

unused transferred annual leave restored to the emergency leave donor under paragraph (h) of this section may be restored by—

(1) Crediting the restored annual leave to the emergency leave donor's annual leave account in the current leave year; or

(2) Crediting the restored annual leave to the emergency leave donor's annual leave account effective as of the first day of the first leave year beginning after the date of election.

§ 630.1106 Termination of disaster or emergency.

The disaster or emergency affecting an emergency leave recipient shall terminate—

(a) When OPM determines that the disaster or emergency has terminated;

(b) When the emergency leave recipient's Federal service terminates;

(c) At the end of the biweekly pay period in which the emergency leave recipient, or his or her personal representative, notifies the employing agency that he or she is no longer affected by such disaster or emergency;

(d) At the end of the biweekly pay period in which the employing agency

determines, after written notice from the agency and an opportunity for the emergency leave recipient, or his or her personal representative, to answer orally or in writing, that the emergency leave recipient is no longer affected by such disaster or emergency; or

(e) At the end of the biweekly pay period in which the emergency leave recipient's employing agency receives notice that OPM has approved an application for disability retirement for the emergency leave recipient under the Civil Service Retirement System or the Federal Employees' Retirement System.

§§ 630.1304, 630.1308, and 630.1309 [Amended]

Section	Remove	Add
630.1304(c)	§ 630.1109(b)(1)	§ 630.1309(b)(1).
630.1308(b)	§ 630.1107	§ 630.1307.
630.1309(b)(1) and (d)	§ 630.1104(c)	§ 630.1304(c).
630.1309(d)	§ 630.1103(b)	§ 630.1303(b).

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DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 304, 308, 310, 320, 327, 381, 416, and 417

[Docket No. 97-051N]

Reopening of Comment Period on the Generic HACCP Models and Guidance Materials

AGENCY: Food Safety and Inspection Service.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Food Safety and Inspection Service (FSIS) is announcing the reopening of the comment period to solicit additional public comment on the 13 generic Hazard Analysis and Critical Control Point (HACCP) models, the Guidebook for the Preparation of HACCP Plans, and Hazards and Controls Guide for Meat and Poultry Products. The comment period is being reopened so that ongoing public meetings on plant communication can include further discussion on the usefulness of the generic models and guidance materials in preparing for HACCP implementation.

DATES: Written comments on the generic models and guidance materials must be submitted on or before February 2, 1998.

ADDRESSES: The models, Guidebook, and Guide may be viewed in the FSIS Docket Reading Room, Room 102 Cotton Annex Building, 300 12th Street, SW, Washington, DC 20250-3700 and at Government Depository Libraries throughout the country. Comments on the models and other documents should be directed to Ms. Diane Moore, FSIS Docket Clerk, at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Patricia F. Stolfa, Assistant Deputy Administrator, Regulations & Inspection, Office of Policy, Program Development, and Evaluation, Food Safety and Inspection Service, at (202) 205-0699, FAX (202) 401-1760.

SUPPLEMENTARY INFORMATION: On July 25, 1996, FSIS published a final rule, "Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems" (61 FR 38806). This rule introduces sweeping changes to the meat and poultry inspection system and directly targets pathogenic organisms on those products that can cause foodborne illness. In the preamble to the proposed rule, FSIS announced it would develop generic models to facilitate preparation of mandated HACCP plans, especially by "small" and "very small" establishments.

FSIS announced the availability of the models and guidance materials on June 12, 1997, and solicited public comment on those documents. (62 FR 32053) The models included Generic HACCP Model for Raw, Ground Meat and Poultry Products; Generic HACCP Model for Raw, Not Ground Meat and Poultry

Products; Generic HACCP Model for Poultry Slaughter; Generic HACCP Model for Mechanically Separated (Species)/Mechanically Deboned Poultry; Generic HACCP Model for Thermally Processed Commercially Sterile Meat and Poultry Products; Generic HACCP Model for Irradiation; Generic HACCP Model for Meat and Poultry Products with Secondary Inhibitors, Not Shelf-Stable; Generic HACCP Model for Heat Treated, Shelf-Stable Meat and Poultry Products; Generic HACCP Model for Not Shelf-Stable Heat Treated, Not Fully Cooked Meat and Poultry Products; Generic HACCP Model for Fully Cooked, Not Shelf-Stable Meat and Poultry Products; Generic HACCP Model for Beef Slaughter; Generic HACCP Model for Pork Slaughter; and Generic HACCP Model for Not Heat Treated, Shelf-Stable Meat and Poultry Products. The initial comment period expired on August 11, 1997.

FSIS is reopening the comment period to allow plant owners and operators to further discuss the generic models and other documents during the second round of meetings held as part of the Agency's Plant Communications Initiative. Seven meetings, including a teleconference, are scheduled to be held across the country from August 18 through December 6, 1997. FSIS is interested in learning about the types of technical assistance that would be helpful to small plant managers in development of their HACCP systems.

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

Thomas J. Billy,
Administrator.

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DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 310 and 381

[Docket No. 97-004P]

RIN 0583-AC32

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

AGENCY: Food Safety and Inspection Service.

ACTION: Proposed rule.

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

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

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

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

SUPPLEMENTARY INFORMATION:

Background

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

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

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

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

Sampling Frequencies and Definitions For Very Low Volume Establishments

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

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

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

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

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