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Ms. Diane Moore, FSIS Docket Clerk
Food Safety and Inspection Service
United States Department of Agriculture
Cotton Annex Building, Room 102
300 12th Street SW
Washington D.C. 20250-3700

99-029P
99-029P-8
Keith L. Brickey

RE: Docket No. 99-029P
Sharing Recall Information with State and Other Federal Government Agencies

Dear Ms. Moore:

ConAgra Refrigerated Prepared Foods, operates as Armour Swift-Eckrich Consumer Products Company, ASE Deli Company, ASE Foodservice Company, Butterball Turkey Company, National Foods, Decker, and Cook's. These operating companies of ConAgra Foods produce and distribute well known branded food products including processed meat and poultry products, deli meats, pork, and turkey products through out the United States and international markets. Our brands include Armour, Brown 'N Serve, Butterball, Decker, Eckrich, Healthy Choice, Hebrew National, Longmont, Ready Crisp, Schrieber, Swift Premium, Texas Signature and Webber's. Although we support this proposed rule in principle, we believe specific changes to the language are required to ensure that the intent of the rule is met while preserving individual and confidential commercial company information.

Our company is committed to producing safe and wholesome products for our consumers. To this end we support an expeditious recall of any product in the marketplace, which poses a reasonable probability that the use of the product will cause a public health risk.

In the rare instances when required, we have fully cooperated with FSIS and any other involved parties in providing any information necessary to ensure product recalls are satisfactorily completed. This has included making available relevant information to all involved applicable parties including State and local authorities. We believe this action has been supported by any company recognizing the necessity of maintaining their customers' confidence.

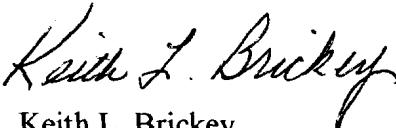
The Freedom of Information Act (FOIA) was passed to ensure proprietary trade secret and confidential commercial information was protected, providing companies some certainty that the foundation of our private and competitive enterprise sector was maintained. It is therefore critical that any information of this nature is available only to state and local parties involved in the recall action itself. If the spirit of FOIA is to be maintained, confidential commercial information obviously should not be disclosed or made available if not necessary to expedite recall in a specific area or for any other purposes.

We concur with FSIS's statement that it will disseminate "confidential commercial information" provided that "the State government officials have provided a written statement establishing authority to protect confidential commercial information from public disclosure and a written commitment not to disclose such information without the submitter's written permission or written confirmation from FSIS that the information is no longer confidential."

Therefore, FSIS will recognize our concern to ensure "confidential commercial information" is preserved. We further believe information should not be released to any state that does not have a confidentiality statute that protects the state from releasing "confidential commercial information" to the public. In addition, FSIS should require state and federal agencies to submit a written request to FSIS for "confidential commercial information." The request should be accompanied by an explanation of the state or federal agency's need for the information and its relevance to the recall's progression. FSIS could then notify the company's establishment of such a request as provided by 7 C.F.R. §1.11.

We appreciate the opportunity to submit comments and recommendations relevant to the Agency's proposed rule.

Yours truly,



Keith L. Brickey
Vice President
Quality Assurance