

policies to develop and implement e-signature and e-Authentication policies.

1. The interim final rule on *L. monocytogenes* control in ready-to-eat meat and poultry products contains a requirement for official establishments that prepare post-lethality exposed ready-to-eat meat and poultry products to provide FSIS at least annually with data on the volume of production of products they prepare in processes that are covered by the interim final rule. FSIS is developing a form by which to collect the data. The form will be made available to establishments in both paper and electronic formats. The electronic form will be available for use by affected establishments at all times after the rule becomes effective.

2. FSIS can use its existing information technology resources in the electronic data collection. That is, the Agency plans to use its existing database applications and server storage to house the data collection form and associated databases. FSIS estimates that no more than \$1,000 in materials and 0.25 FTE annually at the level of a GS-13 or equivalent staff officer grade in FSIS'S Data Analysis Systems and Support Staff, Office of Policy and Program Development, will be required to administer the data collection.

FSIS is developing a centralized system known as the FSIS Automated Corporate Technology Suite (FACTS) for which approximately \$15 million has been earmarked. The system will provide, among other things, facilities for accessing Agency electronic forms and for processing the data collected through such forms. The new production volume form can be integrated with FACTS.

3. FSIS plans to use e-signature and e-Authentication methods that are consistent with Department e-Authentication policy.

4. Regarding information security, FSIS plans to provide ordinary levels of protection for the production volume information obtained. Establishment-linked information will be treated as confidential and stored in password-protected databases and electronic systems to which only authorized personnel have access. Information in paper format will be stored under lock and key in file boxes or cabinets to which only authorized personnel have access. FSIS does not envision a need for sophisticated security or encryption systems to protect this information.

5. For the purpose of this information collection, FSIS does not foresee a need for telecommunications systems additional to those already operated by the Agency.

6. The interim final rule does not specifically address recordkeeping by establishments but only data reporting. The data collected will be stored in a protected database managed by FSIS.

## XII. E. O. 12988 Civil Justice Reform

This interim final rule has been reviewed under Executive Order 12988, Civil Justice Reform. States and local jurisdictions are preempted by the FMIA and the PPIA from imposing any marking, labeling, packaging, or ingredient requirements on federally inspected meat and poultry products that are in addition to, or different than, those imposed under the FMIA or PPIA. States and local jurisdictions may, however, exercise concurrent jurisdiction over meat and poultry products that are outside official establishments for the purpose of preventing the distribution of meat and poultry products that are misbranded or adulterated under the FMIA or PPIA, or, in the case of imported articles, that are not at such an establishment, after their entry into the United States. This proposed rule is not intended to have retroactive effect.

Administrative proceedings will not be required before parties may file suit in court challenging this interim final rule. However, the administrative procedures specified in 9 CFR 306.6 and 381.35 must be exhausted before any judicial challenge of the application of the provisions of this interim final rule, if the challenge involves any decision of an FSIS employee relating to inspection services provided under the FMIA or PPIA.

## XIII. Additional Public Notification

Public awareness of all segments of policy development is important. Consequently, in an effort to better ensure that minorities, women, and persons with disabilities are aware of this interim final rule, FSIS will announce it and provide copies of this **Federal Register** publication in the FSIS Constituent Update.

The Constituent Update provides information on 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/stakeholders. These include industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals that have requested to be included. The Constituent Update is available on-line through the FSIS Web page located at

<http://www.fsis.usda.gov/OA/update/update.htm>.

The FSIS Constituent Update is issued via the USDA-FSIS Constituents Listserv to over 400 organizations and individuals on a weekly basis. FSIS also issues other communications on the Listserv, including news releases, recall notices, and Constituent Alerts on important issues. Persons interested in subscribing to the Listserv can do so by completing a form at <http://www.fsis.usda.gov/OA/update/subscribe.asp>.

## XIV. Final Regulations

### List of Subjects in 9 CFR Part 430

Food labeling, Meat inspection, Poultry and poultry products inspection.

■ Accordingly, title 9, chapter III, of the Code of Federal Regulations is amended as follows:

■ 1. A new part 430 is added to read as follows:

### PART 430—REQUIREMENTS FOR SPECIFIC CLASSES OF PRODUCT

Sec.

430.1 Definitions.

430.4 Control of *Listeria monocytogenes* in post-lethality exposed ready-to-eat products.

**Authority:** 7 U.S.C. 450; 7 U.S.C. 1901–1906; 21 U.S.C. 451–470, 601–695; 7 CFR 2.18, 2.53.

#### § 430.1 Definitions.

**Antimicrobial agent.** A substance in or added to an RTE product that has the effect of reducing or eliminating a microorganism, including a pathogen such as *L. monocytogenes*, or that has the effect of suppressing or limiting growth of *L. monocytogenes* in the product throughout the shelf life of the product. Examples of antimicrobial agents added to RTE products are potassium lactate and sodium diacetate.

**Antimicrobial process.** An operation, such as freezing, applied to an RTE product that has the effect of suppressing or limiting the growth of a microorganism, such as *L. monocytogenes*, in the product throughout the shelf life of the product.

**Deli product.** A ready-to-eat meat or poultry product that typically is sliced, either in an official establishment or after distribution from an official establishment, and typically is assembled in a sandwich for consumption.

**Hotdog product.** A ready-to-eat meat or poultry frank, frankfurter, or wiener, such as a product defined in 9 CFR 319.180 and 319.181.

**Lethality treatment.** A process, including the application of an