

USDA—FNS

Long-Term Actions

176. IMPROVING ACCESS TO THE FOOD STAMP PROGRAM FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY**Priority:** Other Significant**CFR Citation:** 7 CFR 272.4(b)**Timetable:**

Action	Date
NPRM	06/00/04
NPRM Comment Period End	08/00/04
Final Action	06/00/05
Final Action Effective	09/00/05

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** State, Local**Federalism:** Undetermined**Agency Contact:** Sharon Ackerman
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RIN: 0584-AD06**177. FOOD STAMP PROGRAM: VEHICLE AND MAXIMUM EXCESS SHELTER EXPENSE DEDUCTION PROVISIONS OF PUBLIC LAW 106-387****Priority:** Economically Significant, Major under 5 USC 801.**CFR Citation:** 7 CFR 273.8; 7 CFR 273.9**Timetable:**

Action	Date
NPRM	To Be Determined

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** State, Local**Agency Contact:** Sharon Ackerman
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RIN: 0584-AD13**Department of Agriculture (USDA)
Food and Nutrition Service (FNS)**

Completed Actions

178. FOOD STAMP PROGRAM: ANTICIPATING INCOME AND REPORTING CHANGES**Priority:** Other Significant**CFR Citation:** 7 CFR 272; 7 CFR 273**Completed:**

Reason	Date
Final Action	04/29/03 68 FR 22567

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** State, Local, Federal**Agency Contact:** Sharon Ackerman
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RIN: 0584-AB57**179. IMPLEMENTATION OF POULTRY SUBSTITUTION PILOT AS PERMANENT AND MODIFICATION OF COMMODITY RECORDKEEPING REQUIREMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 250.14; 7 CFR 250.16; 7 CFR 250.30**Completed:**

Reason	Date
Final Action	10/23/02 67 FR 65011

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** State, Local**Agency Contact:** Sharon Ackerman
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RIN: 0584-AD08**180. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC): EXCLUSION OF MILITARY HOUSING PAYMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 7 CFR 246**Completed:**

Reason	Date
Final Action	10/31/02 67 FR 66303

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** State, Local, Tribal, Federal**Agency Contact:** Sharon Ackerman
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RIN: 0584-AD34**BILLING CODE 3410-30-S****Department of Agriculture (USDA)
Food Safety and Inspection Service (FSIS)**

Prerule Stage

181. • STANDARDS AND LABELING REQUIREMENTS FOR MECHANICALLY SEPARATED SPECIES AND PRODUCTS IN WHICH IT IS USED (SECTION 610 REVIEW)**Priority:** Info./Admin./Other**Legal Authority:** 5 USC 610(c)**CFR Citation:** 9 CFR 317.2(j)(13)(ii); 9 CFR 318.18; 9 CFR 319.5**Legal Deadline:** Other, Statutory, May 2003, Review mandated to conclude within 12 months after initial announcement of review. Provisions of the RFA mandate that this review conclude within 12 months after the initial announcement.**Abstract:** On June 29, 1982, the Department of Agriculture amended the Federal meat inspection regulations

with promulgation of the final rule (47 FR 28214) to (1) modify the definition, standard, and permitted uses for the finely comminuted product resulting from the mechanical separation and removal of most of the bone from attached skeletal muscle of livestock carcasses and parts of carcasses, and the labeling requirements for meat food products in which it is used as an

USDA—FSIS

Prerule Stage

ingredient; and (2) to establish labeling requirements for such products.

Promulgation Purpose and Legal Basis:

Sections 1(m), (n), 7, and 10 of the Federal Meat Inspection Act (FMIA) establishes the Secretary of Agriculture's statutory responsibility for ensuring that meat and meat food products, prepared and intended to be distributed in commerce, are not adulterated, misbranded, or improperly marked, labeled, and packaged. (21 U.S.C. 601(m)(n), 607, 610) The final rule governing the production and use of mechanically separated species was issued in 1978 (43 FR 26416). However, despite the availability of technology and raw materials, a potential food source was not being made available to the general public. In the interim, the Pacific Coast Meat Association (PCMA) and the American Meat Institute (AMI) contended that its failure to market products containing Mechanically Processed (Species) Product (MP(S)P) was due to regulatory requirements that extended beyond the perimeters necessary to protect the public, and argued that they were effectively precluded from producing or marketing mechanically deboned beef, pork, or veal or lamb by the misleading labeling and the unreasonable compositional standards imposed by the regulations. PCMA and the AMI petitioned the agency to reconsider the requirements in light of information compiled since the promulgation of the 1978 regulations. PCMA and AMI submitted a report on a series of consumer focus group's sessions exploring attitudes towards various types of meat food product labeling, and an analysis of the economic impacts of the 1978 regulations. Based on the original petition's argument, data compiled since 1978, and the Agency's internal review and re-evaluation of its regulations in accordance with Executive Order 12291(now Executive Order 12866), the Department decided to amend the requirements and issue a new final rule entitled "Standards and Labeling Requirements for Mechanically Separated (Species) and Products in Which It Is Used."

This regulation has been reviewed under the Regulatory Flexibility Act's Section 610 provisions. The Food Safety and Inspection Service (FSIS) intends to publish the results of its

mandatory review in the Federal Register by May 31, 2003.

Timetable:

Action	Date
End Review	06/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

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RIN: 0583-AC93

182. • NUTRITION LABELING OF MEAT AND POULTRY PRODUCTS (SECTION 610 REVIEW)

Priority: Other Significant

Legal Authority: 5 USC 610; 21 USC 601; 21 USC 453; ...

CFR Citation: 9 CFR 317; 9 CFR 318; 9 CFR 381

Legal Deadline: Other, Statutory, June 2004, Review mandated to conclude within 12 months after initial announcement of review.

Section 610 of the RFA mandates that this review be concluded within 12 months after its commencement date.

Abstract: On January 6, 1993, the Department of Agriculture, Food Safety and Inspection Service (FSIS) amended the Federal meat and poultry products inspection regulations with promulgation of the aforementioned final rule (58 FR 632) to (1) permit voluntary nutrition labeling on single-ingredient, raw meat and poultry products; and (2) to establish mandatory nutrition labeling requirements for all other meat and poultry products, notwithstanding specific exceptions.

Promulgation Purpose and Legal Basis:

Sections 1(n) of the Federal Meat Inspection Act (FMIA), and 4(h) of the Poultry Products Inspection Act (PPIA) establish the Secretary of Agriculture's statutory responsibility for ensuring

that meat and meat food products, prepared and intended to be distributed in commerce, are not adulterated, misbranded, or improperly marked, labeled, and packaged (21 U.S.C. 601(n)(1); 21 U.S.C. 453(4)(h)).

On November 8, 1990, the Nutrition Labeling and Education Act of 1990 (NLEA) was enacted by Public Law 101.535 (104 Stat. 2353). The statute amended certain provisions of the Federal Food, Drug, and Cosmetic Act and required: (1) Mandatory nutrition labeling for most of the Food and Drug Administration's (FDA) regulated packaged food products; and (2) issuance of voluntary nutrition guidelines to food retailers for providing nutrition information on 20 of each most frequently consumed during a year varieties of raw vegetables, raw fruits, and raw fish. However, if food retailers failed to substantially comply with the voluntary guidelines, the NLEA requires FDA to issue mandatory requirements.

FSIS' final rule entitled, "Nutrition Labeling of Meat and Poultry Products," will be reviewed under the Regulatory Flexibility Act's section 610 provisions within the succeeding 12 months. Accordingly, the FSIS invites all interested parties to submit comments on: (1) The continued need for the rule; (2) the complexity of the rule; (3) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, and local rules; (4) the nature of complaints or comments received concerning the rule from the public; and (5) the technology and economic conditions, or other factors, which have changed the specific area affected by the rule.

Timetable:

Action	Date
Begin Review	06/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0583-AC95

Department of Agriculture (USDA)
Food Safety and Inspection Service (FSIS)

Proposed Rule Stage

183. ANTE-MORTEM AND POST-MORTEM INSPECTION OF LIVESTOCK AND POULTRY

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 21 USC 601 to 695 et seq; 7 USC 138 et seq; 21 USC 450 et seq; 7 USC 2.18 to 2.53 et seq; 21 USC 451 to 470 et seq

CFR Citation: 9 CFR 309; 9 CFR 310; 9 CFR 381

Legal Deadline: None

Abstract: FSIS is proposing to reform the regulations governing ante-mortem and post-mortem inspection of livestock and poultry. A number of the current regulations are no longer appropriate for the conditions under which meat and poultry products are produced and distributed today (e.g., splitting of sterna, prohibition of inflating carcasses). Others are duplicative regulations (e.g., those dealing with bruises and contamination) applying separately to meat and to poultry that could be combined into single regulations applying to both meat and poultry. Most emphasize the procedures for achieving regulatory objectives rather than the objectives themselves. This proposal would remove these prescriptive, detailed, or obsolete regulations or convert them to performance standards that are consistent with FSIS requirements for establishment-operated hazard analysis and critical control points (HACCP) systems and with the Agency's food safety regulatory strategy.

Under the proposal, the current ante-mortem requirements, listing objectionable diseases or conditions and corresponding actions to be taken, would be replaced by performance standards intended to ensure that only "normal," healthy animals that do not pose an evident hazard to public health are permitted to enter a slaughtering establishment. "Normal" animals would include those, for example, that are not running a temperature or that do not exhibit lesions of disease or behaviors characteristic of central nervous system disorders. Similarly, the post-mortem regulations, with their lists of conditions and detailed, command-and-control procedures, would be streamlined. The prescriptive provisions would be replaced by

performance standards relating to food safety.

This proposal would also recodify the ante-mortem and post-mortem inspection regulations for livestock and poultry. To the extent possible, consistent with the Federal Meat Inspection Act and the Poultry Products Inspection Act, regulations concerning livestock and meat carcasses and parts, and those concerning poultry carcasses and parts, would be designated to the same parts and sections of the Code of Federal Regulations. These changes would be part of the ongoing Agency effort to make the regulations more streamlined and user-friendly.

This proposal would focus on the performance standards that establishments should meet through operation of their HACCP systems for slaughtering and dressing operations. It would remove impediments to the development and operation of HACCP plans by making the current regulations compatible with the HACCP approach to food safety.

Besides the proposed action, FSIS considered the alternative of no rulemaking and the alternative of eliminating all regulations on livestock, poultry, and the carcasses and parts of livestock and poultry, affected by specific diseases and conditions. The first alternative would leave in place numerous detailed prescriptions and procedural requirements inconsistent with, or duplicative of, HACCP systems. The second would risk exposing the public to products that may be unwholesome or otherwise adulterated.

The Agency believes the alternative represented by this proposal—converting to performance standards the ante-mortem and post-mortem inspection regulations—would offer the best prospect for the efficient and effective implementation of HACCP. It would also maximize the flexibility establishments have to adopt technological innovations that would increase the assurance of food safety.

Timetable:

Action	Date
NPRM	03/00/04

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: State

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RIN: 0583-AC43

184. REQUIREMENTS FOR DISPOSITION AND DISPOSAL OF INSPECTED RAW MEAT AND POULTRY PRODUCTS

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 7 USC 450; 21 USC 451 to 470 et seq; 21 USC 601 to 695 et seq; 7 USC 1901 to 1906

CFR Citation: 9 CFR 311; 9 CFR 314; 9 CFR 320; 9 CFR 325; 9 CFR 381; 9 CFR 428; 9 CFR 455

Legal Deadline: None

Abstract: FSIS is proposing to reform the regulations governing the disposition of inspected raw meat and poultry products and the disposal of such products that are condemned or otherwise inedible. A number of the current regulations are no longer appropriate for the conditions under which meat and poultry products are produced and distributed today. Others are duplicative regulations applying separately to meat and to poultry that should be combined into single regulations applying to both meat and poultry. Most emphasize the procedures for achieving regulatory objectives rather than the objectives themselves. The proposal would remove these prescriptive, detailed, or obsolete regulations or convert them to performance standards that are consistent with FSIS requirements for establishment-operated hazard analysis and critical control points (HACCP) systems and with the Agency's food safety regulatory strategy.

Besides the proposed action, FSIS considered the alternative of no rulemaking and the alternative of eliminating all regulations on the disposition and disposal of inspected raw products. Among these regulations are those concerning the handling of raw product moving between official

USDA—FSIS

Proposed Rule Stage

establishments and the disposal of condemned or inedible carcasses and parts. The first alternative would leave in place numerous detailed prescriptions and procedural requirements inconsistent with, or duplicative of, HACCP systems. The second would risk exposing the public to products that may be unwholesome or otherwise adulterated.

This proposal would convert to performance standards the regulations governing the disposition, handling, and disposal of raw carcasses and parts. The Agency believes this alternative would offer the best prospect of permitting the efficient and effective implementation of HACCP and of maximizing the flexibility official establishments and other entities have to adopt technological and other innovations that could increase the assurance of food safety.

This proposal would also recodify the regulations on the disposition, handling, and disposal of raw meat and poultry products. To the extent possible, consistent with the Federal Meat Inspection Act and the Poultry Products Inspection Act, regulations affecting both meat and poultry would be designated to the same parts and sections of the Code of Federal Regulations. These changes would be part of the ongoing Agency effort to make the regulations more streamlined and user-friendly.

Timetable:

Action	Date
NPRM	03/00/04

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: State

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RIN: 0583-AC44

185. PERFORMANCE STANDARDS FOR BACON

Priority: Other Significant

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 424.22(b)

Legal Deadline: None

Abstract: FSIS is proposing to revise the regulatory provisions concerning the production and testing of pumped bacon (9 CFR 424.22(b)). FSIS is proposing to remove provisions that prescribe the substances and amounts of such substances that must be used to produce pumped bacon. FSIS is proposing to replace these provisions with an upper limit for nitrite and a performance standard that establishments producing pumped bacon must meet. To meet the proposed performance standard, the process used would be required to limit the presence of nitrosamines when the product is cooked.

Timetable:

Action	Date
NPRM	07/00/03

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 0583-AC49

186. REWORKING OF MEAT AND POULTRY CARCASSES ACCIDENTALLY CONTAMINATED DURING EVisCERATION

Priority: Other Significant

Legal Authority: 7 USC 450; 21 USC 451 to 470; 21 USC 601 to 695; 7 CFR 2.18; 7 CFR 2.53

CFR Citation: 9 CFR 310; 9 CFR 381; 9 CFR 433

Legal Deadline: None

Abstract: The Food Safety and Inspection Service is proposing to amend the mandatory meat and poultry

products inspection regulations concerning the reworking of carcasses accidentally contaminated during evisceration. The proposal would replace with performance standards the current prescriptive provisions governing the handling of meat carcasses and the reprocessing of poultry carcasses that have been so contaminated and would permit the on-line reprocessing of carcasses, provided the applicable performance standards are met. The proposal would permit establishments to reprocess contaminated meat and poultry carcasses on the evisceration line, rather than at separate stations, if the establishments can scientifically demonstrate a substantial improvement in the microbiological quality of the carcasses. The amended regulations would be consistent with the Agency's pathogen reduction (PR) and hazard analysis and critical control points (HACCP) regulations.

Timetable:

Action	Date
NPRM	11/00/03

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 0583-AC53

187. EGG AND EGG PRODUCTS INSPECTION REGULATIONS

Priority: Economically Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 21 USC 1031 to 1056

CFR Citation: 9 CFR 590.570; 9 CFR 590.575; 9 CFR 590.146; 9 CFR 590.10; 9 CFR 590.411; 9 CFR 590.502; 9 CFR 590.504; 9 CFR 590.580; 9 CFR 591;

...

Legal Deadline: None

USDA—FSIS

Proposed Rule Stage

Abstract: The Food Safety and Inspection Service (FSIS) is proposing to require shell egg packers and egg products plants to develop and implement Hazard Analysis and Critical Control Points (HACCP) systems and Sanitation Standard Operating Procedures (SOPs). FSIS also is proposing pathogen reduction performance standards that would be applicable to pasteurized shell eggs and egg products. Plants would be expected to develop HACCP systems that ensure products meet the pathogen reduction performance standards. Finally, FSIS is proposing to amend the Federal egg and egg products inspection regulations by removing current requirements for prior approval by FSIS of egg products plant drawings, specifications, and equipment prior to their use in official plants. The Agency also plans to eliminate the prior label approval system for egg products.

The actions being proposed are part of FSIS' regulatory reform effort to improve FSIS' egg and egg products food safety regulations, better define the roles of Government and the regulated industry, encourage innovations that will improve food safety, remove unnecessary regulatory burdens on inspected egg products plants, and make the egg and egg products regulations as consistent as possible with the Agency's meat and poultry products regulations. FSIS is also taking these actions in light of changing inspection priorities and recent findings of Salmonella in pasteurized egg products.

Timetable:

Action	Date
NPRM	12/00/03

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, State

Federalism: Undetermined

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RIN: 0583-AC58

188. LABELING—GENERIC APPROVAL AND REGULATION CONSOLIDATION

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 451 to 470; 21 USC 601 to 695

CFR Citation: 9 CFR 317; 9 CFR 327; 9 CFR 381; 9 CFR 412

Legal Deadline: None

Abstract: This rulemaking will continue an effort initiated several years ago by amending FSIS's regulations to expand the types of labeling that are generically approved. FSIS plans to propose that the submission of labeling for approval prior to use be limited to certain types of labeling, as specified in the regulations. In addition, FSIS plans to reorganize and amend the regulations by consolidating the nutrition labeling rules that currently are stated separately for livestock products and poultry products (in part 317, subpart B, and part 381, subpart Y, respectively) and by amending their provisions to set out clearly various circumstances under which these products are misbranded.

Timetable:

Action	Date
NPRM	09/00/03

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

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RIN: 0583-AC59

189. FOOD STANDARDS; GUIDING PRINCIPLES AND FOOD STANDARDS MODERNIZATION

Priority: Other Significant

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Food Safety and Inspection Service (FSIS) and the Food and Drug Administration (FDA) are proposing to modernize their food standards. The agencies are proposing a set of guiding principles for food standards. The adherence to these principles will result in standards that will better promote honesty and fair dealing in the interest of consumers, protect the public, allow for technological advances in food production, are consistent with international food standards, and are clear, simple, and easy to use for both manufacturers and the agencies that enforce compliance with the standards. The proposed guiding principles will establish the criteria that the Agencies will use in considering whether a petition to establish, revise, or eliminate a food standard will be the basis for a proposed rule.

Timetable:

Action	Date
NPRM	08/00/03

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

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RIN: 0583-AC72

190. PETITIONS FOR RULEMAKING

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 553

CFR Citation: 9 CFR 392

Legal Deadline: None

Abstract: FSIS is proposing to amend its regulations to add a new part that prescribes procedures for the submission, consideration, and disposition of petitions for rulemaking. The proposal also describes the

USDA—FSIS

Proposed Rule Stage

Agency's expectations for the type of documentation that should be submitted in support of a petition and that will facilitate regulatory development. FSIS is proposing this action to provide clear guidance to those who would like to participate in the rulemaking process by petitioning FSIS to issue, amend, or repeal a rule administered by the Agency.

Timetable:

Action	Date
NPRM	06/00/03

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

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RIN: 0583-AC81

191. CLASSES OF POULTRY UPDATING POULTRY CLASS STANDARDS

Priority: Other Significant

Legal Authority: 21 USC 451

CFR Citation: 9 CFR 381.170(a)

Legal Deadline: None

Abstract: FSIS is proposing to amend the official U.S. classes of poultry so that they more accurately and clearly describe the characteristics of poultry in the market today. Poultry classes are defined primarily in terms of age and sex of the bird. Genetic improvements and new poultry management techniques have reduced the grow-out period for some poultry classes while extensive cross breeding has produced poultry with higher meat yields but blurred breed distinctions. This action is being taken to ensure that poultry products are labeled in a truthful and non-misleading manner.

Timetable:

Action	Date
NPRM	06/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robert Post, Director, Labeling and Consumer Protection Staff, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250
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RIN: 0583-AC83

192. ELIMINATION OF CHILLING TIME AND TEMPERATURE REQUIREMENTS FOR READY-TO-COOK POULTRY (SECTION 610 REVIEW)

Priority: Other Significant

Legal Authority: 21 USC 451 to 470

CFR Citation: 9 CFR 381.66

Legal Deadline: None

Abstract: FSIS is proposing to eliminate the time and temperature requirements for chilling ready-to-cook poultry carcasses and giblets. The Agency is taking this action because the requirements are inconsistent with the Agency's Pathogen Reduction/Hazard Analysis and Critical Control Point (PR/HACCP) System regulations, with its final rule further restricting retained water in raw meat and poultry, and with the Agency's regulatory reform program. Moreover, because of these regulations, the meat and poultry industries receive disparate regulatory treatment: No regulations that apply to the chilling of poultry apply to the chilling of meat. This proposal responds to longstanding petitions by industry trade associations.

Timetable:

Action	Date
NPRM	06/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 0583-AC87

193. ADDITION OF SAN MARINO TO THE LIST OF COUNTRIES ELIGIBLE TO EXPORT MEAT AND MEAT PRODUCTS TO THE UNITED STATES

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 601 to 695

CFR Citation: 9 CFR 327

Legal Deadline: None

Abstract: FSIS is proposing to add San Marino to the list of countries from which meat or meat food products may be imported into the United States.

Timetable:

Action	Date
NPRM	09/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

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RIN: 0583-AC91

194. • ADDITION OF MEXICO TO THE LIST OF COUNTRIES ELIGIBLE FOR THE IMPORTATION OF SLAUGHTERED (FRESH) POULTRY AND EGG PRODUCTS INTO THE UNITED STATES

Priority: Substantive, Nonsignificant

Legal Authority: None

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: FSIS is proposing to add Mexico to the list of countries from which fresh slaughtered poultry and egg products may be imported into the United States.

Timetable:

Action	Date
NPRM	11/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

USDA—FSIS

Proposed Rule Stage

Government Levels Affected: None
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Department of Agriculture (USDA)
Food Safety and Inspection Service (FSIS)

Final Rule Stage

195. BEEF OR PORK WITH BARBECUE SAUCE; REVISION OF STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 319

Legal Deadline: None

Abstract: The Food Safety and Inspection Service (FSIS) has been petitioned to amend the Federal meat inspection regulations by removing a meat yield requirement for the standardized products “Beef With Barbecue Sauce” and “Pork With Barbecue Sauce.” Current regulations for these products require that the product contain not less than 50 percent of the species identified on the label and that the weight of the cooked pork or beef not exceed 70 percent of the uncooked weight of the meat. The first requirement is consistent with other meat and sauce requirements, but the second requirement is not. The petitioner asserts that the product standard (promulgated in 1952) does not reflect current production practices or the commercial marketability of beef or pork with barbecue sauce. The petitioner further states that producers of these products are at a competitive disadvantage with other meat and sauce producers, because other meat and sauce producers do not have a 70 percent yield requirement. For example, producers of the standardized products “Beef with Gravy,” “Meat Pies,” and “Spaghetti with Meat and Sauce” and similar standardized products do not have any meat yield requirements.

FSIS has determined that the petitioner’s request should be granted. This action would permit fair competition between meat and barbecue sauce producers, and poultry and sauce producers, and would provide consistent requirements in both the meat and poultry inspection regulations.

Timetable:

Action	Date
NPRM	09/03/97 62 FR 46450
NPRM Comment Period End	11/03/97
Final Action	01/00/04

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 0583-AC09

196. PERFORMANCE STANDARDS FOR READY-TO-EAT MEAT AND POULTRY PRODUCTS

Priority: Economically Significant

Unfunded Mandates: Undetermined

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 381; 9 CFR 430

Legal Deadline: None

Abstract: FSIS has proposed to establish pathogen reduction performance standards for all ready-to-eat and partially heat-treated meat and poultry products. The performance standards spell out the objective level of pathogen reduction that establishments must meet during their operations in order to produce safe products but allow the use of customized, plant-specific processing procedures other than those prescribed in the earlier regulations. Along with HACCP, food safety performance standards will give establishments the incentive and flexibility to adopt innovative, science-based food safety

processing procedures and controls, while providing objective, measurable standards that can be verified by Agency inspectional oversight. This set of performance standards will include and be consistent with those already in place for certain ready-to-eat meat and poultry products. FSIS also proposed testing requirements intended to reduce the incidence of Listeria in ready-to-eat meat and poultry products.

Timetable:

Action	Date
NPRM	02/27/01 66 FR 12590
NPRM Comment Period End	05/29/01
NPRM Comment Period Extended	07/03/01 66 FR 35112
NPRM Comment Period End	09/10/01
Final Action	07/00/03

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

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RIN: 0583-AC46

197. MEAT PRODUCED BY ADVANCED MEAT/BONE SEPARATION MACHINERY AND MEAT RECOVERY SYSTEMS

Priority: Other Significant

Legal Authority: 21 USC 601 to 695

CFR Citation: 9 CFR 301.2; 9 CFR 318.24 (Revision); 9 CFR 320.1(b)(10)

Legal Deadline: None

USDA—FSIS

Final Rule Stage

Abstract: In 1994, the Food Safety and Inspection Service (FSIS) amended its regulations to recognize that products resulting from advanced meat/bone separation machinery comes within the definition of meat when recovery systems are operated to assure that the characteristics and composition of the resulting product are consistent with those of meat. Subsequent compliance problems and other concerns have made it apparent that the regulations are inadequate to prevent misbranding and economic adulteration. Therefore, FSIS is developing a rule to clarify the regulations and supplement the rules for assuring compliance.

Timetable:

Action	Date
NPRM	04/13/98 63 FR 17959
NPRM Comment Period End	06/12/98
Final Action	12/00/03

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

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RIN: 0583-AC51

198. NUTRITION LABELING OF GROUND OR CHOPPED MEAT AND POULTRY PRODUCTS AND SINGLE-INGREDIENT PRODUCTS

Priority: Other Significant

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 317; 9 CFR 381

Legal Deadline: None

Abstract: FSIS has proposed to amend the Federal meat and poultry products inspection regulations to require that nutrition information be provided for the major cuts of single-ingredient, raw meat and poultry products, either on their label or at their point-of-purchase. FSIS proposed to require nutrition labeling of the major cuts of single-ingredient, raw meat and poultry products because, during the most

recent surveys of retailers, the Agency did not find significant participation in the voluntary nutrition labeling program for single-ingredient, raw meat and poultry products.

In this rule, FSIS also proposed to amend its regulations to extend mandatory labeling to single-ingredient ground or chopped products. Under this proposal, individual retail packages of ground or chopped meat and ground or chopped poultry products would bear nutrition labeling. The Agency has determined that ground or chopped products are different from other single-ingredient products in several important respects. Thus, FSIS proposed to make nutrition labeling requirements for ground or chopped products consistent with those for multi-ingredient products.

Finally, FSIS has proposed to amend the nutrition labeling regulations to provide that, when a ground or chopped product does not meet the criteria to be labeled "low fat," a lean percentage claim may be included on the product label or in labeling as long as a statement of the fat percentage also is displayed on the label or in labeling.

Timetable:

Action	Date
NPRM	01/18/01 66 FR 4970
NPRM Comment Period End	04/18/01
Extension of Comment Period	04/20/01 66 FR 20213
NPRM Comment Period End	07/17/01
Final Action	08/00/03

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 0583-AC60

199. INCORPORATION OF FOOD AND COLOR ADDITIVES INTO 21 CFR

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 602 et seq; 21 USC 451 et seq; 21 USC 321 et seq

CFR Citation: 9 CFR 318.7; 9 CFR 381.147

Legal Deadline: None

Abstract: This final rule will amend the meat and poultry inspection regulations by completing earlier efforts to incorporate current listings in 9 CFR into 21 CFR.

Timetable:

Action	Date
Final Action	12/00/03

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0583-AC69

200. PERFORMANCE STANDARDS FOR ON-LINE ANTIMICROBIAL REPROCESSING OF PRE-CHILL POULTRY CARCASSES

Priority: Other Significant

Legal Authority: 21 USC 451 to 470

CFR Citation: 9 CFR 381; 9 CFR 424

Legal Deadline: None

Abstract: This rule is proposing to allow, on a voluntary basis, the on-line reprocessing of pre-chill poultry carcasses that are accidentally contaminated with digestive tract contents during slaughter. The treated carcasses must meet a standard at pre-chill, in addition to pre-chill standards for generic E. coli and Salmonella already prescribed.

Timetable:

Action	Date
NPRM	12/01/00 65 FR 75187
NPRM Comment Period End	01/30/01
Final Action	08/00/03

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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USDA—FSIS

Final Rule Stage

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201. AGENCY ORGANIZATION

Priority: Info./Admin./Other

Legal Authority: 21 USC 451 to 470;
21 USC 601 to 695; 21 USC 1031 to
1056

CFR Citation: 9 CFR 300; 9 CFR 301;
9 CFR 306; 9 CFR 320; 9 CFR 381; 9
CFR 590

Legal Deadline: None

Abstract: This rulemaking will amend FSIS's regulations adopted under the FMIA, PPIA, and EPIA by updating and consolidating organizational provisions.

Timetable:

Action	Date
Final Action	12/00/03

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0583-AC78

**202. FOOD STANDARDS:
REQUIREMENTS FOR SUBSTANTIVE
STANDARDIZED MEAT AND POULTRY
PRODUCTS NAMED BY USE OF AN
EXPRESSED NUTRIENT CONTENT
CLAIM AND A STANDARDIZED TERM**

Priority: Other Significant

Legal Authority: 21 USC 601; 21 USC
451

CFR Citation: 9 CFR 381.172; 9 CFR
319.10

Legal Deadline: None

Abstract: FSIS is amending the Federal meat and poultry inspection regulations to establish a general definition and standard of identity for standardized meat and poultry products that have been modified to qualify for use of an expressed nutrient content claim in their product names. These products will be identified by an expressed nutrient content claim, such as "fat free," "low fat," and "light," in conjunction with an appropriate standardized term. FSIS is taking this action to 1) assist consumers to maintain healthy dietary practices by providing for modified versions of standardized meat and poultry products that have reductions of certain constituents that are of health concern to some people, 2) increase regulatory flexibility and support product innovation and, 3) provide consumers with an informative nutrition labeling system.

Timetable:

Action	Date
NPRM	12/29/95 60 FR 67474
NPRM Comment Period End	02/27/96
Final Action	06/00/03

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Robert Post, Director, Labeling and Consumer Protection Staff, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250
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RIN: 0583-AC82

**203. • CHANGES IN FEES FOR MEAT,
POULTRY, AND EGG PRODUCTS
INSPECTION SERVICE**

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 601 et seq;
21 USC 1031 1 et seq; 21 USC 451
et seq; 7 USC 1621 et seq

CFR Citation: 9 CFR 391; 9 CFR 590;
9 CFR 592

Legal Deadline: None

Abstract: The Food Safety and Inspection Service (FSIS) is proposing to change the fees that it charges meat and poultry establishments, egg products plants, importers, and exporters for providing voluntary inspection services, overtime and holiday inspection services, identification services, certification services, and laboratory services. The Agency is proposing to raise the fees for voluntary base time and holiday and overtime inspection services. These increases in fees reflect, among other factors, the national and locality pay raise for Federal employees (proposed 4.1 percent increase effective January 2003) and inflation. FSIS is also proposing to decrease the fee for laboratory services because of greater efficiencies realized. The Agency is also proposing to decrease the annual fee for the Accredited Laboratory Program from \$1,500.00 to \$1,000.00.

Timetable:

Action	Date
NPRM	02/26/03 68 FR 8858
NPRM Comment Period End	03/28/03
Final Action	06/00/03

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 0583-AC94

Department of Agriculture (USDA)
Food Safety and Inspection Service (FSIS)
Long-Term Actions
**204. TRANSPORTATION, STORAGE,
AND OTHER HANDLING OF
POTENTIALLY HAZARDOUS FOODS**

Priority: Other Significant. Major under 5 USC 801.

CFR Citation: 9 CFR 308; 9 CFR 317; 9 CFR 325; 9 CFR 381

Timetable:

Action	Date
ANPRM	11/22/96 61 FR 59372
ANPRM Comment Period End	02/20/97
NPRM	09/00/04

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

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RIN: 0583-AC05

**205. REFORM OF REGULATIONS ON
IMPORTED MEAT AND POULTRY
PRODUCTS**

Priority: Other Significant

CFR Citation: 9 CFR 327; 9 CFR 381

Timetable:

Action	Date
NPRM	07/00/04

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 0583-AC56

**206. FOOD LABELING; NUTRIENT
CONTENT CLAIMS, DEFINITION OF
THE TERM HEALTHY**

Priority: Substantive, Nonsignificant

CFR Citation: 9 CFR 317; 9 CFR 381

Timetable:

Action	Date
Interim Final Rule	12/28/99 64 FR 72490
Interim Final Rule Comment Period End	01/27/00
Interim Final Rule	01/06/03 68 FR 460
Interim Final Rule Comment Period End	02/05/03
Next Action	Undetermined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Robert Post
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RIN: 0583-AC65

**207. ELIMINATION OF
REQUIREMENTS FOR TOTAL
QUALITY CONTROL SYSTEMS**

Priority: Other Significant

CFR Citation: 9 CFR 317; 9 CFR 318; 9 CFR 381

Timetable:

Action	Date
NPRM	06/00/04

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State

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RIN: 0583-AC68

**208. POULTRY INSPECTION:
REVISION OF FINISHED PRODUCT
STANDARDS WITH RESPECT TO
INGESTA**

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

CFR Citation: 9 CFR 381

Timetable:

Action	Date
ANPRM	05/00/04

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 0583-AC77

**209. EMERGENCY REGULATIONS TO
PREVENT MEAT FOOD AND MEAT
PRODUCTS THAT MAY CONTAIN THE
BSE AGENT FROM ENTERING
COMMERCE**

Priority: Economically Significant. Major status under 5 USC 801 is undetermined.

CFR Citation: Not Yet Determined

Timetable:

Action	Date
NPRM	09/00/04

Regulatory Flexibility Analysis

Required: Yes

Government Levels Affected: Undetermined

Federalism: Undetermined

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RIN: 0583-AC88

BILLING CODE 3410-DM-S

Department of Agriculture (USDA)
Foreign Agricultural Service (FAS)
Prerule Stage
**210. • NEW PROVISIONS AND
REVISIONS TO SUGAR REEXPORT
PROGRAMS UNDER 7 CFR 1530**

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 19 USC 1202; 19 USC 3314

CFR Citation: 7 CFR Part 1530

Legal Deadline: None

Abstract: This regulation governs the importation of world price sugar and its subsequent use as a refined reexport,

product ingredient, or input into the production of polyhydric alcohols. The proposed amendments and/or modifications are principally aimed at reorganizing and simplifying the complexity of the current Regulation; clarifying certain definitions, including the coverage of beet and cane sugar,