

Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 98-085-7]

Aquaculture; Public Meeting

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: We are issuing this notice to inform the aquaculture industries, interested parties, and the general public that a public meeting will be held to discuss how and to what extent the Animal and Plant Health Inspection Service should regulate aquatic species and to discuss any other issues concerning possible regulation of aquaculture by the Agency. This notice also invites written comments on these issues.

DATES: The public meeting will be held on October 4, 2001, from 1:30 p.m. to 4 p.m. We will consider written comments that we receive on or before February 1, 2002.

ADDRESSES: The public meeting will be held at the University of Arkansas at Pine Bluff, 1890 Extension Building, Spruce and Oliver Streets, Pine Bluff, AR.

Please send four copies of your written comments (an original and three copies) to: Docket No. 98-085-7, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. 98-085-7.

You may read any written comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday

through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

FOR FURTHER INFORMATION CONTACT: For more information on the public meeting, contact Dr. Otis Miller, Jr., National Aquaculture Coordinator, Planning, Certification, and Monitoring, VS, APHIS, 4700 River Road Unit 46, Riverdale, MD 20737-1231, (301) 734-6188.

For information regarding aquaculture activities at the University of Arkansas at Pine Bluff, call Dr. Carole Engle, Director of Aquaculture/Fisheries Center, University of Arkansas at Pine Bluff, (870) 543-8537.

SUPPLEMENTARY INFORMATION: On May 4, 1999, the Animal and Plant Health Inspection Service (APHIS) published an advance notice of proposed rulemaking (ANPR) titled "Aquaculture: Farm-Raised Fin Fish" in the **Federal Register** (64 FR 23795-23796, Docket No. 98-085-1). We published this ANPR after receiving petitions¹ asking us to regulate aquaculture in various ways. Many petitioners asked us to define farmed aquatic animals as livestock. In general, the petitioners seemed to be interested in receiving the same services that domestic producers of livestock receive for animals moving in interstate and foreign commerce. However, based on the petitions alone, it was difficult for us to determine what segments of the industry want services and exactly what services they want. It was also difficult to determine the objectives sought by the petitioners who were requesting Federal regulation. We published the ANPR in an attempt to clarify the industry's needs, the nature of the services sought, and the concerns the petitioners had with regard to such regulations.

¹ All the petitions we received are a part of the rulemaking record for Docket No. 98-085-1. You may read the petitions in our reading room. See the **ADDRESSES** section of this document for the location and hours of the reading room.

We received 55 comments² in response to the ANPR. A majority of the commenters supported the idea of APHIS regulation of cultured fin fish. Unfortunately, the commenters generally did not clearly distinguish between fin fish raised for food and ornamental fin fish. Commenters who wanted regulation were, however, very clear that they want programs to prevent and control disease and to support increased commerce, both domestic and export.

The commenters also suggested that any rulemaking initiated by APHIS be a negotiated rulemaking. In negotiated rulemaking, industry representatives and other interested persons meet with APHIS officials and draft proposed regulations together. The proposed regulations are then published for public comment. Negotiated rulemaking is designed to ensure that all interested persons are involved together from the start in the development of regulations.

Unfortunately, negotiated rulemaking is not suitable for all situations. It works well when there is a small number of interested parties and the parties are easy to identify. This is not the case with aquaculture. Because the aquaculture industry is large and diverse, we would have difficulty identifying everyone who should be represented in a negotiated rulemaking. In addition, many parties outside aquaculture would have a substantial interest in such a rulemaking. In our view, the number of people who would need to participate in a negotiated rulemaking would be too large and would suggest that negotiated rulemaking is not appropriate. Furthermore, a negotiated rulemaking would be expensive, and APHIS does not have adequate funds. Therefore, we have concluded that it would not be appropriate to pursue an aquaculture negotiated rulemaking.

However, we have not decided whether to pursue aquaculture rulemaking by other means. Before we make that decision, we want to have as much information as possible from all interested persons, and we want to provide you with as much opportunity

² All the comments we received are a part of the rulemaking record for Docket No. 98-085-1. You may read the comments in our reading room. See the **ADDRESSES** section of this document for the location and hours of the reading room.

as possible to discuss with us and inform us regarding the relevant issues.

Therefore, we are holding a series of public meetings. Public meetings allow all interested parties—industry representatives, producers, consumers, and others—to present their views and to exchange information among themselves and with APHIS.

There are no set agendas for the meetings. Any issues and concerns related to aquaculture and possible APHIS regulatory action can be discussed. However, we would like more information on three specific issues. These are issues that the people and organizations who commented on our ANPR either did not address or were unclear about. Specifically, if APHIS does propose regulations: (1) Should our program be mandatory or voluntary; (2) should we cover shell fish; and (3) should we cover ornamental fin fish?

Information elicited at the meetings could result in a new APHIS regulatory program or in changes to aquaculture-related services currently provided by APHIS.

We have scheduled this public meeting for Thursday, October 4, 2001, at the University of Arkansas at Pine Bluff, Pine Bluff, AR. If you wish to speak at the meeting, please register in advance by calling the Regulatory Analysis and Development voice mail at (301) 734-4339. Leave a message with your name, telephone number, organization, if any, and an estimate of the time you need to speak. On the day of the meeting, you may also register from 1 to 1:30 p.m. at the meeting site. Starting with the advance registrants, we will call speakers in the order in which they registered.

The meeting will begin at 1:30 p.m. and is scheduled to end at 4 p.m. We may end the meeting early if all the registered speakers have had a chance to speak and if no one else wants to speak. We may also extend the meeting or limit the time allowed for each speaker, if necessary, so all interested persons have an opportunity to participate.

An APHIS representative will preside at the meeting. The meeting will be recorded. We encourage speakers to present written statements, though it is not required. If you choose to present a written statement, please provide the chairperson with a copy. The complete record, including the transcript and all written comments, will be available to the public.

This meeting is part of our series of public meetings. The first public meeting was held on January 25, 2001, in Lake Buena Vista, FL. The second public meeting was held on February

16, 2001, in Hebron, KY. The third public meeting was held on April 5, 2001, in Machias, ME, and the fourth public meeting was held on June 8, 2001, in Twin Falls, ID. Recently, we announced three other meetings: Washington (September 19, 2001, in conjunction with the joint meeting of the Pacific Coast Shellfish Growers Association and the National Shellfish Association/Pacific Coast Section Conference); Pennsylvania (October 9, 2001, in conjunction with the annual meetings of the Pennsylvania Aquaculture Advisory Committee and the Pennsylvania Aquaculture Association); and Mississippi (October 10, 2001, in conjunction with the annual Board meeting of the Catfish Farmers of America). On July 27, 2001, we published a notice in the **Federal Register** (66 FR 39134-39136, Docket No. 98-085-6) announcing the dates, times, and locations of these three meetings. Transcripts of the proceedings of each meeting are available, as we receive them, on the Internet at www.aphis.usda.gov/ppd/rad/aquaculture.html.

Additionally, to provide interested persons with as much opportunity as possible to inform us of relevant issues, we are accepting written comments mailed to the address listed at the beginning of this document under **ADDRESSES**.

Done in Washington, DC, this 28th day of August 2001.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01-22033 Filed 8-30-01; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 01-024N]

National Advisory Committee on Microbiological Criteria for Foods

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of meeting; request for comments.

SUMMARY: The National Advisory Committee on Microbiological Criteria for Foods (NACMCF) will meet September 17-20, 2001. The meeting is open to the public. The committee will discuss *Salmonella* performance standards in meat and poultry products; *Escherichia coli* O157:H7 in blade-tenderized, non-intact beef; review Codex Alimentarius Commission Draft Guidelines for the Validation of Food

Hygiene Control Measures; introduce the evaluation of hot holding temperatures; and the scientific basis for establishing safety-based "use by" date labeling for refrigerated, ready-to-eat foods.

FSIS will finalize an agenda describing the specific charges to the Committee on or before the meeting date and post it to its internet web page.

DATES: Subcommittees will meet on Monday, September 17, 2001, beginning at 8:30 a.m., and again on September 18 and 19, 2001; the full Committee will meet in plenary session on September 19-20, 2001.

ADDRESSES: The meeting will be held at the Capital Hilton, 1001 16th & K Street, NW., Washington, DC 20005. Send an original and two copies of comments to the Food Safety and Inspection Service Docket Room: Docket #01-024N, Room 102 Cotton Annex Building, 300 12th Street, SW., Washington, DC 20250. Comments may also be sent by facsimile (202) 205-0381. The comments and the official transcript of the meeting, when it becomes available, will be kept in the FSIS Docket Room at the above address.

FOR FURTHER INFORMATION CONTACT:

Persons interested in making a presentation, submitting technical papers, or providing comments should contact Ms. Karen Thomas (202) 690-6620, Fax (202) 690-6634, e-mail address:

karen.thomas@dcqexs1.hqnet.usda.gov, or mailing address: Food Safety and Inspection Service, Department of Agriculture, Office of Public Health and Science, Aerospace Center, Room 333, 1400 Independence Avenue, SW., Washington, DC 20250-3700. Persons requiring a sign language interpreter or other special accommodations should notify Ms. Thomas, by September 3, 2001.

SUPPLEMENTARY INFORMATION:

Background

The NACMCF was established in April 1988, in response to a recommendation in a 1985 report of the National Academy of Sciences Committee on Food Protection, Subcommittee on Microbiological Criteria, "An Evaluation of the Role of Microbiological Criteria for Foods." The Charter for the NACMCF is available for viewing on the FSIS internet web page at http://www.fsis.usda.gov/OA/programs/nacmcf_chart.htm.

The NACMCF provides scientific advice and recommendations to the Secretary of Agriculture and the Secretary of Health and Human Services on public health issues relative to the safety and wholesomeness of the U.S.