safety investigations.

It is imperative that Board investigators be able to obtain information from witnesses necessary to form an understanding of the underlying causes that adversely affect, or may adversely affect, public health and safety at DOE defense nuclear facilities. Frank communications are critical if Board investigators are to be effective. The Board must also be viewed as uncompromising in maintaining non-disclosure of privileged safety information. The Board must be able to assure complete confidentiality in order to encourage future witnesses to come forward.

The Board requires the discretion to offer individuals enforceable assurances of confidentiality in order to encourage their full and frank testimony. Without such authority, individuals may refrain from providing the Board with vital information affecting public health and safety, frustrating the efficient operation of the Board's oversight mission. To encourage candor and facilitate the free flow of information, the Board adopted in the proposed rule procedures to protect confidential statements from disclosure to the maximum extent permitted under existing law.

The Board received two formal comments on the July 27, 2012, (77 FR 44174) proposed rule: An email comment from Mr. Richard L. Urie, dated September 4, 2012, and a letter from Mr. Eric Fygi, DOE Deputy General