

Done in Washington, DC, on: October 24, 1997.

Thomas J. Billy,
Administrator.

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DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 310 and 381

[Docket No. 97-004P]

RIN 0583-AC32

Generic *E. coli* Testing for Sheep, Goats, Equine, Ducks, Geese and Guineas

AGENCY: Food Safety and Inspection Service.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is proposing to require establishments slaughtering sheep, goats, horses, mules, and other equines, and establishments slaughtering ducks, geese, and guineas to sample and test carcasses for generic *E. coli*. This proposal extends the sampling and testing requirements already applied to establishments that slaughter cattle, swine, chickens, and turkeys. Regular microbial testing by slaughter establishments is necessary to verify the adequacy of the establishment's process controls for the prevention and removal of fecal contamination and associated bacteria.

DATES: Comments on the proposed regulations must be received on or before January 2, 1998.

ADDRESSES: Please send an original and two copies of comments to: FSIS Docket Clerk, DOCKET No. 97-004P, Room 3806, 1400 Independence Ave., SW, Washington, DC 20250-3700.

FOR FURTHER INFORMATION CONTACT: Ms. Patricia Stolfa, Assistant Deputy Administrator, Office of Policy, Program Development, and Evaluation, FSIS, Room 402 Annex Building, Washington, DC 20250-3700; (202) 205-0699.

SUPPLEMENTARY INFORMATION:

Background

On July 25, 1996, FSIS published a final rule, "Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems," (61 FR 38806). The new regulations (1) require that each establishment develop, implement, and maintain written sanitation standard operating procedures (Sanitation SOP's); (2) require regular microbial testing for generic *E. coli* by cattle, swine, chicken,

and turkey establishments to verify the adequacy of the each establishment's process control for the prevention and removal of fecal contamination and associated bacteria; (3) establish pathogen reduction performance standards for *Salmonella* that slaughter establishments and establishments producing raw ground products must meet; and (4) require that all meat and poultry establishments develop and implement a system of preventive controls designed to improve the safety of their products, known as HACCP (Hazard Analysis and Critical Control Points).

At present, all inspected establishments that slaughter cattle, swine, chickens or turkeys must sample and test carcasses for generic *E. coli*. These establishments must develop sampling plans and sample at specified frequencies, locations, and sites. They must maintain records of results and evaluate the results using either the m/M criteria developed in FSIS' baseline studies or, if m/M criteria are not available, statistical process control techniques. Establishments defined as "very low volume" may sample at an alternative frequency. Also, establishments operating under HACCP may develop alternative sampling frequencies if certain requirements are met. The Pathogen Reduction/HACCP final rule and the "Pathogen Reduction/HACCP; Technical Amendments and Corrections" rule (62 FR 26211) provide detailed information about the need for these requirements.

FSIS now is proposing to extend these sampling and testing requirements to sheep, goats, horses, mules and other equines, defined as livestock in 9 CFR 301.2(qq), and to ducks, geese and guineas, defined as poultry in 9 CFR 381.1(b)(40). All establishments slaughtering sheep, goats, horses, mules or other equines would be required to meet the sampling and testing requirements in 9 CFR 310.25. Similarly, establishments slaughtering ducks, geese and guineas would be required to meet the sampling and testing requirements in 9 CFR 381.94. These establishments would only be required to test sheep, goats, equines, ducks, geese, or guineas if they primarily slaughter these types of livestock or poultry. FSIS considers the livestock or poultry an establishment slaughters in the largest number to be that establishment's primary type of livestock or poultry slaughtered.

Sampling Frequencies and Definitions For Very Low Volume Establishments

For the Pathogen Reduction/HACCP final rule, FSIS used a methodology to

select sampling frequencies so that in the subgroup of establishments accounting for 99 percent of total production for each type of livestock or poultry, the 5 percent of establishments with the highest production volume would each conduct a minimum of 13 *E. coli* tests, one complete test "window", each day. Under these frequencies, 90 percent of all cattle, 94 percent of all swine, 99 percent of all chickens, and 99 percent of all turkeys would be slaughtered in establishments conducting a minimum of one *E. coli* test per day. Additionally, FSIS concluded that all establishments, except those defined as very low volume establishments, must conduct sampling at a frequency of at least once per week to provide a minimum, adequate basis for process control verification.

FSIS developed alternative sample frequencies for establishments defined as "very low volume." If there are published m/M criteria for the type of livestock or poultry primarily slaughtered, the establishment must sample that type of livestock or poultry at a minimum frequency of once per week starting the first full week of operation after June 1 until a series of 13 tests has met those m/M criteria. If there are no m/M criteria for the type of livestock or poultry primarily slaughtered, a very low volume establishment must collect at least one sample per week, starting the first full week of operation after June 1 of each year, and continue sampling at a minimum of once each week the establishment operates until June 1 of the following year or until 13 samples have been collected, whichever comes first. This provision will be eliminated once m/M criteria are developed for the primary type of livestock or poultry slaughtered.

FSIS permits very low volume establishments to test at this frequency, in part, because of their relatively simple and stable production environments. Also, FSIS assumed that the total risk of exposure to enteric pathogens from products produced at such establishments would be small and roughly proportional to the amount of products produced. FSIS requires these establishments to begin testing in June because it is most important for these establishments to conduct testing during the summer months, when there is a seasonal peak in the occurrence of foodborne diseases attributable to the major bacterial pathogens.

The final rule noted that very low volume cattle and swine establishments account for only 1.5 percent and 1.3 percent of overall production,

respectively. Very low volume chicken and turkey establishments account for .05 percent and .1 percent of overall production, respectively.

FSIS proposes to require sheep, goat, and equine establishments to sample at the same frequency now required for cattle, one test per 300 carcasses. Similarly, FSIS proposes to require duck, geese, and guinea establishments to sample at the same frequency now required for turkeys, one test per 3,000 carcasses. FSIS also proposes to require sheep, goat, equine, duck, geese, and guinea establishments, except those defined as very low volume establishments, to conduct sampling at a frequency of at least once per week to provide a minimum, adequate basis for process control verification.

FSIS is proposing to require sheep, goat, equine, duck, geese, and guinea establishments defined as "very low volume" to collect at least one sample per week, starting the first full week of operation after June 1 of each year, and continue sampling at a minimum of once each week the establishment operates until June 1 of the following year or until 13 samples have been collected, whichever comes first. At this time, baseline studies have not been conducted to develop m/M criteria for sheep, goats, equine, ducks, geese, and guinea. When m/M criteria is developed for any of these types of livestock or poultry, FSIS would require sampling at a minimum frequency of once per week starting the first full week of operation after June 1 until a series of 13 tests has met those m/M criteria.

Sheep and Goats

In fiscal year 1993, 93 establishments primarily slaughtered sheep and goats. FSIS is proposing that sheep and goat establishments sample at a frequency of one test per 300 carcasses or at least once a week, whichever is greater, unless they are very low volume establishments. At this sampling frequency, 85 percent of all sheep and goats would be slaughtered in establishments conducting a minimum of one *E. coli* test per day. A very low volume sheep or goat slaughter establishment would annually slaughter no more than 6,000 head. Based on fiscal year 1993 data, 61 of the 93 establishments would be classified as very low volume and account for 1.9 percent of total sheep and goat production.

Equine

In fiscal year 1995, eight establishments slaughtered equine under Federal inspection for human food. These eight establishments

slaughtered only equine. The Agency is proposing that horse, mule, or other equine establishments sample at a rate of one per 300 carcasses or at least once a week, whichever is greater, unless they are very low volume establishments. Very low volume equine establishments would annually slaughter no more than 6,000 equines. Two of the equine establishments, slaughtering 5.6 percent of overall production, would be classified as very low volume.

Ducks, Geese, and Guineas

In fiscal year 1995, there were 12 establishments slaughtering primarily ducks and two establishments slaughtering primarily geese. FSIS is not aware of any federally inspected establishment currently processing guineas. FSIS is proposing that establishments slaughtering ducks, geese, and guineas sample at a frequency of one test per 3,000 carcasses or at least once a week, whichever is greater, unless they are very low volume establishments. At this frequency, 96 percent of all ducks would be slaughtered in establishments conducting a minimum of one *E. coli* test per day. Very low volume duck, geese or guinea establishments would slaughter no more than 60,000 ducks, geese, or guineas, respectively, a year.

In FY 1995, 25 establishments slaughtered 19.2 million ducks. Only 12 establishments primarily slaughtered ducks. These establishments produced 98.7 percent of all ducks slaughtered under Federal inspection. One of the 12 establishments produces less than .2 percent of ducks slaughtered and would be defined as a very low volume duck establishment.

Eight establishments under Federal inspection slaughtered 159,000 geese in FY 1995. Only two establishments primarily slaughtered geese and only one of these establishments slaughters more than 60,000 geese.

Alternative Sampling Frequencies

Establishments operating under a validated HACCP plan in accordance with 9 CFR 417.2(b) would be permitted to substitute an alternative frequency if the alternative is an integral part of the establishment's verification procedures for its HACCP plan. Establishments would not be allowed to use an alternative frequency if FSIS determines and notifies the establishment in writing that the alternative frequency is inadequate to verify the effectiveness of the establishment's process controls.

Sampling Plans

Sheep, goat, equine, duck, geese, and guinea establishments would prepare written specimen collection procedures. The procedures would include the identification of employees designated to collect samples, the location(s) of sampling, how sampling randomness is achieved, and how samples are handled to ensure sample integrity. The written procedures would be made available to FSIS upon request.

Sampling Locations

Sheep, goat, and equine establishments would collect samples from chilled carcasses. Carcasses boned before chilling (hot boned) would be sampled after the final wash. For ducks, geese and guineas, samples would be taken from the end of the chilling process, after the drip line. If the bird is boned before chilling, the sample would be taken from the end of the slaughter line instead of the end of the drip line.

Sampling Sites

Samples from sheep, goats, and equine carcasses would be taken by sponging tissue from three sites, the flank, brisket, and rump. Hide-on carcasses would be sampled by sponging from inside the flank, inside the brisket, and inside the rump. Ducks, geese, and guineas would be rinsed in an amount of buffer appropriate to the type of bird being tested.

Recordkeeping

Establishments would enter test results onto a process control chart or table and recorded in terms of colony forming units per milliliter (cfu/ml) for poultry carcasses or per square centimeter (cfu/cm²) for livestock carcasses. Establishments would use the records to evaluate test results. These records would be maintained at the establishment for 12 months and must be made available to Inspection Program employees on request. Inspectors would review results over time to verify effective and consistent process control.

Evaluation Criteria

Establishments would evaluate results using statistical process control techniques until such time as m/M criteria are established for these types of livestock and poultry. FSIS intends to give high priority in its baseline plan to collect data that will support establishing m/M criteria for ducks and geese, and sheep.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been determined to be significant, and

therefore, has been reviewed by the Office of Management and Budget.

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 proposed rule is an extension of the Pathogen Reduction/HACCP rule which was economically significant. Many aspects of that economically significant rule, such as the public health risks associated with pathogens present in fecal contamination and the potential health benefits of pathogen reduction, are applicable to this rule. In the Final Regulatory Impact Assessment (FRIA) (61 FR 38945, July 25, 1996) for the Pathogen Reduction/HACCP rule, FSIS addressed these areas in detail.

By extending coverage of generic *E. coli* testing to additional types of livestock and poultry, this proposed rule would increase the effectiveness of pathogen reduction efforts and thereby generate proportional increases in predicted public health benefits. The benefits assessment in the FRIA was based on a proportional reduction assumption, that is, an assumption that a reduction in pathogens at the manufacturing level leads to a proportional reduction in foodborne illness. Public health benefits are quantified in terms of reduced cost of foodborne illness.

This proposed rule would affect an estimated 101 federally inspected livestock slaughter establishments and a smaller number of State inspected livestock slaughter establishments. The total of 101 federally inspected establishments includes 11 establishments that slaughter only sheep and goats, 82 establishments that slaughter cattle and/or swine but slaughter sheep or goats as their primary type of livestock, and eight establishments that slaughter equine. Additionally, there are 574 establishments that slaughter sheep or goats but are not affected because they primarily slaughter cattle or swine.

This proposed rule would also affect an estimated 14 federally inspected poultry slaughter establishments and possibly a few State inspected poultry slaughter establishments. These include 12 federally inspected establishments that primarily slaughter ducks and two establishments that primarily slaughter geese. There are 14 establishments that also slaughter ducks and/or geese but are not affected because they primarily slaughter chickens or turkeys. There are currently no establishments that slaughter guineas under federal inspection.

Cost Analysis

This analysis is based on the same estimates and assumptions that were used to develop the FRIA for the Pathogen Reduction/HACCP rule and include:

- (1) An average cost of \$24 for collecting and analyzing a sample for generic *E. coli*.
- (2) A cost of \$640 for the preparation of a sampling plan. This estimate is based on 25 hours at \$25.60 per hour, the average wage of a quality control manager.
- (3) A cost of \$403 per establishment for an estimated three out of four establishments that would require extra training for aseptic sampling.
- (4) An estimate of 26 sample collections annually by very low volume slaughter establishments. (The proposed requirement is a minimum of 13.)
- (5) An estimate of five minutes to record and review laboratory results for each sample by an employee earning \$13.42 per hour.

Sheep, Goats and Equine

Unless otherwise specified, this cost analysis is based on data from the Agency's Enhanced Economic Database. This database includes ADRS data from FY 1993. Sheep and goat production were combined in the Enhanced Economic Database. Although the proposed rule treats sheep and goats as two separate types of livestock, the cost analysis is based on combined sheep and goat production. This has a minimal impact on the accuracy of the cost estimates.

There are 11 establishments that slaughter only sheep and goats. This proposed rule would extend mandatory generic *E. coli* testing to these establishments. Each of these 11 establishments would be required to develop a sampling plan at a cost of \$640 per establishment or \$7,040 in total. This cost would include items such as preparing a written plan, establishing sampling procedures, locating a laboratory and arranging for necessary supplies, and developing the statistical process control techniques to be used for analyzing results.

This analysis assumes that eight establishments (75 percent) would require training in aseptic sampling at a cost of \$3,224 (8 times \$403). Three of the eleven establishments would be very low volume establishments and would analyze 26 samples per year for a recurring cost of \$1,872. Based on production data and a sampling rate of one in 300, the other eight establishments would analyze a total of

8,015 samples annually at a cost of \$192,360. Recording and reviewing costs for 8,015 samples would require 668 hours annually and cost \$8,970. The annual recording and reviewing costs for the three very low volume establishments would be \$87 (6.5 hours at \$13.43 per hour).

As discussed above, there are 82 establishments that slaughter cattle and/or swine but slaughter sheep or goats as their primary type of livestock. There would be no additional cost for 58 of these establishments because these 58 are now required to conduct sampling as very low volume cattle or swine slaughter establishments and would be very low volume sheep or goat establishments under the proposed rule. The impact on these 58 establishments would be a shift in the type of livestock sampled. It is assumed they can make this shift without additional costs for sampling plan development.

The other 24 establishments within the 82 that slaughter both cattle and/or swine and sheep or goats are now required to test for cattle or swine. However, under this proposed rule they would have to conduct additional analyses based on their sheep or goat production. Their sheep/goat production is greater than the larger of their cattle or swine production. As they shift from cattle or swine to sheep or goats, annual sampling would increase by 2,928 samples or \$70,272 per year. Annual recording and reviewing costs would be \$3,277 (244 hours at \$13.43 per hour).

This proposed rule would also extend mandatory generic *E. coli* testing to 8 establishments that slaughter equines for human food. Based on FY 1995 ADRS data, the 8 equine establishments would be required to conduct 469 analyses per year. It was assumed they would all have to develop sampling plans (\$640 each) and that six would have to obtain training in aseptic sampling (\$403 per establishment). Two of the 8 equine establishments would meet the definition for a very low volume establishment. The total recurring cost for 469 analyses would be \$11,256. Recording and reviewing costs would be \$525 per year (39 hours at \$13.43 per hour).

In conclusion, there are 43 federally inspected livestock slaughter establishments that would experience increased costs under this proposal. The one time up-front costs would total \$17,802, \$5,642 for training in aseptic sampling and \$12,160 for sampling plan development. The total recurring cost for the 43 establishments would be \$288,619, \$275,760 for sample

collection and analysis and \$12,859 for recording and reviewing test results.

All the costs discussed above for sheep, goat and equine establishments are summarized in Table 1.

TABLE 1.—COSTS FOR IMPLEMENTING GENERIC E. COLI SAMPLING PROGRAMS IN SHEEP, GOAT AND EQUINE ESTABLISHMENTS

Production category	Number of establishments	Training for aseptic sampling	Sampling plan development	Sample collection and analysis (recurring)	Recording and review (recurring)
Exclusively Sheep or Goats with Annual Production over 6,000	8	\$2,418	\$5,120	\$192,360	\$8,970
Exclusively Sheep or Goats with Annual Production under 6,000	3	806	1,920	1,872	87
Primarily Sheep or Goats with Annual Production over 6,000	24	.....	.....	70,272	3,277
Equine	8	2,418	5,120	11,256	525
Total	43	5,642	12,160	275,760	12,859

Ducks, Geese and Guineas

The ADRS data show that 28 federally inspected establishments slaughtered ducks and/or geese in FY 1995. FSIS is not aware of any establishment slaughtering guineas. Six establishments slaughtered only the types of poultry covered by this proposal. This proposal extends mandatory generic *E. coli* testing to six federally inspected poultry establishments that are not currently required to test. There are eight poultry slaughter establishments that currently test chickens or turkeys but slaughter more ducks or geese and, therefore, would shift their testing program to ducks or geese. Seven of these establishments would have to conduct more testing because they would not be very low volume establishments based on their duck or goose production. The eighth establishment would shift from a very low volume chicken establishment to a very low volume duck establishment and would not incur any additional costs.

In summary, under this proposal, 14 establishments would test ducks or geese. Two of these establishments would be very low volume establishments. All 14 poultry slaughter establishments affected by this proposal were included in the Pathogen Reduction/HACCP FRIA as very low

volume poultry slaughter establishments, that is, annual chicken slaughter under 440,000 and annual turkey slaughter under 60,000. The methodology applied in the FRIA started with all 306 poultry slaughter establishments (FY 1993 ADRS data) in the Agency's Enhanced Economic Database. FSIS calculated the costs for 208 establishments processing more than 440,000 chickens annually and the costs for 48 establishments processing more than 60,000 turkeys annually. FSIS treated the remaining 50 poultry slaughter establishments as very low volume establishments.

This methodology most likely overestimated costs for the FRIA because more recent FY 1995 ADRS data include six poultry slaughter establishments processing ducks and/or geese exclusively. This cost analysis separates the costs already addressed and the incremental costs of basing sampling frequency upon duck and geese production. The costs already addressed that are actually costs of this proposal include the cost of six sampling plans at \$640 per plan or \$3,840; training in aseptic sampling for five establishments at \$403 per establishment or \$2,015; sample collection and analysis costs for 156 (6 multiplied by 26) samples per year at a cost of \$24 per sample or \$3,744; and

recording and record review costs of \$175. Using ducks and geese production levels from FY 1995, five of the six establishments slaughtering only ducks and geese would have to collect and analyze an additional 2,281 samples per year at an annual cost of \$54,744. The recording and reviewing costs for 2,281 samples would be \$2,553 annually. The other establishment is a very low volume establishment.

As discussed above, there are seven establishments that are currently required to test for chickens or turkeys as very low volume establishments but would have to conduct more analyses under this proposal because they would not be very low volume establishments based on their duck or goose production. These seven establishments would have to collect and analyze an additional 3,769 samples annually at a cost of \$90,456. Recording and review costs at five minutes per sample would total \$4,218 per year.

The total cost for extending testing to ducks, geese, and guineas includes a one time cost of \$5,855 for training and sampling plan development and an annual recurring sampling and recording cost of \$155,890. The costs for implementing generic *E. coli* sampling for duck, geese and guineas are summarized in Table 2.

TABLE 2.—COSTS FOR IMPLEMENTING GENERIC E. COLI SAMPLING PROGRAMS FOR DUCK, GOOSE, AND GUINEA ESTABLISHMENTS

Production category	Number of establishments	Training for aseptic sampling	Sampling plan development	Sample collection and analysis (recurring)	Recording and review (recurring)
Ducks and Geese only-Costs Included in FRIA	6	\$2,015	\$3,840	\$3,744	\$175
Ducks and Geese only-Costs not Previously accounted for	5 (included in the 6 above)	.....	.....	54,744	2,553

TABLE 2.—COSTS FOR IMPLEMENTING GENERIC E. COLI SAMPLING PROGRAMS FOR DUCK, GOOSE, AND GUINEA ESTABLISHMENTS—Continued

Production category	Number of establishments	Training for aseptic sampling	Sampling plan development	Sample collection and analysis (recurring)	Recording and review (recurring)
Establishments Currently Required to test Chickens or Turkeys	7	.....	.....	90,456	4,218
Total	13	2,015	3,840	148,944	6,946

Overall Summary of Cost Analysis

This proposed rule would extend mandatory generic *E. coli* sampling requirements to 25 federally inspected establishments, 11 that slaughter sheep and goats exclusively, eight that slaughter equine and six that currently slaughter only ducks and/or geese. The nonrecurring up-front costs for these establishments would total \$23,657. The annual recurring costs for collecting and analyzing 10,999 samples and recording and reviewing results for these 25 establishments would be \$276,286. There are 31 establishments that currently test cattle, swine, chickens or turkeys that would have to increase their testing programs by 6,697 samples. The increase in annual recurring costs for these 31 establishments would be \$168,223.

The costs summarized in Tables 1 and 2 are maximum costs because the proposal would allow for establishments operating under a validated HACCP system to use sampling frequencies other than those specified in this proposal if the alternative sampling frequency is an integral part of the establishments HACCP plan. The cost estimates in Tables 1 and 2 do not account for possible reductions in sampling frequencies.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If the proposed rule becomes final: (1) all state and local laws and regulations that are inconsistent with this rule would be preempted; (2) no retroactive effect would be given to this rule; and (3) administrative proceedings would not be required before parties may file suit in court challenging this rule.

Paperwork Requirements

Abstract: As part of microbiological testing, each slaughter establishment would be required to develop written procedures outlining specimen collection and handling. The slaughter establishments would be responsible for

entering the results into a statistical process control chart or table. The data and chart would be available for review by FSIS upon request.

Estimate of Burden: Agency subject matter experts estimate that it would take 25 hours for establishments to develop a microbial sampling and analysis plan. It would take an estimated 17.5 minutes to collect samples and 5 minutes per sample to enter data into charts, and then review and file the information.

This proposal would require 25 federally inspected establishments to develop sampling plans. FSIS estimates that each plan would require 25 hours to develop. Plan development for 25 establishments would require 625 burden hours. Fifty-six establishments would be required to collect samples and to record new or additional test results. These 56 establishments would be required to collect and record and review the results of 17,696 analyses, annually. To collect samples at 17.5 minutes per sample, 5,161 burden hours would be required. To record and review results at 5 minutes per result, it would take 1,475 burden hours.

Respondents: Livestock and poultry product establishments.

Estimated Number of Respondents: 56.

Estimated Number of Responses per Respondent: 18,402.

Estimated Total Annual Burden on Respondents: 7,261 hours.

Copies of this information collection assessment can be obtained from Lee Puricelli, Paperwork Specialist, Food Safety and Inspection Service, USDA, 1400 Independence Ave, SW, Room 3812, Washington, DC 20250-3700.

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information would have practical utility; (b) the accuracy of the Agency's estimate of the burden of the collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be

collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Lee Puricelli, Paperwork Specialist, see the address above, and Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20253.

Comments are requested by January 2, 1998. To be most effective, comments should be sent to OMB within 30 days of the publication date of this proposed rule.

Proposed Rule

List of Subjects

9 CFR Part 310

Meat inspection, Microbial testing.

9 CFR Part 381

Poultry and poultry products, Microbial testing.

For the reasons set forth in this preamble, 9 CFR chapter III would be amended as follows:

PART 310—POST MORTEM INSPECTION

1. The authority citation for part 310 would continue to read as follows:

Authority: 21 U.S.C. 601-695; 7 CFR 2.18, 2.53.

2. Section 310.25 would be amended by revising the first sentence of paragraph (a)(1) introductory text, paragraphs (a)(2)(ii), (a)(2)(iii), and the first sentence of (a)(2)(v)(A) to read as follows:

§ 310.25 Contamination with microorganisms; pathogen reduction performance standards for Salmonella.

(a) * * *
 (1) Each official establishment that slaughters livestock must test for *Escherichia coli* Biotype 1 (*E. coli*).

* * *
 * * * * *
 (2) * * *

(i) * * *

(ii) *Sample collection.* The establishment must collect samples from all chilled livestock carcasses, except those boned before chilling (hot-boned), which must be sampled after the final wash. Samples must be collected in the following manner:¹

(A) For cattle, establishments must sponge or excise tissue from the flank, brisket and rump, except for hide-on calves, in which case establishments must take samples by sponging from inside the flank, inside the brisket, and inside the rump.

(B) For sheep, goat, horse, mule, or other equine carcasses, establishments must sponge from the flank, brisket and rump, except for hide-on carcasses, in which case establishments must take samples by sponging from inside the flank, inside the brisket, and inside the rump.

(C) For swine carcasses, establishments must sponge or excise tissue from the ham, belly and jowl areas.

(iii) *Sampling frequency.* Slaughter establishments, except very low volume establishments as defined in paragraph (a)(2)(v) of this section, must take samples at a frequency proportional to the volume of production at the following rates:

(A) Cattle, Sheep, Goats, Horses, Mules, and Other Equine: 1 test per 300 carcasses, but at a minimum one sample each week of operation.

(B) Swine: 1 test per 1000 carcasses, but at a minimum one sample each week of operation.

* * * * *

(v) * * *

(A) Very low volume establishments annually slaughter no more than 6,000 cattle, 6,000 sheep, 6,000 goats, 6,000 horses, mules, or other equine, 20,000 swine, or a combination of livestock not exceeding 6,000 cattle and 20,000 total of all livestock. * * *

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PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

3. The authority citation for part 381 would continue to read as follows:

Authority: 7 U.S.C. 138f, 450; 21 U.S.C. 451-470, 7 CFR 2.18, 2.53.

Subpart K—Post Mortem Inspection; Disposition of Carcasses and Parts

6. Section 381.94 would be amended by revising paragraph (a)(2)(iii), and the

¹ A copy of FSIS's "Guidelines for *E. coli* Testing for Process Control verification in Cattle and Swine Slaughter Establishments" is available for inspection in the FSIS Docket Room.

first and second sentences of paragraph (a)(2)(v)(A) as follows:

§ 381.94 Contamination with microorganisms; process control verification criteria and testing; pathogen reduction standards.

(a) * * *

(2) * * *

(iii) *Sampling frequency.* Slaughter establishments, except very low volume establishments as defined in paragraph (a)(2)(v) of this section, must take samples at a frequency proportional to the establishment's volume of production at the following rates:

(A) Chickens: 1 sample per 22,000 carcasses, but at a minimum one sample per each week of operation.

(B) Turkeys, Ducks, Geese, and Guineas: 1 sample per 3,000 carcasses, but at a minimum one sample each week of operation.

* * * * *

(v) * * *

(A) Very low volume establishments annually slaughter no more than 440,000 chickens or 60,000 turkeys, 60,000 duck, 60,000 geese, 60,000 guineas or a combination all types of poultry not exceeding 60,000 turkeys and 440,000 birds total. Very low volume establishments slaughtering turkeys, ducks, geese, or guineas in the largest number must collect at least one sample per week, starting the first full week of operation after June 1 of each year, and continue sampling at a minimum of once each week the establishment operates until June 1 of the following year or until 13 samples have been collected, whichever comes first. * * *

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Done at Washington, DC, on October 24, 1997.

Thomas J. Billy,
Administrator.

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**DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration**

14 CFR Part 39

[Docket No. 97-CE-79-AD]

RIN 2120-AA64

Airworthiness Directives; American Champion Aircraft Corporation 7, 8, and 11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to American Champion Aircraft Corporation (ACAC) 7, 8, and 11 series airplanes, excluding Model 8GCBC airplanes. The Federal Aviation Administration (FAA) previously proposed similar AD action for the ACAC Model 8GCBC airplanes. The proposed AD would require installing inspection holes on the top and bottom wing surfaces, repetitively inspecting the front and rear wood spars for damage, repairing or replacing any damaged wood spar, and installing inspection covers. Damage is defined as cracks; compression cracks; longitudinal cracks through the bolt holes or nail holes; or loose or missing rib nails. The proposed AD results from a review of the service history of the affected airplanes that incorporate wood wing spars. The review was prompted by in-flight wing structural failures on ACAC Model 8GCBC airplanes, and revealed several incidents where damage was found on the front and rear wood spars on the affected airplanes. The actions specified by the proposed AD are intended to prevent possible compression cracks and other damage in the wood spar wing, which, if not detected and corrected, could eventually result in in-flight structural failure of the wing with consequent loss of the airplane.

DATES: Comments must be received on or before January 8, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97-CE-79-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from American Champion Aircraft Corporation, P.O. Box 37, 32032 Washington Avenue, Highway D, Rochester, Wisconsin 53167. This information also may be examined at the Rules Docket at the address above. **FOR FURTHER INFORMATION CONTACT:** Mr. William Rohder, Aerospace Engineer, FAA, Chicago Aircraft Certification Office, 2300 E. Devon Avenue, Des Plaines, Illinois 60018; telephone (847) 294-7697; facsimile (847) 294-7834.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such