

Proposed Rules

Federal Register

Vol. 62, No. 71

Monday, April 14, 1997

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 96-066-1]

Importation of Sliced and Pre-Packaged Dry-Cured Pork Products

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to allow dry-cured pork products that have been sliced and packaged prior to shipment to the United States to be imported into the United States under specified conditions. This action would relieve some restrictions on the importation of pork into the United States without presenting a significant risk of introducing any serious communicable diseases of animals.

DATES: Consideration will be given only to comments received on or before June 13, 1997.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 96-066-1, Regulatory Analysis and Development, PPD, APHIS, Suite 4C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Julia Sturm, Supervisory Staff Officer, Products Program, National Center for Import and Export, VS, APHIS, Suite 3B66, 4700 River Road Unit 40, Riverdale, MD 20737-1231, (301) 734-3277; or E-mail: jsturm@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (referred to below as the regulations)

govern the importation into the United States of specified animals and animal products to prevent the introduction of various animal diseases, including rinderpest, foot-and-mouth disease, bovine spongiform encephalopathy, hog cholera, African swine fever, and swine vesicular disease, into the United States. These are dangerous and destructive communicable diseases of ruminants and swine.

Under the regulations, certain animal products—whole hams, pork shoulders, and pork loins—from countries where foot-and-mouth disease, rinderpest, African swine fever, hog cholera, or swine vesicular disease exists may be imported into the United States only under certain conditions. To be eligible for importation, these products must have been dry-cured and otherwise handled in accordance with procedures specified in § 94.17 of the regulations. However, under our current regulations, these same products are not eligible for importation if they have been sliced and packaged prior to shipment. We have prohibited importation of sliced and packaged dry-cured hams, pork shoulders, and pork loins because it is difficult to verify the origin of the meat and how it has been processed. Without this information, we cannot easily determine whether the meat has been treated and otherwise handled in a manner that ensures it is free of disease agents.

The Italian Ministry of Health has petitioned us to allow presliced and prepackaged dry-cured pork to be imported into the United States from countries where foot-and-mouth disease, rinderpest, swine vesicular disease, African swine fever, and hog cholera exist, if the meat would, except for its having been sliced and packaged, meet all current requirements for importation. The Italian Ministry proposed various inspection, recordkeeping, and labeling requirements that would allow verification of the meat's origin, treatment, and handling.

We have carefully considered this petition, and concluded that presliced and prepackaged dry-cured pork can be imported into the United States without undue risk, under conditions explained in this document. We are therefore proposing to amend our regulations to allow such importations.

Under our proposed rule, to be eligible for importation, presliced and prepackaged dry-cured ham, pork

shoulder, and pork loin must come from whole dry-cured hams, pork shoulders, and pork loins that meet the requirements of current § 94.17. After the whole hams, pork shoulders, and pork loins have been dry-cured in accordance with § 94.17(i), they must be transferred to an approved slicing/packaging facility. The slicing/packaging facility must be located within the same region of the same country as the establishment where the whole hams, pork shoulders, and pork loins were dry-cured (see proposed § 94.17(p)). In the future, under the regulations in 9 CFR part 94, some countries may be divided into different regions, based on whether an animal disease is present in a region and the level of disease risk presented by animals and products exported from that region. If a country is divided into two or more regions for disease risk classification with respect to foot-and-mouth disease, rinderpest, African swine fever, hog cholera, or swine vesicular disease, having the dry-curing establishment and the slicing/packaging facility in the same region of the same country would ensure that meat in transit from the processing facility to the slicing/packaging facility would not be exposed and possibly contaminated with disease agents of concern.

The slicing/packaging facility must, under our proposed rule, be approved by the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (see proposed § 94.17(p)(1)(i)).¹ APHIS inspections are designed to ensure that meat and meat products imported into the United States present negligible pest or disease risk to livestock in this country.

Under our proposed rule, the operators of slicing/packaging facilities would be required to sign cooperative service agreements with APHIS, and be current in paying all costs for an APHIS representative to inspect their

¹ In addition, pork and pork products, as a condition of entry into the United States, must meet all requirements of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and regulations promulgated thereunder by the Food Safety Inspection Service (FSIS) of the U.S. Department of Agriculture. FSIS regulations require that meat and meat products be prepared only in FSIS-approved establishments (see 7 CFR part 327).

establishments (see proposed §§ 94.17(p)(1)(vi) and 94.17(p)(1)(vii)). Slicing/packaging facilities would also be required to allow APHIS personnel, or persons authorized by APHIS, to inspect the facility and facility records without notice (see proposed § 94.17(p)(1)(viii)). These proposed requirements are virtually identical to the requirements in our regulations that now apply to facilities that process whole hams, pork shoulders, and pork loins. The proposed cooperative service agreement requirements are designed to ensure that slicing/packaging facilities are not only in compliance with the regulations, but that the costs of compliance are born by the facilities or their representatives, not by APHIS.

At slicing/packaging facilities, a full-time salaried veterinarian employed by the national veterinary service of the government of the country of origin, would be required, under our proposed rule, to inspect each lot of dry-cured hams, pork shoulders, and pork loins arriving at the facility and intended for export to the United States (see proposed § 94.17(p)(2)(i)). The veterinarian would have to inspect the pork products prior to slicing and packaging, and would have to certify, in writing, that the products meet all the requirements of § 94.17 of the regulations. Such certification would be part of the records maintained by the slicing/packaging facility.

Under our proposed rule, we would also require the entire slicing and packaging process to be personally and continuously supervised by either a full-time veterinarian employed by the national government of the country of origin, or, if the government of the country of origin recognizes a local consortium as responsible for product quality, by an authorized representative of the recognized consortium (see proposed § 94.17(p)(2)(ii)). In most countries where dry-cured pork products are produced in accordance with § 94.17, local consortia are responsible for ensuring product quality.

The individual supervising the slicing and packaging process would be required to certify, in records maintained by the slicing/packaging facility, that the sliced and packaged dry-cured hams, pork shoulders, and pork loins are the products from the same whole hams, shoulders, and loins inspected by the veterinarian at the time they entered the facility (see proposed § 94.17(p)(2)(ii)). The individual supervising slicing and packaging would also be required to certify, in records maintained by the slicing/packaging facility, that the meat was

sliced and packaged in accordance with our regulations. Under our proposed regulations, any document or form of certification would be acceptable as long as it is in English. These certifications are necessary to help ensure that sliced and packaged dry-cured pork products shipped to the United States are eligible for importation.

We are also proposing to prohibit pork products intended for importation into the United States from being in the slicing/packaging facility at the same time as pork products not intended for importation into the United States (see proposed § 94.17(p)(1)(x)). Local consumers and other importing countries may not require these types of pork products to be dry-cured for as long as products destined for the United States. After meat has been sliced and packaged, it is no longer possible to determine how long it was dry-cured. Our requirements are therefore intended to prevent products intended for importation into the United States from being commingled with other products. Under our proposal, however, slicing/packaging facilities could handle other products at times when they were not handling pork products intended for importation into the United States.

We are proposing to require that slicing/packaging facilities be in a separate building, physically detached from facilities where whole hams, pork shoulders, or pork loins are dry-cured (see proposed § 94.17(p)(1)(ii)). This is intended to ensure that dry-cured pork products intended for importation into the United States are not contaminated. We are also proposing to require that all areas in slicing/packaging facilities where pork and pork products are handled, such as holding areas and slicing and packaging areas, be cleaned and disinfected. All equipment used to handle pork and pork products, such as containers, work surfaces, slicing machines, and packaging equipment, would also have to be cleaned and disinfected. Cleaning and disinfecting of these areas and this equipment would be required after sliced and packaged pork products not eligible for export to the United States have left the facility, and before whole pork products intended for importation into the United States enter the facility for slicing and packaging (see § 94.17(p)(1)(iii)). Cleaning and disinfecting must be adequate to ensure that disease agents of concern are killed or inactivated, and that pork products intended for importation into the United States are not contaminated.

In addition, we are proposing to require that workers in slicing/

packaging facilities take precautions to ensure that they do not contaminate dry-cured pork in the facility with any diseases of concern (see proposed § 94.17(p)(1)(ix)). We are proposing to require that workers who handle dry-cured hams, pork shoulders, and pork loins in a slicing/packaging facility either shower and put on a full set of clean clothes, or wait 24 hours after handling other pork or pork products before handling dry-cured pork hams, pork shoulders, or pork loins in the facility that are intended for importation into the United States. This is the same requirement that now applies to workers in establishments where fresh hams, pork shoulders, and pork loins are dry-cured in accordance with our regulations (see current § 94.17(h)).

Under our proposed regulations, slicing/packaging facilities would have to maintain original records on each lot of dry-cured hams, pork shoulders, and pork loins entering the facility intended for importation into the United States (see proposed §§ 94.17(p)(1)(iv) and 94.17(p)(1)(v)). Records, which would have to be kept for a minimum of 2 years, would have to include the establishment numbers of all three facilities where the meat was handled—the slaughtering establishment, the dry-curing establishment, and the slicing/packaging facility. Records would also have to include the date dry-curing of the pork started, the date dry-curing was completed, and the date the dry-cured meat was sliced and packaged. We propose to require that the records maintained at slicing/packaging facilities include the certificate issued by the veterinarian at the facility and the certification by either the veterinarian or the consortium representative. Records would, in addition, have to be kept under lock and key, with access restricted to officials of the national government of the country of origin, officials of the United States Government, and persons maintaining the records. Product labels² would be required to show the date processing began under § 94.17(i) and the date of slicing and packaging (see proposed § 94.17(p)(2)(iii)). These proposed recordkeeping and labeling requirements are intended to ensure that the presliced and prepackaged pork products fully comply with our regulations. These proposed requirements would also allow us to trace nonconforming products back to their source and help us better enforce our regulations. We also considered requiring the lot number of the meat to

² FSIS must also approve all labels for meat and meat food products (see 9 CFR part 317).

appear on the label, or requiring that meat from only 1 lot be in a package. However, current industry practice is to label packages with the lot number and to package only meat from one lot in a package. Under these circumstances, it appears unnecessary to include either requirement in our proposed regulations.

We believe this proposed system of inspections, recordkeeping and labeling would provide us with the information we need to ensure that sliced and packaged dry-cured hams, pork shoulders, and pork loins from countries where various animal diseases exist would not pose a significant disease or pest risk to livestock in the United States.

Miscellaneous

We are proposing to amend § 94.17(n) to update the term "trust fund agreement" by replacing it with the term "cooperative service agreement." Cooperative service agreement is the new name for the type of agreement formerly known as a trust fund agreement.

We are also proposing to amend § 94.17(g). This section currently requires that facilities that dry-cure whole pork hams, pork shoulders, and pork loins must have signed an agreement with APHIS "within 12 months" prior to receiving pork hams, pork shoulders, or pork loins for processing. We have found this requirement to be unnecessary. Facilities must maintain a current cooperative service agreement with APHIS under § 94.17(n), and facilities are subject to unannounced inspections under § 94.17(l). We have found these requirements sufficient to ensure that dry-curing facilities comply with the requirements of § 94.17.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

In accordance with 5 U.S.C. 603, we have performed an Initial Regulatory Flexibility Analysis, which is set out below, regarding the impact of this proposed rule on small entities. However, we do not currently have all the data necessary for a comprehensive analysis of the effects of this proposed rule on small entities. Therefore, we are inviting comments. In particular, we are interested in determining: (1) The quantity of specialty dry-cured hams

produced domestically; (2) the quantity of potential imports; and (3) the degree to which imported presliced and prepackaged dry-cured pork products would displace existing imported or domestic products.

This proposed rule would amend the regulations regarding importation of dry-cured pork products from countries where certain diseases of concern exist, by providing that certain sliced and packaged products may be imported into the United States under specified conditions. We have prohibited the importation of sliced and packaged dry-cured hams, pork shoulders, and pork loins because of the difficulty in verifying the origin of sliced and packaged meat and in determining how the meat has been processed. This proposal would establish inspections, recordkeeping, and labeling requirements that would allow verification of the meat's origin, treatment, and handling. We believe this action would relieve some restrictions on the importation of dry-cured pork into the United States without presenting a significant risk of introducing any serious communicable diseases of animals.

The dry-cured pork products covered by the proposed rule are specialty products, such as Parma hams from Italy. These products are similar to other dry-cured pork products consumed in the United States, some imported from other countries and some produced domestically. Currently, only whole dry-cured pork hams, pork shoulders, and pork loins are being imported into the United States. Slightly less than 3 million pounds of such whole products were imported in 1995, the most recent year for which figures are available. Presliced and prepackaged dry-cured pork products are not being imported into the United States at this time.

We estimate that fewer than 15 domestic companies produce dry-cured pork products similar to those covered by this proposed rule as a primary or major product line. At least two of these companies are very large, and these types of products constitute only a small fraction of their overall business. Of the others, four are subsidiaries of Italian or Swiss companies.

There are also a number of other producers of cured and smoked hams who may produce similar products. If they do, adopting the proposed rule could affect them. In addition, there are approximately 10 domestic establishments that buy cured hams and trim and dress them for resale. Some of the resulting products might be similar to the presliced and prepackaged products covered by this proposed rule.

If so, these businesses could also be affected if the proposed rule is adopted.

This proposed rule contains various recordkeeping and reporting requirements. These requirements are described in this document under the heading "PAPERWORK REDUCTION ACT."

Executive Order 12988

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

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please state that your comments refer to Docket No. 96-066-1. Please send a copy of your comments to: (1) Docket No. 96-066-1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238, and (2) Clearance Officer, OIRM, USDA, room 404-W, 14th Street and Independence Avenue SW., Washington, DC 20250. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this proposed rule.

This rule would require that, to be eligible for importation into the United States, presliced and prepackaged dry-cured pork hams, pork shoulders, and pork loins from countries where rinderpest, foot-and-mouth disease, African swine fever, hog cholera, or swine vesicular disease exists, must be processed and sliced and packaged in the country of origin under specific conditions. This rule would also introduce various information collection requirements to enable us to accurately assess whether products presented for importation comply with all applicable regulations. We are soliciting comments from the public concerning our proposed information collection and recordkeeping requirements. We need this outside input to help us:

(1) Evaluate whether the proposed information collection is necessary for the proper performance of our agency's

functions, including whether the information will have practical utility;

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

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

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

Estimate of burden: Public reporting burden for this collection of information is estimated to average 0.083 hours per response.

Respondents: Government veterinarians, consortium representatives, slicing/packaging facility personnel.

Estimated number of respondents: 6.

Estimated number of responses per respondent: 76.

Estimated total annual burden on respondents: 38 hours.

Copies of this information collection can be obtained from: Clearance Officer, OIRM, USDA, room 404-W, 14th Street and Independence Avenue SW., Washington, DC 20250.

Regulatory Reform

This action is part of the President's Regulatory Reform Initiative, which directs agencies to remove obsolete and unnecessary regulations and to find less burdensome ways to achieve regulatory goals.

List of Subjects in 9 CFR part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 94 would be amended as follows:

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS.

1. The authority citation for part 94 would continue to read as follows:

Authority: 7 U.S.C. 147a, 150ee, 161, 162, and 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.2(d).

2. Section 94.17 would be amended as follows:

a. The introductory text would be revised to read as set forth below.

b. In paragraph (d), by adding the word "whole" immediately before the word "ham,".

c. In paragraph (e), by adding the word "whole" immediately after the words "was processed"; and in footnote 1, by removing the words "9 CFR part 301, *et seq.*" and adding the words "9 CFR, Chapter III" in their place.

d. In paragraph (f), by adding the word "whole" immediately after the words "was processed".

e. In paragraph (g), by adding the word "whole" immediately after the words "was processed", and by removing the words "within 12 months".

f. In paragraph (h), and in the introductory text of paragraph (i), by adding the word "whole" immediately after the words "was processed".

g. In paragraphs (j)(1), (j)(2), (j)(3), (k), (l), and (n), by adding the word "whole" immediately after the first word "The" in each paragraph.

h. In paragraph (j)(2), by adding the word "whole" immediately before the words "dry-cured pork shoulder".

i. In paragraph (n), by removing the words "trust fund agreement" and adding the words "cooperative service agreement" in its place each time it appears.

j. A new paragraph (p) would be added to read as set forth below.

§ 94.17 Dry-cured pork products from countries where foot-and-mouth disease, rinderpest, African swine fever, hog cholera, or swine vesicular disease exists.

Notwithstanding any other provisions in this part, dry-cured ham, pork shoulder, or pork loin, whether whole or sliced and packaged, shall not be prohibited from being imported into the United States if it meets the following conditions:

* * * * *

(p) Whole hams, pork shoulders, and pork loins that have been dry-cured in accordance with paragraph (i) of this section may be transported to a facility in the same country for slicing and packaging in accordance with this paragraph; *provided that*, if the country is divided into two or more regions for disease classification with respect to foot-and-mouth disease, rinderpest, African swine fever, hog cholera, or swine vesicular disease, the slicing/packaging facility must be in the same region of the country as the dry-curing facility.

(1) *The slicing/packaging facility.* (i) The slicing/packaging facility² must be inspected, prior to slicing and packaging any hams, pork shoulders, or pork loins in accordance with this paragraph, by an APHIS representative and determined by the Administrator to be capable of meeting the provisions of this paragraph.

(ii) The slicing/packaging facility must be in a separate building, physically detached from the facility where the whole ham, pork shoulder, or pork loin was dry-cured in accordance with paragraph (i) of this section.

(iii) The slicing/packaging facility, including all equipment used to handle pork and pork products, such as containers, work surfaces, slicing machines, and packaging equipment, must be cleaned and disinfected after sliced and packaged pork products that are not eligible for export to the United States leave the facility, and before whole dry-cured hams, pork shoulders, or pork intended for importation into the United States enter the facility for slicing and packaging. Cleaning and disinfecting must be adequate to ensure that disease agents of concern are killed or inactivated, and that pork products intended for importation into the United States are not contaminated.

(iv) The slicing/packaging facility must maintain under lock and key for a minimum of 2 years, original records on each lot of whole dry-cured hams, pork shoulders, and pork loins entering the facility for slicing and packaging under this section, including:

(A) The approval number of the facility where the whole ham, shoulder, or loin was dry-cured in accordance with paragraph (i) of this section;

(B) The date the whole ham, shoulder, or loin started dry-curing;

(C) The date the whole ham, shoulder, or loin completed dry-curing;

(D) The date the whole ham, shoulder, or loin was sliced and packaged; and

(E) A copy of all certifications required under paragraph (p) of this section.

(v) Access to records required to be maintained under paragraph (p) of this section must be restricted to officials of the national government of the country of origin, representatives of the United States Government, and persons maintaining the records.

(vi) The operator of the slicing/packaging facility must have signed a cooperative service agreement with APHIS prior to receipt of the whole dry-cured hams, pork shoulders, or pork loins for slicing and packaging, stating that all hams, pork shoulders, or pork

² See footnote 1 in § 94.17(e).

loins sliced and packaged at the facility for importation into the United States will be sliced and packaged only in accordance with this section.

(vii) The operator of the slicing/packaging facility must be current, in accordance with the terms of the cooperative service agreement signed with APHIS, in paying all costs for an APHIS representative to inspect the establishment, including travel, salary, subsistence, administrative overhead, and other incidental expenses.

(viii) The slicing/packaging facility must allow the unannounced entry into the establishment of APHIS representatives, or other persons authorized by the Administrator, for the purpose of inspecting the establishment and records of the establishment.

(ix) Workers at the slicing/packaging facility who handle pork or pork products in the facility must shower and put on a full set of clean clothes, or wait 24 hours after handling pork or pork products that are not eligible for importation into the United States, before handling dry-cured hams, pork shoulders, or pork loins in the slicing/packaging facility that are intended for importation into the United States.

(x) Pork products intended for importation into the United States may not be in the slicing/packaging facility at the same time as pork products not intended for exportation to the United States.

(2) *Slicing and packaging and labeling procedures.*

(i) A full-time salaried veterinarian employed by the national government of the country of origin must inspect each lot of whole dry-cured hams, pork shoulders, and pork loins at the slicing/packaging facility, before slicing is begun, and must certify in English that it is eligible for importation into the United States in accordance with this section; and

(ii) Either a full-time salaried veterinarian employed by the national government of the country of origin, or, if the national government of the country of origin recognizes a local consortium as responsible for product quality, a representative of that local consortium, must certify in English that he or she personally supervised the entire process of slicing and packaging each lot of dry-cured hams, pork shoulders, and pork loins at the slicing/packaging facility; that each lot of dry-cured hams, pork shoulders, and pork loins was sliced and packaged in accordance with the requirements of this paragraph; and that the sliced and packaged pork ham, shoulder, or loin is the same dry-cured ham, pork shoulder, or pork loin certified under paragraph (p)(2)(i).

(iii) The sliced and packaged dry-cured pork ham, pork shoulder, or pork loin must be labeled with the date that processing of the meat under paragraph (i) of this section began, and with the date the meat was sliced and packaged.

(Approved by the Office of Management and Budget under control number 0579-0015)

Done in Washington, DC, this 8th day of April 1997.

Donald W. Luchsinger,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97-9573 Filed 4-11-97; 8:45 am]

BILLING CODE 3410-34-P

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 361

RIN 3064-AB95

Minority and Women Outreach Program—Contracting; and Individuals With Disabilities Outreach Program

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: The FDIC proposes for public comment amendments to its regulations to provide that the FDIC certify the eligibility of businesses and law firms for the minority and women's contracting program. The formal certification procedure, similar to what the former Resolution Trust Corporation had in place, would replace the current self-certification of minority and women owned businesses and law firms. This amendment will also establish an outreach program for individuals with disabilities.

DATES: Comments must be submitted on or before June 13, 1997.

ADDRESSES: Send written comments to Jerry L. Langley, Executive Secretary, FDIC, 550 17th Street, NW., Washington, DC 20429. Comments may be hand-delivered to Room 400, 1776 F Street, NW., Washington, DC 20429 on business days between 8:30 a.m. and 5:00 p.m. [FAX number: (202)898-3838; Internet: comments@fdic.gov]. Comments will be available for inspection and photocopying at the FDIC's Reading Room, room 7118, 550 17th Street, NW., Washington, DC 20429, between 9:00 a.m. and 4:30 p.m. on business days.

FOR FURTHER INFORMATION CONTACT: Mary A. Terrell, Associate Director, Office of Diversity and Economic Opportunity, (202) 416-4322; Pamela H. Peters, Senior Attorney, Office of Diversity and Economic Opportunity, (202) 416-4325; or Gladys Gallagher,

Counsel, Legal Division, (202) 898-3833.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

Consistent with this proposed rule, the FDIC proposes to modify a collection of information already approved by the Office of Management and Budget (OMB), "Forms Relating to FDIC Outside Counsel Services Contracting," OMB Clearance No. 3064-0122, by adding a new form, "Minority and Women-Owned Law Firm Certification Form" and a supporting documentation requirement. This collection of information revision has been submitted to OMB for review and approval pursuant to the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*). Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments should be addressed to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer Alexander Hunt, New Executive Office Building, Room 3208, Washington, DC 20503, with copies of such documents sent to Steven F. Hanft, Assistant Executive Secretary (Regulatory Analysis), FDIC, Room F-400, 550 17th Street, NW., Washington, DC 20429. OMB is required to make a decision concerning the collection of information contained in these proposed regulations between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment to the FDIC on the proposed regulation. A copy of a draft Minority and Women-Owned Law Firm Certification Form may be obtained, free of charge, by contacting Mary A. Terrell, at the address identified above.

The regulatory basis for the Minority and Women-Owned Law Firm