

submit the new registration form to FSIS by March 22, 2004.

DATES: Comments may be submitted by August 25, 2003. The new registration form will be available by December 22, 2003. All parties required to register with FSIS, including those currently registered, must complete the new registration form and submit it to FSIS by March 22, 2004.

ADDRESSES: Submit one original and two copies of written comments to FSIS Docket Clerk, Docket No. 01-034N, U.S. Department of Agriculture, Food Safety and Inspection Service, Room 102, Cotton Annex, 300 12th Street, SW., Washington, DC 20250-3700. All comments submitted in response to this document will be available for public inspection in the Docket Clerk's office between 8:30 a.m. and 4:30 p.m., Monday through Friday. When the new registration form becomes available, parties can access the form over the Internet at: <http://www.fsis.usda.gov/fsisforms/>. To obtain a copy of the new registration form, parties may also write to USDA, FSIS, Program Evaluation, Enforcement and Review (PEER), Evaluation and Enforcement Division (EED), 300 West End Court Building, 1255 22nd Street NW., Room 300, Washington, DC 20250-3700.

FOR FURTHER INFORMATION CONTACT: Dr. Arshad Hussain, Division Director, Data Analysis and Statistical Support Staff, Food Safety and Inspection Service, U.S. Department of Agriculture (202) 720-3219.

SUPPLEMENTARY INFORMATION:

Recordkeeping Requirements

In 1967, the Federal Meat Inspection Act (FMIA) was amended to add section 202 (21 U.S.C. 642), which requires that certain parties keep records that fully and correctly disclose all transactions involved in their businesses related to cattle, sheep, swine, goats, horses, mules, or other equines, their carcasses, parts or products of such animal carcasses for use as human or animal food. Similarly, in 1968, the Poultry Products Inspection Act (PPIA) was amended, including section 11(b) (21 U.S.C. 460(b)), which requires that certain parties keep such records as are properly necessary for the effective enforcement of the PPIA, in order to protect the American consumer against adulterated or misbranded poultry and poultry products. These provisions of the FMIA and PPIA require that the following parties keep business records: Any persons, firms, or corporations that engage in the business of slaughtering any livestock (as enumerated above) or poultry, or preparing or processing,

freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any such animals, for use as human food or animal food; any persons, firms, or corporations that engage in the business of buying or selling (as meat brokers or poultry products brokers, wholesalers, or otherwise), or transporting, or storing, or importing any livestock or poultry carcasses or parts or products of these carcasses; and any persons, firms, or corporations that engage in business as renderers, or engage in the business of buying, selling, or transporting, or importing any dead, dying, disabled, or diseased (referred to as 4-D) livestock or poultry or parts of the carcasses of such livestock or poultry that have died otherwise than by slaughter.

In addition, those sections of the FMIA and PPIA require that, at all reasonable times, upon notice by a duly authorized representative of the Secretary of Agriculture (for example, an FSIS employee), these parties must afford the USDA representative access to their places of business and the opportunity to examine the facilities, inventory, and records and to copy all their records.

Section 11(b) of the PPIA further requires that the businesses listed above which are subject to it retain such records for the period of time prescribed by the poultry products inspection regulations, not to exceed two years, unless otherwise directed by Secretary of Agriculture for good cause shown. Similarly, section 202 of the FMIA provides that required records must be maintained for the period of time prescribed by the meat inspection regulations.

Regulations implementing these recordkeeping requirements were first published in 1970. The current regulations (9 CFR 320.1(b) and 381.175(b)) list the types of records, including, among other records, the bills of sale, invoices, bills of lading, and receiving and shipping papers, that must be maintained; the types of transactions for which records must be maintained, including purchasing, selling, shipping, receiving, transporting, or otherwise handling any livestock, livestock carcass or part thereof, meat or meat food product, poultry, or poultry carcass or part or product thereof; and the information about the transaction that the records must include.

Consistent with the provisions of the FMIA and the PPIA, §§ 320.4 and 381.178 of the FSIS' regulations provide that, upon presentation of official credentials by an FSIS employee (or any authorized USDA representative) during

ordinary business hours, businesses that are required to maintain records must permit the FSIS employee to enter their place of business and examine and copy the records that are required to be kept pursuant to these regulations.

Under sections 320.3 and 381.177 of the regulations, records required to be kept must be retained for at least two years after December 31 of the year in which the transaction to which they relate occurred. The regulations also require that records be retained for longer periods if the Administrator of FSIS requires their retention for purposes of any investigation or litigation under the FMIA or PPIA. In these situations, the Administrator is to provide written notice of a longer retention period to the person required to keep these records.

Sections 320.2 and 381.176 of the regulations require that the parties that are required to maintain the records at the place they conduct business that is subject to the FMIA or PPIA, unless they conduct their business in multiple locations. If they conduct their business in multiple locations, businesses can maintain their records at their headquarters' office. When records are not in use, the regulations require that they be kept in a safe place at the required location.

Section 11 (21 U.S.C. 1040) of the Egg Products Inspection Act requires that persons engaged in the business of transporting, shipping, or receiving any eggs or egg products in commerce or holding such articles so received, and all egg handlers, maintain records concerning their receipt, delivery, sale, movement, and disposition of all eggs and egg products handled by them. FSIS' implementing regulations are in 9 CFR 590.200. During its continuous inspection at official plants processing egg products, FSIS ensures that these plants comply with the recordkeeping requirements. FSIS is also responsible for enforcing the recordkeeping requirements for other businesses engaged in transporting, shipping, or receiving egg products in commerce or businesses engaged in holding these products. In this notice, FSIS is not focusing on egg products businesses because the recordkeeping requirements in the egg products inspection regulations are different from those in the meat and poultry products inspection regulations. In addition, unlike certain businesses subject to the FMIA and PPIA, egg products businesses are not required to register with FSIS. Furthermore, FSIS is developing a proposed rule on shell eggs and egg products that will