

before export overseas to maintain records that identify the incoming product, i.e., poultry feet, and their source, and identify the location of the product at all times during the processing and preparation for export. In addition, an establishment official would certify that the poultry feet have not been and will not be commingled with any products intended for human consumption within the United States.

These recordkeeping requirements would enable FSIS and the receiving processing establishments to accurately identify and locate the undenatured poultry feet intended for export while still in the central establishment. FSIS could then determine that the product has not been commingled with any products intended for domestic consumption.

Executive Order 12866

This proposed rule has been determined to be not significant and therefore has not been reviewed by the Office of Management and Budget.

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. States and local jurisdictions are preempted under the Poultry Products Inspection Act (PPIA) from imposing any marking or packaging requirements on federally inspected poultry products that are in addition to, or different than, those imposed under the PPIA. States and local jurisdictions may, however, exercise concurrent jurisdiction over poultry products that are outside official establishments for the purpose of preventing the distribution of poultry products that are misbranded or adulterated under the PPIA, or, in the case of imported articles, which are not at such an establishment, after their entry into the United States. Under the PPIA, States that maintain poultry inspection programs must impose requirements on State inspected products and establishments that are at least equal to those required under the PPIA. These States may, however, impose more stringent requirements on such State inspected products and establishments.

This proposed rule is not intended to have retroactive effect.

There are no applicable administrative procedures that must be exhausted prior to any judicial challenge to the provisions of this proposed rule. However, the administrative procedures specified in 9 CFR 381.35 must be exhausted prior to any judicial challenge of the application of the provisions of this proposed rule,

if the challenge involves any decision of an FSIS employee relating to inspection services provided under the PPIA.

Effect on Small Entities

The Administrator has made an initial determination that this proposed 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). This proposal would require establishments that receive undenatured poultry feet for processing prior to export to record the source of the incoming product, identify its location at all times during processing and preparation for export, and certify that the product has not been, nor will be, commingled with any product intended for domestic use. While some establishments may have to change their current recordkeeping practices and make changes to their production practices to accommodate the proposed recordkeeping requirements, no significant economic impact would be imposed on the establishments.

Paperwork Requirements

Under this proposed rule, receiving poultry processing establishments would be required to maintain records that indicate the source of the incoming undenatured poultry feet, and track the poultry feet through processing and preparation for export. In addition, an official of the receiving establishment would certify in writing that the feet have not been, nor will be, commingled with any product intended for consumption in the United States. Establishments would develop their own systems for gathering and maintaining this information. These recordkeeping requirements have been submitted to the Office of Management and Budget for approval under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 381

Exports, Poultry and poultry products, Reporting and recordkeeping requirements, Transportation.

For the reasons set forth in the preamble, FSIS is proposing to amend 9 CFR part 381 as follows:

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

1. The authority citation for part 381 would continue 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.

2. Section 381.190 would be amended by revising the phrase "in subpart C or T" in the first sentence of paragraph (b)

to read "in this subsection and subpart C or T" and designating that sentence as paragraph (b)(1); revising the second sentence and designating it and the final two sentences of paragraph (b) as paragraph (b)(2), and adding a new paragraph (b)(3) to read as follows:

§ 381.190 Transactions in slaughtered poultry and other poultry products restricted; vehicle sanitation requirements.

* * * * *

(b)(1) * * *

(2) Poultry heads and feet that are collected and handled at an official establishment in an acceptable manner may be shipped from the official establishment directly for export as human food, if they have been examined and found to be suitable for such purpose, by an inspector and are labeled as prescribed in this paragraph.

* * *

(3) Poultry heads and feet that are collected and handled at an official establishment in an acceptable manner may be shipped from the official establishment and in commerce directly to another official establishment for processing before export, provided the receiving establishment maintains records that:

- (i) Identify the source of the incoming undenatured poultry feet;
- (ii) Identify the location of the product at all times during processing and preparation for export; and
- (iii) Contain a written certification from an official of the receiving establishment that the undenatured poultry feet intended for export have not been, and will not be, commingled with any product intended for consumption in the United States. The receiving establishment may only ship the undenatured poultry feet intended for export in accordance with the inspection and labeling requirements of paragraph (b)(2) of this section.

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Dated: April 12, 1995.

Michael R. Taylor,

Acting Under Secretary for Food Safety.

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Public Meeting on Results of Pilot Site Visits and Revision to Maintenance Inspection Guidance

AGENCY: Nuclear Regulatory Commission.

ACTION: Announcement of meeting.

SUMMARY: The United States Nuclear Regulatory Commission (USNRC) will hold a public workshop to discuss the results of nine pilot site visits which were conducted to assess the adequacy of the draft maintenance rule inspection procedure developed for use by NRC inspectors to verify the implementation of the maintenance rule. This document is necessary to inform the public that the meeting is open to the public as observers.

DATES: The meeting will be held on June 27, 1995, from 9:00 am to 5:00 pm. The workshop will provide the participants an opportunity to ask questions, make comments during the discussion, or submit written comments for NRC consideration. Written comments received from interested parties unable to attend the workshop will also be considered through July 15, 1995.

ADDRESSES: The meeting will be held at the Stouffers Concourse (Airport) Hotel, 9801 Natural Bridge Road, St. Louis, MO 63134, (Fax) (314) 429-3466. Written comments may be provided at this meeting or submitted after the meeting. Registration forms or further information should be addressed to Ronald Frahm (See **FOR FURTHER INFORMATION CONTACT**).

To ensure that adequate seating is available, persons planning to attend the workshop are requested to either call the contact designated below or complete and forward the attached registration form to the same contact by May 30, 1995. A block of rooms has been reserved at the Stouffers Concourse Hotel, St. Louis, Missouri, (314) 429-1100, for the convenience of meeting attendees. These rooms will be available at a reduced group rate until May 22, 1995. Attendees should identify themselves with the NRC Maintenance Workshop NRC-0626 to ensure the group rate. The NRC, however, does not encourage nor support frequenting this or any other specific establishment.

The original draft procedure "Maintenance Inspection Procedure XXXXX" (dated July 25, 1994) is publicly available at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC 20555-0001. A revised draft revision of the

inspection procedure, including changes from the previous workshop (March 31, 1994), and lessons learned from the pilot site visits will be made available at the workshop for discussion.

FOR FURTHER INFORMATION CONTACT: Ronald Frahm, Jr. M/S 010-A19 U.S. Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, Telephone (301) 415-2986; FAX 301-415-2260; INTERNET:RKF@NRC.GOV

SUPPLEMENTARY INFORMATION: The draft NRC Inspection Procedure "Maintenance Inspection Procedure XXXXX" was developed for inspectors to ascertain whether licensees have satisfactorily implemented the requirements of the maintenance rule. The procedure is also structured to verify conformance with the maintenance rule for licensees using NUMARC 93-01, "Industry Guidance for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants," as implementing guidance.

At the workshop, NRC representatives will present an overview of the pilot site visit program, revisions to the draft inspection procedure and, as applicable, issues related to the maintenance rule and the NUMARC 93-01 industry guidance. NRC regional inspection representatives will be available to participate in the discussions. The workshop will conclude with a summary of the major issues identified at the meeting.

On July 10, 1991 (56 FR 31306), the NRC published the "Requirements for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants" as § 50.65 of 10 CFR 50 "Domestic Licensing of Production and Utilization Facilities." The maintenance rule will become effective on July 10, 1996. The five year period to implement the rule permits time to develop implementation guidance, inspection procedures, and sufficient time for licensees to have in place the necessary controls that ensure conformance with the rule requirements. The Commission's determination that a maintenance rule was needed arose from the conclusion that proper maintenance is essential to

plant safety, especially as plants age. Shortly after the maintenance rule was published, the NRC and the Nuclear Management and Resource Council (NUMARC) embarked on parallel efforts to develop rule implementation guidance. The NRC staff review of the NUMARC document found that it provided an acceptable method for licensees to implement the requirements of the maintenance rule. In June 1993, the Commission issued Regulatory Guide 1.160 which endorsed the NUMARC guidance NUMARC 93-01, "Industry Guideline for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants," dated May 1993. Subsequently a verification and validation (V & V) program was also conducted by NUMARC, with NRC staff observation, to test its guidance on several representative systems by eight nuclear utilities at nine nuclear units. The V & V effort concluded that the guidelines were adequate to implement the maintenance rule.

The NRC staff developed a draft inspection procedure to be used by NRC inspectors to verify the implementation of the maintenance rule requirements. The NRC staff, with NEI representatives observing, validated the inspection procedure during pilot inspection visits at nine volunteer nuclear power facilities between September 1994 and March 1995. After considering the comments obtained from the previous maintenance rule inspection procedure workshop conducted in March 1994, and information gathered during the pilot site visits, the NRC staff revised the inspection procedure and is conducting this workshop to provide interested parties another opportunity to participate in discussions on the lessons learned from the pilot site visits and the final revision of the inspection procedure.

Dated at Rockville, Maryland, this 14th day of April 1995.

For the Nuclear Regulatory Commission.

Richard Correia,

*Chief, Reliability and Maintenance Section,
Quality Assurance and Maintenance Branch,
Division of Technical Support, Office of
Nuclear Reactor Regulation.*

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ATTACHMENT TO PUBLIC MEETING ON RESULTS OF PILOT SITE VISITS AND REVISION TO MAINTENANCE INSPECTION GUIDANCE

REGISTRATION FORM

UNITED STATES NUCLEAR REGULATORY COMMISSION
MAINTENANCE RULE INSPECTION PROCEDURE WORKSHOP

June 27, 1995

(PLEASE PRINT)

NAME: _____
(LAST) (FIRST) (MI)

COMPANY/ ORGANIZATION: _____

POSITION/TITLE: _____

ADDRESS: _____

TELEPHONE NUMBER: _____

Send registration form to:

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