

submitted by the beef industry that suggested that cattle born outside the United States and finished in U.S. feedlots for at least 100 days be allowed to be labeled as "Product of the U.S.A.," and a strong interest in maintaining the existing FSIS policy. According to one respondent, any change in the existing policy of FSIS would be costly and damaging to the industry, provide no real benefit for consumers, and undermine U.S. efforts in international negotiations.

Many respondents opposed any change in FSIS' country-of-origin labeling policy simply because no change was warranted. One commenter said that there is no convincing evidence that there is a problem that needs to be addressed by additional Federal regulation. The comment went on to say that applying the current definition for "USA Beef" and "Fresh American Beef" more broadly to country-of-origin labels such as "Product of the USA" is not necessary and would be disruptive. It concluded that substantiation and verification of "born, raised, slaughtered, and prepared in the United States" would be unreliable and expensive since there is no national tracking system for cattle in this country.

A trade association director commented that the introduction of new rules for a single product category would not be helpful or acceptable. The comment stated that it would only add to the inconsistencies and confusion for industry, regulatory, and U.S. Customs Service officials. In addition, the commenter said such a change would set an undesirable precedent for further processed and other types of products.

Although there was minimal support for a mandatory program, most commenters strongly believed that a labeling program should be kept voluntary. One commenter stated that mandatory labeling should be restricted to protection of consumer health and safety. Others cautioned that what is acceptable for a voluntary labeling program would be unacceptable as a mandatory program. Voluntary labeling of U.S. beef will be market driven in private sector retail and foodservice channels, said the commenter. USDA should provide certification and audit services for alternative U.S. labels and allow competitive market forces to determine the merit of various labels in the marketplace, the commenter concluded.

Many of the commenters discussed the inconsistency of USDA's geographic labeling policies, the variety of the claims used to certify U.S. origin, and the differences in regulations governing

domestic and foreign products. Some called the policy confusing but acceptable, because it was consistent with international practices. Others maintained that it was incumbent upon USDA to authorize a single, universal term.

Several respondents who opposed the meat industry petition, referred to above, mentioned a fear of Foot and Mouth Disease and Bovine Spongiform Encephalopathy. One commenter said that it would be devastating to the U.S. livestock industry and to consumer confidence if an infected animal or product entered the United States and received a "Made in USA" label.

As a result of Congress' action, FSIS is withdrawing the advance notice of proposed rulemaking. Comments on "country-of-origin" labeling should be submitted in response to the AMS published notice entitled "Establishment of Guidelines for the Interim Voluntary Country of Origin Labeling of Beef, Lamb, Pork, Fish, Perishable Agricultural Commodities and Peanuts under the Authority of the Agricultural Marketing Act of 1946."

#### Additional Public Notification

Public involvement in all segments of rulemaking and policy development is important. Consequently, in an effort to better ensure that minorities, women, and persons with disabilities are aware of this notice and informed about the mechanism for providing their comments, FSIS will announce it and make copies of this **Federal Register** publication through the FSIS Constituent Update. FSIS provides a weekly FSIS Constituent Update, which is communicated via Listserv, a free e-mail subscription service. In addition, the update is available online through the FSIS Web page located at <http://www.fsis.usda.gov>. The update is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and any other types of information that could affect or would be of interest to our constituents and stakeholders. The constituent Listserv consists of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals who have requested to be included. Through the Listserv and Web page, FSIS is able to provide information to a much broader, more diverse audience.

For more information, contact the Congressional and Public Affairs Office, at (202) 720-9113. To be added to the free e-mail subscription service (Listserv), go to the "Constituent Update" page on the FSIS Web site at

<http://www.fsis.usda.gov/oa/update.htm>. Click on the "Subscribe to the Constituent Update Listserv" link, then fill out and submit the form.

Signed in Washington, DC on March 3, 2003.

Garry L. McKee,

Administrator.

[FR Doc. 03-5363 Filed 3-6-03; 8:45 am]

BILLING CODE 3410-DM-P

## DEPARTMENT OF ENERGY

### 10 CFR Part 430

[Docket No. EE-RM/TP-02-001]

RIN 1904-AB12

#### Office of Energy Efficiency and Renewable Energy; Energy Conservation Program for Consumer Products: Test Procedure for Refrigerators and Refrigerator-Freezers

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice of proposed rulemaking contains an amendment to the test procedure for measuring the energy consumption of refrigerators and refrigerator-freezers for models with a long-time automatic defrost function. The amendment gives credit for a slight improvement in energy efficiency because the defrost heater on such models of refrigerators and refrigerator-freezers is not required to heat the evaporator from its coldest temperature. This change in the test procedure will encourage use of efficiency enhancing technology. Because the amendment to the rule is not expected to receive any significant adverse comments, the amendment is also being issued as a direct final rule in this **Federal Register**.

**DATES:** Public comments on the amendment proposed herein will be accepted until April 7, 2003.

**ADDRESSES:** Written comments should be addressed to: Ms. Brenda Edwards-Jones, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, EE-2J, 1000 Independence Avenue, SW, Washington, DC 20585-0121. E-mail address: [Brenda.Edwards-Jones@ee.doe.gov](mailto:Brenda.Edwards-Jones@ee.doe.gov). You should identify all such documents both on the envelope and on the documents as Energy Conservation Program for Consumer Products: Test Procedures for Refrigerators and Refrigerator-Freezers, Docket No. EE-RM/TP-02-001.

Copies of public comments received may be read in the Freedom of