

which prohibit the obligation or expenditure of funds in excess of the available appropriation. Thus the Department is required to establish (and if necessary, adjust) rates in such a manner as to not exceed the program appropriation.

Fiscal Year 1997 Level of Assistance

Based on its projection of the number of meals to be claimed during the fiscal year, and in light of constitutional and statutory prohibitions on obligating or spending funds in excess of the available appropriation, the Department announced an initial per-meal reimbursement rate of \$.5857 for Fiscal Year 1997, the highest rate which it believed could be sustained throughout the fiscal year. This initial level of per-meal assistance was announced in the April 8, 1997 **Federal Register** (62 FR 16757).

The Department's meal service projection for Fiscal Year 1997 assumed a slightly higher rate of growth than occurred in the preceding fiscal year. This initial per-meal support level of \$.5857 was sustained throughout Fiscal Year 1997, and thus no adjustment was necessary to keep expenditures within the limit of the \$140 million NPE appropriation established by Pub. L. 104-180. Funds in the estimated amount of \$500 thousand were not paid out for Fiscal Year 1997 and will, in accordance with the legislative mandate in Pub. L. 104-180, be carried over into Fiscal Year 1998 and expended in per-meal reimbursement for that year.

Fiscal Year 1998 Initial Level of Assistance

It is the Department's goal to establish the highest rate that can be sustained throughout the fiscal year so as to maximize the flow of program funds to States during the fiscal year. However, the Department wants also to minimize the possibility of a rate reduction and the hardship it causes to program operators. In order to guard against the need for a reduction, the Department, once again, has projected a slightly higher rate of growth in meal service than occurred in the preceding fiscal year. Based on its projections, the Department announces an initial per-meal support level of \$.5607, which will not be increased, and which will be decreased only if necessary to keep expenditures within the limit of the \$140 million NPE Fiscal Year 1998 appropriation established by Pub. L. 105-86 and the \$500 thousand estimated to be available from Fiscal Year 1997. Any of these funds not paid out for Fiscal Year 1998 reimbursement will, in accordance with Pub. L. 105-86,

remain available through Fiscal Year 1999. In the unlikely event that the rate needs to be decreased, States will be notified directly.

Dated: March 9, 1998.

Yvette Jackson,

Administrator, Food and Nutrition Service.

[FR Doc. 98-8587 Filed 4-1-98; 8:45 am]

BILLING CODE 3410-30-U

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 98-015N]

The National Advisory Committee on Meat and Poultry Inspection; Nominations for Membership

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The Department of Agriculture (USDA) is soliciting nominations for membership on the National Advisory Committee on Meat and Poultry Inspection. The full Committee consists of 16-members, and each person selected is expected to serve a 2-year term.

DATES: The names of the nominees and their typed curricula vitae or resumes must be postmarked no later than June 30, 1998.

ADDRESSES: Nominating materials should be submitted to Ms. Margaret O'K. Glavin, Deputy Administrator, Office of Policy, Program Development, and Evaluation, Food Safety and Inspection Service, USDA, Room 350-E, Administration Building, 1400 Independence Avenue, SW, Washington, DC 20250-3700.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Micchelli, Evaluation and Analysis Division, FSIS, Room 3833, South Agriculture Building, 1400 Independence Avenue, SW, Washington, DC 20250-3700; telephone (202) 720-6269; FAX (202) 690-1030; E-mail: michael.micchelli@usda.gov.

SUPPLEMENTARY INFORMATION: USDA again is seeking nominees for membership on the National Advisory Committee on Meat and Poultry Inspection. The Committee provides advice and recommendations to the Secretary on the meat and poultry inspection programs, pursuant to sections 7(c), 24, 301(a)(3) and 301(c) of the Federal Meat Inspection Act, 21 U.S.C. 607(c), 624, 645, 661(a)(3) and 661(c) and to sections 5(a)(3), 5(c), 8(b), and 11(e) of the Poultry Products Inspection Act, 21 U.S.C. 454(a)(3), 454(c), 457(b), and 460(e). Nominations

for membership are being sought from persons representing producers; processors; exporters and importers of meat and poultry products; academia; Federal and State government officials; and consumers.

Appointments to the Committee will be made by the Secretary. To ensure that recommendations of the Committee take into account the needs of the diverse groups served by the Department, membership should include, to the extent practicable, persons with demonstrated ability to represent minorities, women, and persons with disabilities. It is anticipated that the Committee will meet at least annually.

Done at Washington, DC, on: March 26, 1998.

Thomas J. Billy,

Administrator.

[FR Doc. 98-8652 Filed 4-1-98; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 98-002N]

Pathogen Reduction Performance Standards: Salmonella Testing Data

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMARY: At its December 16, 1997, Hazard Analysis and Critical Control Points (HACCP) Implementation Meeting, FSIS discussed its strategy for testing raw meat and poultry products to determine establishment compliance with the pathogen reduction performance standards for *Salmonella*. The Agency also presented its views on the public release of *Salmonella* testing results. The issue papers on these subjects that were made available at the meeting are published in this notice.

FOR FURTHER INFORMATION CONTACT: Patricia F. Stolfa, Assistant Deputy Administrator, Office of Policy, Program Development, and Evaluation, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250-3700; (202) 205-0699.

SUPPLEMENTARY INFORMATION: On December 16, 1997, in Washington, D.C., FSIS held the first of four one-day meetings to brief managers of large (500+ employees) official meat and poultry establishments on how the Agency will conduct inspection operations after January 26, 1998. This is the date when, under the "Pathogen Reduction (PR); Hazard Analysis and Critical Control Point (HACCP) Systems"

final rule (61 FR 38806), those establishments are required to be operating HACCP systems. At the meeting, FSIS officials discussed the Agency's strategy for testing raw meat and poultry products to determine establishment compliance with the pathogen reduction performance standards for *Salmonella* that are set forth in the final rule. The officials also presented Agency views on the release of *Salmonella* testing results.

FSIS summarized its views on these subjects in two issue papers that were distributed at the meeting. The Agency is aware that there is considerable interest in the testing strategy and results and wishes to make the information in the papers available to a wider public. The issue papers are therefore published below:

Issue Paper: Strategy for Salmonella Testing

Background

The PR/HACCP final rule set pathogen reduction performance standards for *Salmonella* that apply to establishments preparing carcasses and raw ground products. The performance standards are intended to ensure that each establishment is consistently achieving an acceptable level of performance with regard to controlling and reducing harmful bacteria on raw meat and poultry products. FSIS is carrying out a microbiological testing program to ensure that the establishments are meeting the performance standards. The standards complement the process control performance criteria for fecal contamination on carcasses and *E. coli* testing that slaughtering establishments are expected to meet.

FSIS has selected *Salmonella* as the target organism in its microbiological testing for four reasons. First, it is the most common bacterial cause of foodborne illness. Second, FSIS baseline data show that *Salmonella* colonizes the intestinal tracts of a variety of mammals and birds and occurs often enough to be detected and monitored. Third, current methodologies can recover *Salmonella* from a variety of meat and poultry products. And, finally, intervention strategies aimed at reducing *Salmonella* on raw product should be effective against other pathogens.

The purpose of the *Salmonella* performance standards is to provide incentives for producers of raw meat and poultry products to reduce the prevalence of *Salmonella* on their products and to provide an objective basis for judging the effectiveness of

establishments' HACCP plans by both FSIS and establishments.

Testing Program

The testing program will be carried out in two phases, pre-implementation testing and compliance testing.

FSIS began the pre-implementation phase in August 1996 with a trial period to allow the laboratories, inspectors, and headquarters employees to refine the process for scheduling, collecting and analyzing samples. During this trial period, FSIS provided training for Agency employees who were involved, determined what resources were needed in Agency laboratories and in the field, and assessed the processes used to collect samples and perform analyses. Official pre-implementation sampling began on June 1, 1997 in large establishments. Pre-implementation testing in small and very small establishments will begin in 1998.

Establishments are subject to compliance-phase testing on the dates when, according to the PR/HACCP final rule, the HACCP regulations become applicable respectively to large, small, and very small establishments. The HACCP regulations become applicable to large establishments on January 26, 1998, to small establishments on January 25, 1999, and to very small establishments on January 25, 2000. After the year 2000, all official establishments, regardless of size, will be subject to the HACCP regulations.

The compliance-phase testing strategy consists of three elements:

- *Product-specific testing*—Plants preparing products for which the performance standards are in double digits—e.g., chicken (20.0% positive), ground chicken (44.6%), ground turkey (49.9%)—will be targeted. FSIS will schedule these plants for the collection and analysis of sample sets.
- *Plant-specific targeting*—A plant failing to meet a performance standard when the first in a series of up to three consecutive sample sets has been tested will be targeted for additional testing. FSIS will schedule the plant for testing of a second sample set.
- *On-going random testing*—Plants not included in either of the targeted-sampling frames will be subject to random testing.

Enforcement

The enforcement policy follows the framework established by the PR/HACCP rule.

First Sample Set

If an establishment does not meet a performance standard, FSIS Headquarters will notify the District

Manager (DM) for the district in which the establishment is located. The DM, in turn, will notify the establishment that it is not in compliance with the performance standard and must take immediate action to meet the standard. The fact of the establishment's noncompliance will be documented in a noncompliance report (NR). FSIS will schedule the establishment for a second sample set, normally within 60 days, but the Agency may change the sampling schedule if the DM recommends faster or slower action.

Second Sample Set

If an establishment does not meet the performance standard, FSIS Headquarters will notify the DM. The DM, in turn, will notify the establishment of its noncompliance, citing the regulatory requirement for the establishment to reassess its HACCP plan for that product and take corrective action. The fact of the establishment's noncompliance will be documented in an NR.

FSIS will schedule the establishment for a third sample set, with sampling to begin at a time recommended by the DM. Before recommending that sampling resume, the DM will consider factors such as the establishment's progress on reassessing its HACCP plan, its adherence to process control performance criteria as measured by testing for *E. coli*, or its pattern of failing checks for fecal contamination.

Third Sample Set

If the establishment fails to meet the performance standard, FSIS Headquarters will notify the DM. The DM will inform the establishment orally and by certified letter that it has failed to maintain an adequate HACCP plan for the affected product in accordance with 9 CFR Part 417. The fact of the establishment's noncompliance will be documented in an NR. Inspection service for that product will be suspended and will remain suspended until the establishment submits to the FSIS Administrator, or designee, satisfactory written assurances detailing actions it has taken to correct the HACCP system. (9 CFR 310.25(b)(3), 381.94(b)(3)).

During compliance-phase testing, any plant that is targeted for sampling and achieves a "pass" result in sample-set testing will be returned to the "random pool." FSIS may select the establishment from that pool for testing at some later time.

Issue Paper: Public Release of Salmonella Testing Results**Issue**

The Food Safety and Inspection Service (FSIS) is providing its views on the release of *Salmonella* testing data collected by FSIS in connection with the HACCP/Pathogen Reduction final rule.

Background

With the publication of its HACCP/Pathogen Reduction final rule, FSIS adopted pathogen reduction performance standards for raw meat and poultry products using *Salmonella* as the target organism. To verify that this requirement is being met, FSIS will conduct *Salmonella* testing in establishments that produce raw meat and poultry products.

The goal of the *Salmonella* testing program is to verify that pathogen reduction performance standards are being met by each establishment, with an ultimate goal of reducing the incidence of that organism and other enteric pathogens on raw meat and poultry products nationwide. The pathogen reduction standard for *Salmonella* requires testing of products not to determine product disposition but as a measure of process effectiveness in limiting contamination with this pathogen. Individual test results are not meaningful under this program because the performance standards have been established to measure performance over time; thus, multiple samples are required to make an appropriate compliance determination.

FSIS is carrying out the *Salmonella* testing program in two phases: a pre-implementation phase and a compliance phase. The principal objective of the pre-implementation phase was to acquire test data to enable both FSIS and establishments to see how they were performing with respect to the performance standards. The pre-implementation phase began on June 1, 1997. The compliance phase begins on January 26, 1998. The effective dates for establishment compliance with the *Salmonella* performance standards are the same as the effective dates for HACCP implementation: January 26, 1998, for large plants; January 25, 1999, for small plants; and January 25, 2000, for very small plants. After the effective date(s), establishment failure to meet the performance standards set forth in the HACCP/Pathogen Reduction final rule will trigger enforcement action.

Availability of Salmonella Testing Data

- Pre-implementation *Salmonella* testing data: This refers to *Salmonella*

testing data collected between June 1, 1997 and the date when the HACCP regulations are applicable to an establishment. FSIS does not intend to use the data collected between June 1, 1997, and January 26, 1998, for any purpose because it did not collect as much data as originally intended; there are many incomplete sets of data. FSIS will collect pre-implementation testing data from small and very small plants and will determine appropriate use and disclosure of this data as data collection proceeds. Requests for pre-implementation data under the Freedom of Information Act will be addressed on a case-by-case basis.

- Compliance-phase *Salmonella* testing data: This refers to *Salmonella* testing data FSIS collects in plants subject to the HACCP requirements. FSIS will send individual establishments the results of testing on their own product upon completion of the full sample sets. In addition, plant-specific testing data will be available in accordance with the Freedom of Information Act. The Agency does not consider testing to be complete until there is a full sample set. In all cases, the Agency intends to provide an explanation of the purpose of the testing and the meaning of the data (in general terms) with any *Salmonella* testing data released. FSIS has no specific plans to post the *Salmonella* data on its website.

- FSIS believes that it should publish annually a report on the *Salmonella* testing program. The contents and format of the report have not yet been decided.

Done at Washington, DC, on: March 23, 1998.

Thomas J. Billy,

Administrator.

[FR Doc. 98-8586 Filed 4-1-98; 8:45 am]

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DEPARTMENT OF AGRICULTURE

[Docket No. 98-013N]

National Advisory Committee on Meat and Poultry Inspection; Public Meeting

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The National Advisory Committee on Meat and Poultry Inspection will meet to continue its consideration of Hazard Analysis and Critical Control Point (HACCP) inspection models and the roles of Federal, State, and local governments in farm-to-table food safety. The Committee will begin discussion on five

new issues: (1) voluntary and mandatory inspection, including exemptions; (2) policy and procedures for the recall of food; (3) review of Department of Agriculture research policy and budget; (4) the Agency's strategic plan; and (5) hands-off lamb inspection. The meeting is open to the public. Written comments and suggestions on issues the Committee might consider may be submitted to the FSIS Docket Clerk at the above address.

DATES: The meeting will be held on May 12, 13, and 14, 1998. Subcommittees will meet on May 12 from 3:00 to 6:00 p.m. to continue work on addressing HACCP inspection models and the roles of governments at all levels in farm-to-table food safety. The full Committee will meet on May 13, 1998, from 8:30 a.m. to 5:30 p.m. Subcommittees will meet on May 13 from 7:00 to 9:00 p.m. to continue work on the five new issues discussed during the full Committee session. The full Committee will meet again from 8:30 a.m. to 5:30 p.m. on May 14, 1998.

ADDRESSES: The meeting will be held at the Hyatt Regency On Capitol Hill Hotel, 400 New Jersey Avenue, NW, Washington, DC; telephone (202) 737-1234. The full Committee will meet in the Capitol room; subcommittees will meet in the Grand Teton, Yosemite, and Glacier rooms.

FOR FURTHER INFORMATION CONTACT: Members of the public will be required to register at the meeting; no pre-registration is required. For further information, contact Michael N. Micchelli at (202) 720-6269, by FAX at (202) 690-1030, or e-mail Michael.Micchelli@usda.gov. A schedule of events is available on the FSIS Homepage at <http://www.usda.gov/agency/fsis/homepage.htm>. This schedule also is available by FAST FAX, FSIS' automated FAX retrieval system at (800) 238-8281 or (202) 690-3754. The reference number to access FAST FAX is 4000. Send comment on issues to be discussed at the May meeting to the FSIS Docket Clerk, Docket #98-013N, Room 102, Cotton Annex Building, 300 12th Street, SW, Washington, DC 20250-3700. Please provide three copies of the comments. All comments and the official transcript of the meeting, when it becomes available, will be available for review in the Docket Clerk's office from 8:30 a.m. to 4:30 p.m., Monday through Friday.

SUPPLEMENTARY INFORMATION: On February 12, 1997, the Secretary of Agriculture renewed the charter for the Advisory Committee on Meat and Poultry Inspection. The Committee provides advice and recommendation to