

TABLE 2.—SALMONELLA PERFORMANCE STANDARDS

Class of product	Performance standard (percent positive for <i>Salmonella</i> ) <sup>a</sup>	Number of samples tested (n)	Maximum number of positives to achieve standard (c)
Steers/heifers .....	1.0	82	1
Cows/bulls .....	2.7	58	2
Ground beef .....	7.5	53	5
Hogs .....	8.7	55	6
Fresh pork sausages .....	30	53	18

<sup>a</sup>Performance Standards are FSIS's calculation of the national prevalence of *Salmonella* on the indicated raw product based on data developed by FSIS in its nationwide microbiological data collection programs and surveys. (Copies of Reports on FSIS's Nationwide Microbiological Data Collection Programs and Nationwide Microbiological Surveys used in determining the prevalence of *Salmonella* on raw products are available in the FSIS Docket Room.)

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### PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

3. The authority citation for part 381 continues 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

4. Section 381.94 is amended by revising paragraph (a)(2)(ii) to read as follows:

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

(a) \* \* \*

(2) Sampling requirements.

(ii) *Sample collection.* A whole bird must be taken from the end of the chilling process. If this is impracticable, the whole bird can be taken from the end of the slaughter line. Samples must be collected by rinsing the whole carcass in an amount of buffer appropriate for that type of bird. Samples from turkeys also may be collected by sponging the carcass on the back and thigh.<sup>1</sup>

\* \* \* \* \*

### PART 417—HAZARD ANALYSIS AND CRITICAL CONTROL POINT (HACCP) SYSTEMS

3. The authority citation for part 417 continues to read as follows:

**Authority:** 7 U.S.C. 450; 21 U.S.C. 451–470, 601–695; 7 U.S.C. 1901–1906; 7 CFR 2.18, 2.53.

<sup>1</sup> A copy of FSIS's "Guidelines for *Escherichia coli* Testing for Process Control Verification in Poultry Slaughter Establishments" and "FSIS Turkey Microbiological Procedures for Sponge Sample Collection and Methods of Analysis" are available for inspection in the FSIS Docket Room.

#### § 417.2 Hazard Analysis and HACCP Plan.

4. Section 417.2 is amended by revising paragraph (e) to read as follows:

\* \* \* \* \*

(e) Pursuant to 21 U.S.C. 456, 463, 608, and 621, the failure of an establishment to develop and implement a HACCP plan that complies with this section, or to operate in accordance with the requirements of this part, may render the products produced under those conditions adulterated.

Done at Washington, DC, on November 4, 1997.

**Thomas J. Billy,**  
*Administrator.*

[FR Doc. 97–29929 Filed 11–13–97; 8:45 am]

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#### DEPARTMENT OF AGRICULTURE

##### Food Safety and Inspection Service

##### 9 CFR Parts 331 and 381

[Docket No. 97–050F]

#### Designation of the State of Florida Under the Federal Meat Inspection Act and the Poultry Products Inspection Act

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

**ACTION:** Final rule.

**SUMMARY:** Representatives of the State of Florida have advised the Agency that, because of a lack of funding, the State of Florida will no longer continue administering its State meat and poultry inspection programs after November 30, 1997. The Food Safety and Inspection Service (FSIS) is mandated by law to assume the responsibility, previously held by the State of Florida, for administering the meat and poultry inspection programs with respect to operations and transactions within the

State of Florida. Therefore, in accordance with the law, the Secretary of Agriculture is designating the State of Florida to receive Federal inspection with respect to operations and transactions within the State, and FSIS is amending the Federal meat and poultry inspection regulations by adding Florida to the list of "designated" States.

**DATES:** This final rule will be effective on December 2, 1997.

**FOR FURTHER INFORMATION CONTACT:** Dr. William Leese, Director, Federal-State Relations Staff, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250–3700 at (202) 720–6313.

#### SUPPLEMENTARY INFORMATION:

##### Background

Under section 301 of the Federal Meat Inspection Act (FMIA) and section 5 of the Poultry Products Inspection Act (PPIA), a State may administer State meat and poultry inspection programs provided the State has developed and is effectively enforcing State meat and poultry inspection requirements at least equal to those imposed under titles I and IV of the FMIA and section 1–4, 6–10, and 12–22 of the PPIA (collectively referred to below as the titles). These titles contemplate continuous ongoing programs. When States can no longer effectively enforce meat and poultry inspection requirements at least equal to Federal requirements, then they must be "designated" by the Secretary to receive Federal inspection.

In accordance with the FMIA and PPIA, the Secretary had determined that the State of Florida had developed and was enforcing State meat and poultry inspection requirements for establishments at least equal to Federal meat and poultry inspection

requirements under the titles. However, on July 23, 1997, representatives of the State of Florida notified FSIS that, because of a lack of funding, Florida will no longer continue to administer its State meat and poultry inspection programs after November 30, 1997. The representatives have requested that the Department assume responsibility for the meat and poultry inspection programs.

In view of the termination date, it is determined that the State of Florida would not effectively enforce requirements at least equal to those imposed under the titles. Therefore, the Secretary of Agriculture must designate the State of Florida under section 301(c)(3) of the FMIA and section 5(c)(3) of the PPIA. Therefore, on and after December 2, 1997, the provisions of the titles will apply to operations and transactions within the State of Florida, unless exempt under sections 23 or 301(c)(2) of the FMIA or sections 5(c)(2) or 15 of the PPIA.

Owners or operators of Florida's meat and poultry establishments wishing to continue operations after November 30, 1997, must contact the FSIS District Office in order to receive Federal inspection. This office will provide information concerning requirements and exemptions under the FMIA and the PPIA, applications for inspection, and requests for surveys of establishments. Address correspondence to USDA/FSIS District Office, 100 Alabama Street, SW, Suite 3R90, Atlanta, GA 30303.

The Administrator, FSIS, has determined that there is good cause for issuing this final rule without prior notice and opportunity for public comment. Because the State of Florida has advised FSIS that its State-operated meat and poultry inspection programs will be discontinued, the Agency is mandated by law to assume the responsibilities for administering the meat and poultry inspection programs. It is necessary, therefore, to designate the State of Florida immediately, in accordance with section 301(c)(3) of the FMIA and section 5(c)(3) of the PPIA, in order to carry out the Secretary's responsibilities under the FMIA and PPIA.

In addition, it does not appear that additional relevant information would be made available to the Secretary by public participation in this rulemaking proceeding. Accordingly, under the administrative procedures in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures are impracticable and contrary to the public interest.

#### **Executive Order 12866 and Regulatory Flexibility Act**

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

The Administrator, FSIS, has determined that this final rule will 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). The U.S. Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of Florida, of administering the meat and poultry inspection programs with respect to operations and transactions within the State of Florida. This action will affect approximately 122 State, 26 custom exempt, and 0 Talmadge Aiken meat and poultry establishments in Florida, and most, if not all, of which may be presumed to be small businesses. However, this is not a substantial number of establishments given the approximately 6,800 small meat and small poultry establishments nationwide, which are either federally or State inspected. In addition, the application of certain Federal facility and other requirements will be flexible, and each facility will be reviewed with regard to the circumstances peculiar to that establishment. Further, it is not anticipated that significant costs will be incurred by these Florida establishments as a result of this action.

#### **Executive Order 12988**

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule. However, the administrative procedures specified in 9 CFR 306.5 and 381.35 must be exhausted prior to any judicial challenge of the application of the provisions of this rule, if the challenge involves any decision of an FSIS employee relating to inspection services provided under the FMIA or the PPIA.

#### **Paperwork Requirements**

This rule has been reviewed under the Paperwork Reduction Act and imposes no new paperwork or recordkeeping requirements.

#### **List of Subjects**

##### **9 CFR Part 331**

Meat inspection.

##### **9 CFR Part 381**

Poultry and poultry products.

Accordingly, 9 CFR parts 331 and 381 are amended as follows:

#### **PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS**

1. The authority citation for part 331 continues to read as follows:

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

##### **§ 331.2 [Amended]**

2. The table in section 331.2 is amended in the "State" column by adding "Florida" immediately below "Connecticut" and in the "Effective date of application of Federal provisions" column, by adding "Dec. 2, 1997" on the line with "Florida."

#### **PART 381—POULTRY PRODUCTS INSPECTION**

3. The authority citation for Part 381 continues to read as follows:

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

##### **§ 381.221 [Amended]**

4. The table in section 381.221 is amended in the "States" column by adding "Florida" immediately below "Connecticut" and in the "Effective date of application of Federal provisions" column, by adding "Dec. 2, 1997," on the line with "Florida."

Done at Washington, DC, on: November 4, 1997.

**Thomas J. Billy,**  
Administrator.

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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

[Docket No. 96–ANE–35; Amendment 39–10134; AD 97–19–13]

RIN 2120-AA64

#### **Airworthiness Directives; Pratt & Whitney JT8D–200 Series Turbofan Engines**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; correction.