

positive food contact-surface tests for *Listeria* species.

FSIS estimates that the interim final rule will have combined one-time and recurring costs to large establishments totaling about \$15.9 million, to small establishments about \$55.3 million, and to very small establishments about \$1.7 million. FSIS assumes a 10-year useful life for the changes (e.g., post-lethality treatment validation, installation, antimicrobial agent or process alteration, and production adjustments) for which establishments incur one-time costs and, using a 7-percent discount rate, the Agency annualizes these one-time costs over the useful life of the changes. Adding these to the annual recurring costs, FSIS obtains annualized industry-wide costs of the interim final rule to large establishments of about \$3.6 million, to small establishments about \$12.5 million, and to very small establishments about \$613,000.

The grand total of industry-wide annualized costs is \$16.6 million. With the 50 percent downward adjustment discussed above, net benefits of \$50.8 million at the median and ranging from \$5.4 million at the 5th percentile to \$60.4 million at the 95th percentile are to be derived from the interim final rule.

#### Paperwork Reduction Act

FSIS has reviewed the paperwork and recordkeeping requirements in this interim final rule in accordance with the Paperwork Reduction Act and has determined that the paperwork requirements respecting the regulations that may cause establishments to evaluate and revise their Sanitations SOPs, HACCP plans, and prerequisite programs have already been accounted for in the Pathogen Reduction/Hazard Analysis and Critical Control Point (HACCP) Systems information collection approved by the Office of Management and Budget (OMB). The OMB approval number for the Pathogen Reduction/Hazard Analysis and Critical Control Point (HACCP) Systems information collection is 0583-0103.

The requirement that may cause establishments to test for *L. monocytogenes*, to document their testing protocols and their hold-and-test procedures, and the requirement for establishments that produce RTE products to provide FSIS with production volume information by product type and *L. monocytogenes* control alternative are new information collections.

*Title:* *Listeria*.

*Type of Collection:* New.

The paperwork and recordkeeping requirements in this interim final rule

are awaiting approval by the Office of Management and Budget.

*Abstract:* FSIS has reviewed the paperwork and recordkeeping requirements in this interim final rule in accordance with the Paperwork Reduction Act. Under this interim final rule, FSIS is requiring an information collection activity. FSIS is requiring that establishments that produce ready to eat product annually report the estimated production volume by product type and *Listeria* control alternative employed. FSIS is also publishing requirements for RTE establishments to conduct, and plans to ask them to report on, food-contact surface sampling. In addition, FSIS is establishing requirements that may cause some RTE establishments to hold and test product for *L. monocytogenes* and other indicator organisms.

*Estimate of Burden:* FSIS estimates that the time to collect and report the required information on the estimated volume of RTE product by product type and *Listeria* control method is one hour. The Agency estimates that it will take establishments 50 minutes to collect the information necessary to make the required estimates and 10 minutes to report the information by form.

FSIS estimates that it will take 25 hours to develop a microbiological sampling and testing plan to support the efficacy of the sanitation controls, including the development of test-and-hold procedures. The Agency estimates that it will take two hours to revise microbiological sampling and testing plans. And FSIS estimates that it will take an average of 30 minutes to conduct a food contact surface test and an average of 30 minutes to collect information on product samples for test and hold procedures.

*Respondents:* Meat and poultry product establishments that produce Ready to Eat product.

*Estimated Number of Respondents:* 4,975.

*Estimated Number of Responses per Respondent:* 10.

*Estimated Total Annual Burden on Respondents:* 154,243 hours.

Copies of this information collection assessment can be obtained from John O'Connell, Paperwork Reduction Act Coordinator, Food Safety and Inspection Service, USDA, 112 Annex, 300 12th Street, SW., Washington DC 20250.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of FSIS' functions, including whether the information will have practical utility; (b) the accuracy of FSIS' estimate of the burden of the proposed collection of information, including the validity of

the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to both John O'Connell, Paperwork Reduction Act Coordinator, at the address provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20253.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

#### Government Paperwork Elimination Act (GPEA)

FSIS is committed to achieving the goals of the GPEA, which requires Government agencies, in general, to provide the public with the option of submitting information or transacting business electronically to the maximum possible extent. FSIS is making available to establishments affected by this interim final rule an electronic form by which they may provide the required production volume information. The form will be accessible on a special page on the FSIS Web site at <http://www.fsis.usda.gov>; log-on and authentication instructions will be provided. Each establishment's submission will be treated as confidential. Provision of this electronic form is expected to enable the Agency more efficiently to gather, and affected establishments to report, the needed information.

This electronic data collection is intended to meet Goal 4 of the e-Government strategy in the President's Management Agenda. The electronic filing option is provided to reduce data collection time and information processing and handling for the regulated industry and FSIS.

This electronic data collection is intended to be consistent with Goal 2 (enhancing collaboration with public and private sector organizations to develop and deliver USDA's mission) and Objective 2.4 of the Department's e-Government Strategic Plan in that it reduces time necessary for information collection and processing for both regulated establishments and FSIS. A further, related initiative, providing for use of electronic signatures and authentication, will be consistent with the Department-wide strategies and