Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Executive Order 12778

This final rule has been reviewed pursuant to Executive Order 12778. To the extent State and local laws are in conflict with these regulatory provisions, it is the intent of CCC that the terms of the regulations prevail. The provisions of this final rule are not retroactive. Prior to any judicial action in a court of competent jurisdiction, administrative review under 7 CFR part 780 must be exhausted.

Paperwork Reduction Act

The amendments to 7 CFR part 1421 set forth in this final rule do not contain additional information collections that require clearance by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35. Existing information collections were approved by OMB and assigned OMB Control Numbers 0560–0087 and 0560–0129.

Public Comments

No comments were received in response to the proposed rule published on November 3, 1995, at 60 FR 55807.

List of Subjects in 7 CFR Part 1421

Grains, Loan programs/agriculture, Oilseeds, Peanuts, Price support programs, Reporting and recordkeeping requirements, Soybeans, Surety bonds, Warehouses. Accordingly, the proposed rule which amended 7 CFR part 1421 published at 60 FR 55807 on November 3, 1995, is adopted as a final rule without change as follows:

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1. The authority citation for 7 CFR part 1421 continues to read as follows:

Authority: 7 U.S.C. 1421, 1423, 1425, 1441z, 1444f-1, 1445b-3a, 1445c-3, 1445e, and 1446f; 15 U.S.C. 714b and 714c. Subpart—Rice Marketing Certificate Program is also issued under authority of 7 U.S.C. 1441–2; 15 U.S.C. 714b and 714c.

2. Section 1421.6 is amended by revising paragraph (e) to read as follows:

§ 1421.6 Maturity and expiration dates.

* * * * *

(e) Notwithstanding any other provision of this section, CCC may allow producers with wheat, corn, grain sorghum, barley, oat, and rye loans maturing during times of abnormal marketing conditions, as determined by CCC, to extend such loans beyond the maturity date specified in paragraph (a) of this section. If CCC determines that the commodity pledged as collateral for such loans cannot be marketed because of such abnormal marketing conditions, CCC may authorize such loans to be extended to a date that will allow affected producers to market such commodity in a normal manner.

Signed in Washington, DC, on March 13, 1996.

Bruce R. Weber,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 96–6774 Filed 3–20–96; 8:45 am]

BILLING CODE 3410–05–P

Animal and Plant Health Inspection Service

9 CFR Parts 82, 145, and 147

[Docket No. 94–091–2]

National Poultry Improvement Plan and Auxiliary Provisions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the National Poultry Improvement Plan (the Plan) and its auxiliary provisions by providing new or modified administrative and testing procedures for Plan participants and participating flocks. These changes, which were voted on and approved by the voting delegates at the Plan's 1992 and 1994 National Plan Conferences, will keep the provisions of the Plan current with changes in the poultry industry, reduce paperwork requirements for some Plan participants, establish new program classifications, and allow the use of new sampling and laboratory procedures.

EFFECTIVE DATE: April 22, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Andrew R. Rhorer, Senior Coordinator, Poultry Improvement Staff, National Poultry Improvement Plan, Veterinary Services, APHIS, USDA, 1500 Klondike Road, Suite A–102, Conyer, GA 30207; (404) 922–3496.

SUPPLEMENTARY INFORMATION:

Background

The National Poultry Improvement Plan (referred to below as ''the Plan'') is a cooperative Federal-State-industry mechanism for controlling certain poultry diseases. The Plan consists of a variety of programs intended to prevent and control egg-transmitted, hatchery-disseminated poultry diseases. Participation in all Plan programs is voluntary, but flocks, hatcheries, and dealers must qualify as ''U.S. Pullorum-Typhoid Clean'' before participating in any other Plan program. Also, the regulations in 9 CFR part 82, subpart B, which provide for certain testing, restrictions on movement, and other restriction on certain chickens, eggs, and other articles due to the presence of *Salmonella enteritidis*, require that no hatching eggs or newly hatched chicks from egg-type chicken breeding flocks may be moved interstate unless they are classified ''U.S. Sanitation Monitored'' under the Plan or they meet the requirements of a State classification plan that the Administrator of the Animal and Plant Health Inspection Service (APHIS) has determined to be equivalent to the Plan, in accordance with 9 CFR 145.23(d).

The Plan identifies States, flocks, hatcheries, and dealers that meet certain disease control standards specified in the Plan's various programs. As a result, customers can buy poultry that has tested clean of certain diseases or that has been produced under disease-prevention conditions.

The regulations in 9 CFR parts 145 and 147 (referred to below as the regulations) contain the provisions of the Plan. APHIS amends these provisions from time to time to incorporate new scientific information and technologies into the Plan.

On July 7, 1995, we published in the Federal Register (60 FR 35343–35353, Docket No. 94–091–1) a proposal to amend the regulations to:

1. Require the ratio of male to female birds in representative samples taken from certain flocks for pullorum-typhoid testing to reflect the ratio of male to female birds in the flock from which the sample was taken;

2. Alter the number of birds serologically monitored for *Mycoplasma gallisepticum* and *M. synoviae* in egg-type and meat-type chicken breeding flocks;

3. Allow the use of a federally licensed enzyme-linked immunosorbent assay (ELISA) test for the serological screening of egg-type chickens in the ''U.S. S. Enteritidis Monitored'' program;

4. Allow the use of fishmeal as an animal protein source for meat-type breeding chickens and turkey breeding flocks;

5. Establish a new ''U.S. S. Enteritidis Clean'' classification for primary meat-type chicken breeding flocks;

6. Establish a new ''U.S. M. Synoviae Clean State'' classification for turkeys;

7. Provide alternative reporting methods for participating waterfowl, exhibition poultry, and game bird flocks;

8. Establish a maximum number of positive samples for *Mycoplasma gallisepticum* or *M. synoviae* to be examined using the hemagglutination inhibition (HI) and/or serum plate dilution (SPD) tests;

9. Allow the use of a colony lift assay as a supplemental screening test to aid in the detection of group D salmonella suspect colonies on selective and non-selective agar culture plates;

10. Establish new procedures for collecting environmental samples and cloacal swabs from egg-type and meat-type chicken flocks and waterfowl, exhibition poultry, and game bird flocks for bacteriological examination;

11. Provide a laboratory protocol for the bacteriological examination of baby chicks from egg-type and meat-type chicken flocks and waterfowl, exhibition poultry, and game bird flocks; and

12. Modify the composition of the Plan's General Conference Committee.

We also proposed to amend several other sections of the regulations to reflect the proposed changes discussed above or to reflect a change made in a previously published final rule.

We solicited comments concerning our proposal for 60 days ending September 5, 1995. We received three comments by that date. They were from a State agriculture department, a college of veterinary medicine, and a State egg quality assurance program. We carefully considered all of the comments we received. They are discussed below.

One commenter pointed out that laboratory procedure for the bacteriological examination of cull chicks should have specified that the 25 randomly selected 1- to 5-day-old chicks must be chicks that have not been housed with any other poultry. The commenter correctly noted that the ''have not been housed'' provision was part of the laboratory procedure that was approved by the voting delegates at the Plan's 1994 National Plan Conference. We agree with the commenter and acknowledge that the words in question were inadvertently omitted from the text of the proposed rule. We have, therefore, added the words ''that have not been placed in a brooding house'' to paragraph (a) of new § 147.17.

Another commenter fully supported several specific aspects of the proposed rule, including the addition of § 147.17, the laboratory procedure recommended for the bacteriological examination of cull chicks for salmonella. The commenter particularly applauded the inclusion of the bursa of Fabricius in the organ pool for such examinations, and recommended that the other testing protocols in part 147 be amended to include the bursa of Fabricius in any organ pools collected for examination. Because the commenter's suggested amendments were not within the scope of the proposed rule, we cannot make such changes in this final rule. However, the commenter's recommendation will be forwarded to the Plan's General Conference Committee for consideration and could be included in a future rulemaking.

The third commenter was concerned about the use of the word ''clean'' in the ''U.S. S. Enteritidis Clean'' classification. Specifically, he stated that the word ''clean'' in the classification would lead one to believe that a flock classified as such is negative for *Salmonella enteritidis* serotype Enteritidis (SE), but the testing procedures within the classification allow a flock with an SE-positive environment and one SE-positive bird from a 25-bird sample to still be eligible for ''clean'' status if no SE was recovered from a second 25-bird sample. To the commenter, the SE-positive environment and bird were indicative of at least low levels of SE infection in the flock, even if no SE was recovered from a second 25-bird sample. The commenter concluded that the classification of a flock from which SE has been isolated from an environmental sample or in which one bird has been found to be SE-positive as ''U.S. S. Enteritidis Clean'' is misleading and could result in the spread of SE through infected chicks.

As we stated in the proposed rule, the introductory text of § 145.33(h) provides that the ''U.S. S. Enteritidis Clean'' classification is intended for primary meat-type breeders who wish to assure their customers that the chicks produced are certified free of SE; the ''clean'' designation does not mean that the entire flock has been conclusively shown to be negative for SE. The regulations in § 145.33(h) require that environmental samples be collected once the flock reaches 4 months of age, then every 30 days thereafter. If SE is isolated from an environmental sample, 25 randomly selected birds from the flock must be bacteriologically examined for SE. If only one of the 25 birds is found positive for SE, there is the possibility that there was some cross-contamination in the laboratory that conducted the tests. For that reason, we included the provision that allows the Plan participant to request the bacteriological examination of a second 25-bird sample if only one bird from the first sample was SE-positive. The testing of a 25-bird sample is not the only action that must be taken after SE is isolated in an environmental sample, however; the regulations also require that blood samples from 300 birds be officially tested with pullorum antigen every 30 days with no positive samples found. We believe that this monthly serologic testing of at least 300 birds will be sufficient to detect the low levels of SE infection that the commenter feared might remain undetected through the testing of 25 or 50 birds, so we have made no change in this final rule based on that comment.

Therefore, based on the rationale set forth in the proposed rule and in this document, we are adopting the provisions of the proposal as a final rule, with the changes discussed in this document and other minor changes for clarity and consistency and to correct typographical errors.

Executive Order 12866 and Regulatory Flexibility Act

This 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.

The changes contained in this document are based on the recommendations of representatives of member States, hatcheries, dealers, flockowners, and breeders who took part in the Plan's 30th and 31st Biennial Conferences. The changes will keep the provisions of the Plan current with changes in the poultry industry, reduce paperwork requirements for some Plan participants, establish new program classifications, and allow the use of new sampling and laboratory procedures.

The Plan serves as a ''seal of approval'' for egg and poultry producers in the sense that tests and procedures recommended by the Plan are considered optimal for the industry. Several of the recommendations in this rule, such as the serological sampling of male meat-type birds for pullorum-typhoid and the use of fishmeal as a protein source, are already practiced by the industry. Other changes, such as the addition of a laboratory protocol for the bacteriological examination of baby chicks, provide guidelines for practices that may not currently be in use but are recognized as being potentially beneficial for the industry. In all cases, the changes have been generated by the industry itself with the goal of reducing disease risk and increasing product marketability.

Because participation in the Plan is voluntary, individuals are likely to remain in the program as long as the costs of implementing the program are lower than the added benefits they receive from the program.

The only change in this document that will entail additional costs for some producers is the creation of the ''U.S. S. Enteritidis Clean'' classification for primary meat-type chicken breeding flocks. However, we expect that any additional costs associated with the new classification will be slight in comparison to the expected increase in U.S. poultry exports, particularly to countries that require strict Salmonella enteritidis testing of poultry.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict 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.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this rule have been approved by the Office of Management and Budget (OMB) under OMB control number 0579–0007.

List of Subjects

9 CFR Part 82

Animal diseases, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements, Transportation.

9 CFR Parts 145 and 147

Animal diseases, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, 9 CFR parts 82, 145, and 147 are amended as follows:

PART 82—EXOTIC NEWCASTLE DISEASE IN ALL BIRDS AND POULTRY: PSITTACOSIS AND ORNITHOSIS IN POULTRY: POULTRY DISEASE CAUSED BY SALMONELLA ENTERITIDIS SEROTYPE ENTERITIDIS

1. The authority citation for part 82 is revised to read as follows:

Authority: 21 U.S.C. 111–113, 115, 117, 120, 123–126, 134a, 134b, and 134f; 7 CFR 2.18, 2.22, 2.53, 2.80, and 371.2(d).

§ 82.30 [Amended]

2. In § 82.30, in the definition of *certified Salmonella enteritidis serotype enteritidis tested free flocks*, the words ''Sanitation Monitored'' are removed and the words ''S. Enteritidis Monitored'' added in their place.

§ 82.34 [Amended]

3. In § 82.34, the words ''Sanitation Monitored'' are removed and the words ''S. Enteritidis Monitored'' added in their place.

PART 145—NATIONAL POULTRY IMPROVEMENT PLAN

4. The authority citation for part 145 continues to read as follows:

Authority: 7 U.S.C. 429; 7 CFR 2.22, 2.80, and 371.2(d).

5. In § 145.10, paragraphs (g) and (h) are revised and new paragraphs (m) and (n) are added to read as follows:

§ 145.10 Terminology and classification; flocks, products, and States.

* * * * *

(g) *U.S. Pullorum-Typhoid Clean State.* (See § 145.24(a), § 145.34(a), § 145.44(a), and § 145.54(a).)

BILLING CODE 3410–34–P

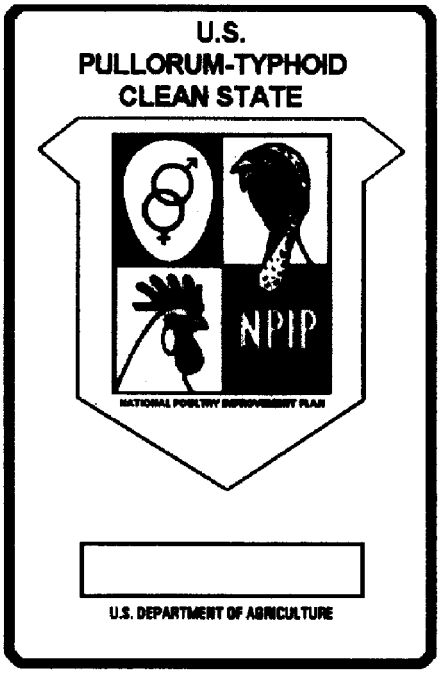


Figure 8

BILLING CODE 3410–34–C

(h) *U.S. Pullorum-Typhoid Clean State, Turkeys.* (See § 145.44(b).)

BILLING CODE 3410–34–P

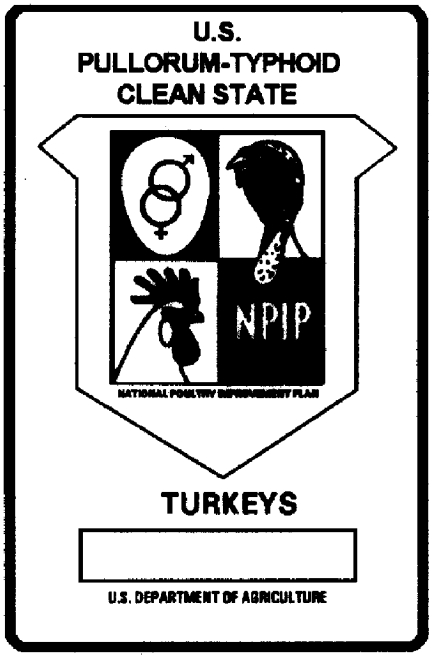


Figure 9

BILLING CODE 3410–34–C

* * * * *

(m) *U.S. S. Enteritidis Clean.* (See § 145.33(h).)

BILLING CODE 3410–34–P

Figure 14

BILLING CODE 3410–34–C

(n) *U.S. M. Synoviae Clean State, Turkeys.* (See § 145.44(d).)

BILLING CODE 3410–34–P

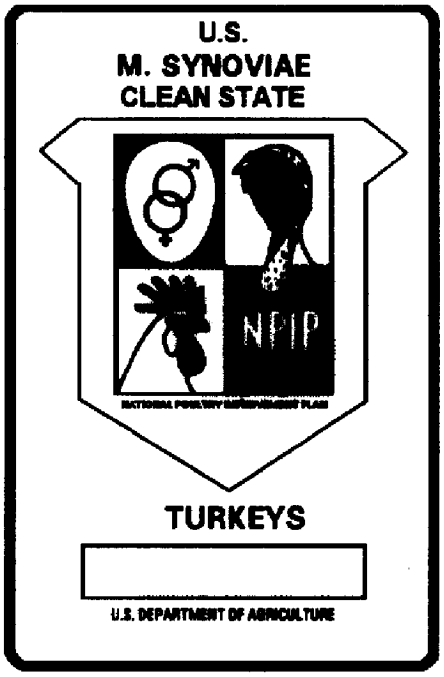


Figure 15

BILLING CODE 3410–34–C

6. Section 145.14 is amended by revising the introductory text immediately after the third sentence (which ends with the words ''in the house'') to read as follows:

§ 145.14 Blood testing.

* * * The ratio of male to female birds in representative samples of birds from meat-type chicken, waterfowl,

exhibition poultry, and game bird flocks must be the same as the ratio of male to female birds in the flock. In houses containing fewer than 30 birds, all birds in the house must be tested.

* * * * *

7. Section 145.23 is amended as follows:

a. Paragraph (c)(1)(i) is amended by removing the words ''with the approval of the Official State Agency and the concurrence of the Service, provided that a minimum'' and adding the words ''if all pens are equally represented and a total'' in their place.

b. Paragraph (c)(1)(ii)(A) is revised to read as set forth below.

c. In paragraph (d)(1)(vii), the first sentence is revised to read as set forth below.

d. Paragraph (e)(1)(i) is amended by removing the words '', with the approval of the Official State Agency and the concurrence of the Service, provided that a minimum'' and adding the words ''if all pens are equally represented and a total'' in their place.

e. Paragraph (e)(1)(ii)(A) is revised to read as set forth below.

§ 145.23 Terminology and classification; flocks and products.

* * * * *

(c) * * *

(1) * * *

(ii) * * *

(A) At intervals of not more than 90 days, 75 birds from the flock shall be tested, *Provided*, that fewer than 75 birds from the flock may be tested at any one time if all pens are equally represented and a total of at least 75 birds from the flock is tested within each 90-day period; or

* * * * *

(d) * * *

(1) * * *

(vii) Blood samples from 300 non-vaccinated birds as described in paragraph (d)(1)(vi) of this section shall be tested with either pullorum antigen or by a federally licensed Salmonella enteritidis enzyme-linked immunosorbent assay (ELISA) test when the flock is more than 4 months of age.

* * *

* * * * *

(e) * * *

(1) * * *

(ii) * * *

(A) At intervals of not more than 90 days, 75 birds from the flock shall be tested: *Provided,* That fewer than 75 birds from the flock may be tested at any one time if all pens are equally represented and a total of at least 75 birds from the flock is tested within each 90-day period; or

* * * * *

8. Section 145.33 is amended as follows:

a. Paragraph (c)(1)(i) is amended by removing the words ''with the approval of the Official State Agency and the concurrence of the Service, provided that a minimum'' and adding the words ''if all pens are equally represented and a total'' in their place.

b. Paragraph (c)(1)(ii)(A) is revised to read as set forth below.

c. In paragraph (d)(1)(iii), the first sentence is amended by removing the word ''should'' and adding the word ''shall'' in its place, and by adding the words ''or the Fishmeal Inspection Program of the National Marine Fisheries Service'' immediately before the period.

d. Paragraph (d)(1)(iv) is amended by removing the word ''should'' and adding the word ''shall'' in its place, and by adding the words ''or the Fishmeal Inspection Program of the National Marine Fisheries Service'' immediately before the semicolon.

e. Paragraph (e)(1)(i) is amended by removing the words '', with the approval of the Official State Agency and the concurrence of the Service, provided that a minimum'' and adding the words ''if all pens are equally represented and a total'' in their place.

f. Paragraph (e)(1)(ii)(A) is revised to read as set forth below.

g. A new paragraph (h) is added to read as set forth below.

§ 145.33 Terminology and classification; flocks and products.

* * * * *

(c) * * *

(1) * * *

(ii) * * *

(A) At intervals of not more than 90 days, 75 birds from the flock shall be tested, *Provided,* That fewer than 75 birds from the flock may be tested at any one time if all pens are equally represented and a total of at least 75 birds from the flock is tested within each 90-day period; or

* * * * *

(e) * * *

(1) * * *

(ii) * * *

(A) At intervals of not more than 90 days, 75 birds from the flock shall be tested: *Provided,* That fewer than 75 birds from the flock may be tested at any one time if all pens are equally represented and a total of at least 75 birds from the flock is tested within each 90-day period; or

* * * * *

(h) *U.S. S. Enteritidis Clean.* This classification is intended for primary meat-type breeders wishing to assure their customers that the chicks produced are certified free of *Salmonella enteritidis.*

(1) A flock and the hatching eggs and chicks produced from it shall be eligible for this classification if they meet the following requirements, as determined by the Official State Agency:

(i) The flock originated from a U.S. S. Enteritidis Clean flock, or meconium from the chicks and a sample of chicks that died within 7 days after hatching have been examined bacteriologically for *S. enteritidis* at an authorized laboratory and any group D salmonella samples have been serotyped.

(ii) All feed fed to the flock meets the following requirements:

(A) Pelletized feed contains either no animal protein or only animal protein products produced under the Animal Protein Products Industry (APPI) Salmonella Education/Reduction Program or the Fishmeal Inspection Program of the National Marine Fisheries Service. The protein products must have a minimum moisture content of 14.5 percent and must have been heated throughout to a minimum temperature of 190 °F, or to a minimum temperature of 165 °F for at least 20 minutes, or to a minimum temperature of 184 °F under 70 lbs. pressure during the manufacturing process;

(B) Mash feed contains either no animal protein or only animal protein product supplements manufactured in pellet form and crumbled; and

(C) All feed is stored and transported in such a manner as to prevent possible contamination.

(iii) The flock is maintained in compliance with §§ 147.21, 147.24(a), and 147.26 of this chapter.

(iv) Environmental samples, as described in § 147.12 of this chapter, are collected from the flock by an Authorized Agent when the flock reaches 4 months of age and every 30 days thereafter. The environmental samples shall be examined bacteriologically for group D salmonella at an authorized laboratory, and cultures from group D positive samples shall be serotyped.

(v) Blood samples from 300 birds from the flock are officially tested with pullorum antigen when the flock is at least 4 months of age. All birds with positive or inconclusive reactions, up to a maximum of 25 birds, shall be submitted to an authorized laboratory and examined for the presence of group D salmonella in accordance with §§ 147.10 and 147.11 of this chapter. Cultures from group D positive samples shall be serotyped.

(vi) Hatching eggs produced by the flock are collected as quickly as possible, are handled as described in

§ 147.22 of this chapter, and are sanitized or fumigated.

(vii) Hatching eggs produced by the flock are incubated in a hatchery that is in compliance with the recommendations in §§ 147.23 and 147.24(b) of this chapter, and the hatchery must have been sanitized either by a procedure approved by the Official State Agency or by fumigation.

(2) If *Salmonella enteritidis* serotype Enteritidis (SE) is isolated from a specimen taken from a bird in the flock, except as provided in paragraph (h)(3) of this section, the flock shall not be eligible for this classification.

(3) If SE is isolated from an environmental sample collected from the flock in accordance with in paragraph (h)(1)(iv) of this section, 25 randomly selected live birds from the flock must be bacteriologically examined for SE as described in § 147.11 of this chapter. If only one bird from the 25-bird sample is found positive for SE, the participant may request bacteriological examination of a second 25-bird sample from the flock. If no SE is recovered from any of the specimens in the second sample, the flock will be eligible for the classification and will remain eligible for this classification if the flock is tested in accordance with paragraph (h)(1)(v) of this section each 30 days and no positive samples are found.

(4) In order for a hatchery to sell products of this classification, all products handled by the hatchery must meet the requirements of this paragraph.

(5) This classification may be revoked by the Official State Agency if the participant fails to follow recommended corrective measures. The Official State Agency shall not revoke the participant's classification until the participant has been given an opportunity for a hearing in accordance with rules of practice adopted by the Official State Agency. (Approved by the Office of Management and Budget under control number 0579–0007)

§ 145.43 [Amended]

9. In § 145.43, paragraph (f)(3)(ii) is amended by adding the words ''or the Fishmeal Inspection Program of the National Marine Fisheries Service'' immediately before the period.

10. In § 145.44, a new paragraph (d) is added to read as follows:

§ 145.44 Terminology and classification; States.

* * * * *

(d) *U.S. M. Synoviae Clean State, Turkeys.* (1) A State will be declared a U.S. M. Synoviae Clean State, Turkeys, if the Service determines that:

(i) No *Mycoplasma synoviae* is known to exist nor to have existed in turkey breeding flocks in production within the State during the preceding 12 months;

(ii) All turkey breeding flocks in production are tested and classified as U.S. M. Synoviae Clean or have met equivalent requirements for *M. synoviae* control under official supervision;

(iii) All turkey hatcheries within the State only handle products that are classified as U.S. M. Synoviae Clean or have met equivalent requirements for *M. synoviae* control under official supervision;

(iv) All shipments of products from turkey breeding flocks other than those classified as U.S. M. Synoviae Clean, or equivalent, into the State are prohibited;

(v) All persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all turkey specimens that have been identified as being infected with *M. synoviae;*

(vi) All reports of *M. synoviae* infection in turkeys are promptly followed by an investigation by the Official State Agency to determine the origin of the infection; and

(vii) All turkey breeding flocks found to be infected with *M. synoviae* are quarantined until marketed under supervision of the Official State Agency.

(2) The Service may revoke the State's classification as a U.S. M. Synoviae Clean State, Turkeys, if any of the conditions described in paragraph (d)(1) of this section are discontinued. The Service shall not revoke the State's classification as a U.S. M. Synoviae Clean State, Turkeys, until it has conducted an investigation and the Official State Agency has been given an opportunity for a hearing in accordance with rules of practice adopted by the Administrator of the Service.

11. In § 145.52, a new paragraph (c) is added to read as follows:

§ 145.52 Participation.

* * * * *

(c) Subject to the approval of the Service and the Official State Agencies in the importing and exporting States, participating flocks may report poultry sales to importing States by using printouts of computerized monthly shipping and receiving reports in lieu of VS Form 9–3, ''Report of Sales of Hatching Eggs, Chicks, and Poults.''

PART 147—AUXILIARY PROVISIONS ON NATIONAL POULTRY IMPROVEMENT PLAN

12. The authority citation for part 147 continues to read as follows:

Authority: 7 U.S.C. 429; 7 CFR 2.22, 2.80, and 371.2(d).

13. In § 147.5, footnote 4 is amended by removing the words ''Animal and Plant Health Inspection Service, Veterinary Services, Operational Support, 4700 River Road Unit 33, Riverdale, Maryland 20737–1231'' and adding the words ''National Poultry Improvement Plan, Veterinary Services, APHIS, USDA, 1500 Klondike Road, Suite A–102, Conyer, GA 30207'' in their place.

14. Section 147.6 is amended as follows:

a. In § 147.6, paragraph (b)(2) is amended by adding two new sentences at the end of the paragraph to read as set forth below.

b. In paragraph (b)(8), the words ''on the retest'' are added immediately after the word ''positive''.

§ 147.6 Procedure for determining the status of flocks reacting to tests for Mycoplasma gallisepticum, Mycoplasma synoviae, and Mycoplasma meleagridis.

* * * * *

(b) * * *

(2) * * * *Provided*, that for egg-type and meat-type chicken and waterfowl, exhibition poultry, and game bird flocks, if more than 50 percent of the samples are positive for either *Mycoplasma gallisepticum, M. synoviae,* or both, the HI and/or the SPD test shall be conducted on 10 percent of the positive samples or 25 positive samples, whichever is greater. The results of the HI and/or SPD tests must be followed by the action prescribed in paragraphs (b)(3), (b)(4), and (b)(5) of this section.

* * * * *

15. Section 147.11 is amended as follows:

a. Paragraph (a)(3) is amended by adding a new sentence at the end of the paragraph to read as set forth below.

b. In paragraph (a)(4), the last sentence is amended by adding the words ''and paragraph (a)(5) of this section'' immediately after the words ''illustration 2'', and by adding the words '', and a colony lift assay to aid in the detection of group D salmonella colonies'' immediately after the word ''XLT4''.

c. Paragraph (a)(5) is revised as set forth below.

d. At the end of paragraph (a)(6), illustration 2 is revised as set forth below.

§ 147.11 Laboratory procedure recommended for the bacteriological examination of salmonella.

(a) * * *

(3) * * * As a supplemental procedure, a colony lift assay may also

be used as a screening test to aid in the detection of group D salmonella suspect colonies on selective and nonselective agar culture plates.

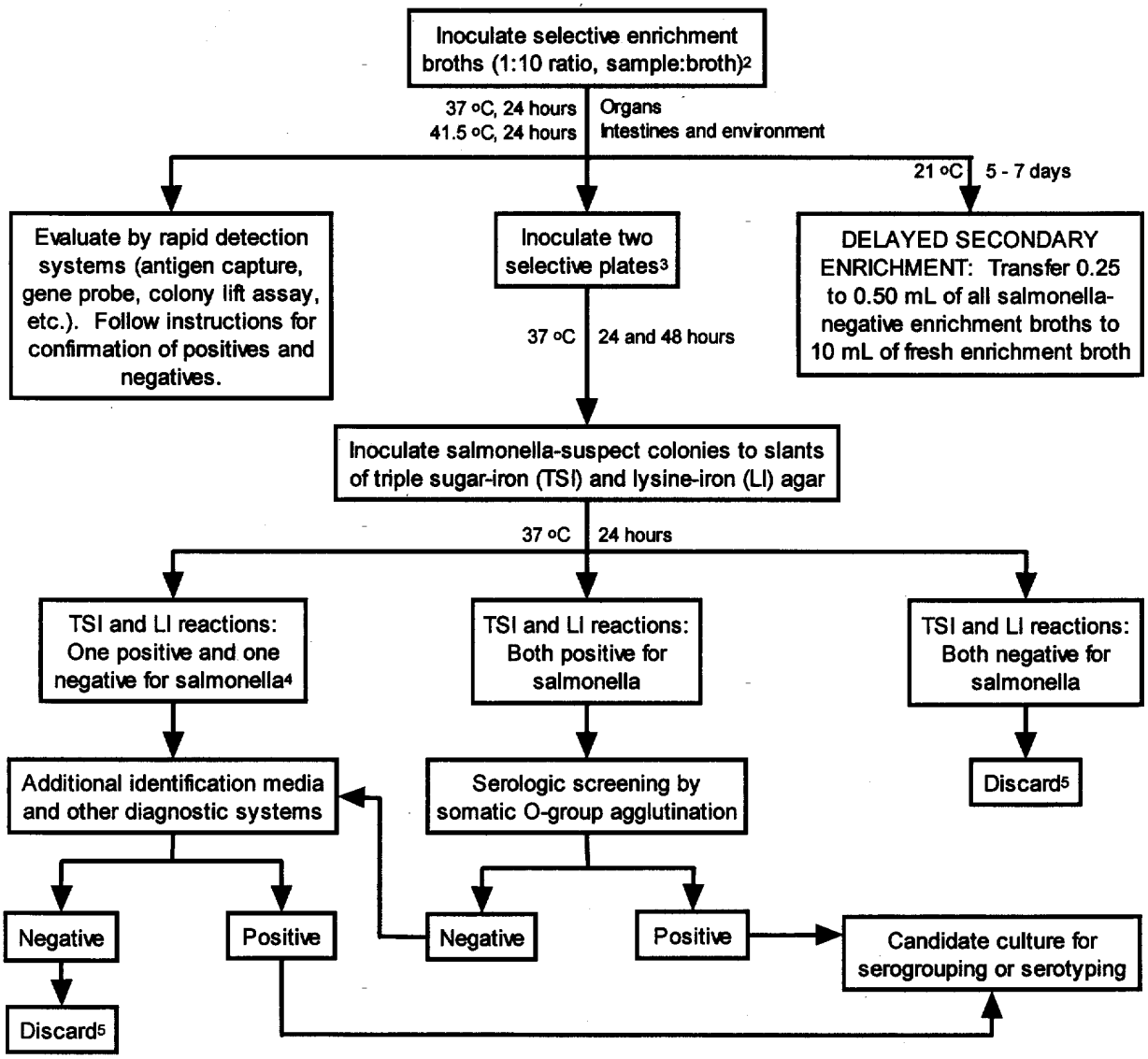
* * * * *

(5) As a supplement to the standard colony pick to triple sugar-iron (TSI) and lysine-iron (LI) agar slants, a group D colony lift assay may be utilized to signal the presence of hard-to-detect group D salmonella colonies on agar culture plates. A system such as the Analytical Profile Index for Enterobacteriaceae (API) may also be utilized to aid cultural identifications.

* * * * *

BILLING CODE 3410–34–P

ILLUSTRATION 2: *Environmental, organ, and intestinal samples.*[1]
Environmental monitoring programs and pullorum-typhoid reactors.



[1] Organ tissues from all reactor birds should also be evaluated without selective enrichment (refer to illustration 1).

[2] Hajna TT or Mueller-Kauffmann tetrathionate enrichment broth is preferred over selenites.

[3] For enrichment broths of organ samples, inoculate xylose-lysine-desoxycholate (XLD) or XLD-Novobiocin (XLDN) and brilliant green (BG) or BG-Novobiocin (BGN) media. One of the media shall be either XLDN or BGN. For enrichment broths of intestinal or environmental samples, inoculate xylose-lysine-tergitol 4 (XLT4) or XLDN and BGN or BG media.

[4] If combined results with TSI and LI agars, additional identification media, and O-group screening procedures are inconclusive, restreak original colony onto selective plating agar to check for purity.

[5] Reevaluate if epidemiologic, necropsy, or other information indicates the presence of an unusual strain of Salmonella.

* * * * *

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§§ 147.12, 147.14, 147.15, and 147.16 [Amended]

16. In §§ 147.12, 147.14, 147.15, and 147.16, footnotes 11 through 21 and their references are redesignated as footnotes 12 through 22.

17. Section 147.12 is amended as follows:

a. Paragraphs (a) through (c) are redesignated as follows:

Old section	New section
147.12(a), introductory text.	147.12(b)(1).
147.12(a)(1)	147.12(b)(1)(i).
147.12(a)(2)	147.12(b)(1)(ii).
147.12(b), introductory text.	147.12(b)(2).
147.12(b)(1)	147.12(b)(2)(i).
147.12(c), introductory text.	147.12(b)(3).
147.12(c)(1)	147.12(b)(3)(i).
147.12(c)(2)	147.12(b)(3)(ii).
147.12(c)(2)(i)	147.12(b)(3)(ii)(A).
147.12(c)(2)(ii)	147.12(b)(3)(ii)(B).

b. A new paragraph (a) and an introductory paragraph (b) are added to read as set forth below.

c. In newly redesignated paragraph (b)(1), the introductory text of the paragraph is amended by removing the reference ''(a)(1) or (2)'' and replacing it with the reference ''(b)(1)(i) or (b)(1)(ii)''.

d. In newly redesignated paragraph (b)(2), the introductory text of the paragraph is amended by removing the reference ''(a)(1)'' and replacing it with the reference ''(b)(2)(i)''.

e. In newly redesignated paragraph (b)(3)(ii), the text of newly redesignated footnote 12 is amended by removing the words ''Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231'' and adding the words ''National Poultry Improvement Plan, Veterinary Services, APHIS, USDA, 1500 Klondike Road, Suite A–102, Conyer, GA 30207'' in their place.

f. A new paragraph (b)(2)(ii) is added and reserved.

§ 147.12 Procedures for collecting environmental samples and cloacal swabs for bacteriological examination.

* * * * *

(a) *For egg- and meat-type chickens, waterfowl, exhibition poultry, and game birds.* All samples and swabs described in this paragraph shall be cultured in accordance with illustration 2 of § 147.11, including delayed secondary enrichment. All salmonellae recovered shall be serogrouped or serotyped.

(1) *Environmental samples.* Fecal material, litter, dust, or floor litter surface or nest box drag swab samples to be submitted for bacteriological examination shall be collected in accordance with the procedures described in paragraphs (a)(1), (a)(2), or (a)(3) of this section:

(i) *Procedure for sampling in broth.* Authorized laboratories will provide capped tubes 1 to 2 cm in diameter and 15 to 20 cm in length that are two-thirds full of a recently made, refrigerated, sterile enrichment broth (Hajna or Mueller-Kauffmann Tetrathionate Brilliant Green) for each sample. Sufficient tubes shall be taken to the premises to provide at least one tube per pen or one tube per 500 birds, whichever is greater. At least one sterile, cotton-tipped applicator will be needed for each tube. The dry applicator is first placed in or drawn through fresh manure (under roost, near water troughs, fecal droppings, or diarrhetic droppings). After each streaking, place the cotton-tipped applicator in the tube of broth and swirl the applicator to remove the collected material. Withdraw the applicator from the tube and use it to take additional specimens by streaking on or through areas where defecation, trampling of feces, or settling of dust is common; e.g., on or near waterers, feeders, nests, or rafters, etc. When the volume of material collected equals approximately 10 percent of the volume of the broth (usually 10–12 streakings), place the applicator in the tube and break the stick in half, leaving the lower or cotton-tipped half in the broth and retaining the upper half for future disposal. Replace the cap on the inoculated tube and continue the sampling procedure in other areas of the pen.

(ii) *Procedure for sampling in dry containers.* Place a sample of fecal material, litter, or dust in a sterile, sealable container. The sample shall consist of several specimens of material taken from a representative location in the pen or house. Collect at least 10 g (approximately a heaping tablespoonful) of material for each sample. Collect the specimens in each sample with a sterile tongue depressor or similar uncontaminated instrument. The samples shall vary in type and consistency. Half of the samples shall be comprised of material representing defecated matter from a large portion of the flock; i.e., trampled, caked material near waterers and feeders. The minimum number of samples to be taken shall be determined by the following: Five samples from pens or houses of up to 500 birds; Ten samples from pens or houses of 500 to 2,500 birds; Fifteen samples from pens or houses with more than 2,500 birds. The samples may be pooled to not fewer than five samples at the laboratory as long as the volume of material collected equals approximately 10 percent of the volume of the broth.

(2) *Cloacal swabs.* Cloacal swabs for bacteriological examination shall be taken from each bird in the flock or from a minimum of 500 birds in accordance with the procedure described in paragraph (a)(2)(i) of this section.

(i) *Procedure for taking cloacal swabs.* The authorized laboratory will provide sterile capped tubes or other suitable containers and cotton-tipped applicators for use in taking the cloacal swabs. Insert the cotton-tipped applicator into the cloaca and rectum in such a manner as to ensure the collection of fecal material. Place the swab and adhering fecal material in the tube and break the stick in half, keeping the upper half of the stick for future disposal. The cloacal swabs may be combined in the sterile tubes in multiples of five or in combinations specified by the authorized laboratory.

(ii) [Reserved].

(3) *Drag-swabs.* Utilization of drag swabs (DS) involves the exposure of gauze pads, a key component of a DS sampler, to the surface of random, flock-representative floor litter and nest box areas. The sampler pads shall be sterile and slightly moist to promote adherence of particulate material, and impregnated with double-strength skim milk [11] to protect salmonella viability during sample collection, batching, storage, and shipment. Floor litter surface DS sample results tend to reflect the salmonella carrier/shedder status of a flock. Nonetheless, other environmental samples as described in paragraphs (a)(1)(i), (a)(1)(ii), or (a)(3)(iv) of this section shall also be periodically collected.

(i) *Drag-swab sampler assembly.* Drag-swab (DS) samplers may be assembled using two 3- by 3-inch sterile gauze pads; size 20 wrapping twine; and paper clips, staples, or similar fasteners. Fold each gauze pad in half and attach one pad to a 2-foot-long (60 cm) piece of twine and the other to a 1-foot-long (30 cm) piece of twine. To attach a pad to the twine with a paper clip, bend the end wires of the paper clip slightly and push them through the fabric of the folded pad, thus securing the clips to the folded pads; then securely tie the twine to the free rounded end of the paper clip. To attach a pad to the twine

[11] Obtain procedure for preparing double strength skim milk from USDA-APHIS ''Recommended Sample Collection Methods for Environmental Samples,'' available from the National Poultry Improvement Plan, Veterinary Services, APHIS, USDA, 1500 Klondike Road, Suite A–102, Conyer, GA 30207.

with a staple, staple the twine to the pad near the center of the fold, applying the staple at a right angle to the twine and parallel to the fold. (A pre-tied knot in the free end of the twine will prevent the twine from slipping under the staple during use.) Once the pads and the twine have been attached, securely connect the free ends of both lengths of twine to a small loop tied at the end of a 5-foot-long piece of twine. The resulting assembly resembles the letter Y, with a long vertical stem and two diagonal branches of different lengths with a gauze pad securely attached to the end of each branch. Wrap the twine around each two-pad DS sampler to produce a small bundle. Autoclave the assembled DS sampler bundle and transfer it with sterile forceps or other aseptic method to a resealable sterile bag. Aseptically add 15 mL of double-strength skim milk to the bag and massage the milk into the gauze pads. Seal the bags and store at -20 °C.

(ii) *Procedures and applications for DS samplers.* DS samplers shall be completely thawed prior to use. Complete pad/twine/fastener assemblies shall be used to sample floor litter surfaces; nest box surfaces may be sampled using 3- by 3-inch sterile gauze pads impregnated with double-strength skim milk in the manner described in paragraph (a)(1) of this section. In either instance, the Plan participant collecting the samples shall wear a fresh pair of disposable sterile gloves for each flock or house sampled. Each sampler bag shall be marked with the type of sample (floor litter or nest box surface) and the identity of the house or flock from which the sample was taken.

(iii) *Floor litter sampling technique.* For flocks with fewer than 500 breeders, at least one DS set (two DS pads) shall be dragged across the floor litter surface for a minimum of 15 minutes. For flocks with 500 or more breeders, a minimum of two DS sets (four DS pads) shall be dragged across the floor litter surface for a minimum of 15 minutes per DS set. Upon completion of dragging, lower each DS pad by its attached twine into a separate, resealable sterile bag. Alternatively, each DS set of two pads may be lowered by its attached twine into the storage/transport bag from which the DS set was originally taken. Remove the twine from the pad or DS set by grasping the pad or DS set through the sides of the bag with one hand while pulling on the twine with the other hand until the connection is broken. Seal the bags and promptly refrigerate them to between 2 and 4° C. Do not freeze. Discard the twine in an appropriate disposal bag.

(iv) *Nest box sampling technique.* The Plan participant shall collect nest-box samples by using two 3- by 3-inch sterile gauze pads premoistened with double-strength skim milk and wiping the pads over assorted locations in about 10 percent of the total nesting area. Upon completion, place each pad in a separate, resealable sterile bag. Seal the bags and promptly refrigerate them to between 2 and 4° C. Do not freeze.

(v) *Culturing of litter surface and nest box samples.* When refrigerated to between 2 and 4° C, pads impregnated with double-strength skim milk may be stored or batched for 5 to 7 days prior to culturing. Pads shipped singly or paired in a single bag shall not be pooled for culturing but shall be separately inoculated into 60 mL of selective enrichment broth.

(b) *For turkeys.* * * *

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18. In § 147.14, paragraph (a)(2)(ii) is revised to read as set forth below.

§ 147.14 Procedures to determine status and effectiveness of sanitation monitored program.

* * * * *

(a) * * *

(2) * * *

(ii) Tetrathionate selective enrichment broths, competitor-controlling plating media (XLT4, BGN, etc.), delayed secondary enrichment procedures, and colony lift assays detailed in paragraph (a)(5) and illustration 2 of § 147.11.

19. A new § 147.17 is added to subpart B to read as follows:

§ 147.17 Laboratory procedure recommended for the bacteriological examination of cull chicks for salmonella.

The laboratory procedure described in this section is recommended for the bacteriological examination of cull chicks from egg-type and meat-type chicken flocks and waterfowl, exhibition poultry, and game bird flocks for salmonella.

(a) From 25 randomly selected 1- to 5-day-old chicks that have not been placed in a brooding house, prepare 5 organ pools, 5 yolk pools, and 5 intestinal tissue pools as follows:

(1) *Organ pool:* From each of five chicks, composite and mince 1- to 2-gram samples of heart, lung, liver, and spleen tissues and the proximal wall of the bursa of Fabricius.

(2) *Yolk pool:* From each of five chicks, composite and mince 1- to 2-gram samples of the unabsorbed yolk sac or, if the yolk sac is essentially absent, the entire yolk stalk remnant.

(3) *Intestinal pool:* From each of five chicks, composite and mince approximately 0.5 cm^2 sections of the crop wall and 5-mm-long sections of the duodenum, cecum, and ileocecal junction.

(b) Transfer each pool to tetrathionate selective enrichment broth (Hajna or Mueller-Kauffmann) at a ratio of 1 part tissue pool to 10 parts broth.

(c) Repeat the steps in paragraphs (a) and (b) of this section for each five-chick group until all 25 chicks have been examined, producing a total of 15 pools (5 organ, 5 yolk, and 5 intestinal).

(d) Culture the 15 tetrathionate pools as outlined for selective enrichment in illustration 2 of § 147.11. Incubate the organ and yolk pools for 24 hours at 37 °C and the intestinal pools at 41.5 °C. Plate as described in illustration 2 of § 147.11 and examine after both 24 and 48 hours of incubation. Confirm suspect colonies as described. Further culture all salmonella-negative tetrathionate broths by delayed secondary enrichment procedures described for environmental, organ, and intestinal samples in illustration 2 of § 147.11. A colony lift assay may also be utilized as a supplement to TSI and LI agar picks of suspect colonies.

§ 147.26 [Amended]

20. In § 147.26, in paragraph (a), the introductory text is amended by removing the word ''and'' and by adding the words '', U.S. S. Enteritidis Monitored, and U.S. S. Enteritidis Clean'' immediately before the word ''classifications''.

21. In § 147.43, the introductory text of paragraph (a) is amended by adding two new sentences before the first sentence to read as set forth below; by removing the words ''the Assistant Secretary of Agriculture for Marketing and Inspection Services, or his/her designee,''; and by removing the words ''and who shall be designated as vice chairperson,''.

§ 147.43 General Conference Committee.

(a) The General Conference Committee Chairperson and the Vice Chairperson shall be elected by the members of the General Conference Committee. A representative of the Animal and Plant Health Inspection Service will serve as Executive Secretary and will provide the necessary staff support for the General Conference Committee. * * *

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Done in Washington, DC, this 15th day of March 1996.

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–6834 Filed 3–20–96; 8:45 am]

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