

Notices

Federal Register

Vol. 64, No. 1

Monday, January 4, 1999

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

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—Survey of States on Their School Meals Initiative (SMI) Reviews

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Food and Nutrition Service (FNS) is publishing for public comment a summary of a proposed information collection. FNS wishes to examine whether data currently collected by States can be used to devise a nationwide estimate of the nutrient content of the meals that are offered under the school meals programs. Obtaining this estimate is necessary for FNS to monitor progress toward goals in its strategic plan.

DATES: Comments on this notice must be received by March 5, 1999 to be assured of consideration.

ADDRESSES: Send comments on this proposed collection of information to Matthew Sinn; Food and Nutrition Service; 3101 Park Center Drive; Room 208; Alexandria, VA 22302-1500. Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's 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; and (d) 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.

When FNS requests approval for this information collection from the Office of Management and Budget (OMB), FNS will provide OMB with all comments received. All comments will thus become public documents.

FOR FURTHER INFORMATION CONTACT: Matthew Sinn, (703) 305-2133.

SUPPLEMENTARY INFORMATION:

Title: Survey of States on their School Meals Initiative Reviews.

OMB Number: Not yet assigned.

Expiration Date: N/A.

Type of Request: New collection of information.

Abstract: The Department of Agriculture's (USDA) Food and Nutrition Service (FNS) wishes to examine whether certain data currently collected by States can be used to devise a nationwide estimate of FNS's progress toward a goal in its strategic plan. The goal is that school meals be consistent with the Recommended Daily Allowances (RDA) and the Dietary Guidelines for Americans, i.e., the nutritional standards for school meals that were recently established by USDA's School Meals Initiative (SMI).

SMI is the umbrella term for all efforts and activities associated with updating the nutritional standards for school meals served pursuant to the National School Lunch and School Breakfast Programs. The primary goal of SMI was to make the nutritional standards for these meals consistent with the latest scientific evidence on proper nutrition for children. The legislative and regulatory history of SMI began when USDA published a proposed rule on June 10, 1994 (59 FR 30218), and culminated when the President signed the Healthy Meals for Children Act (Public Law 104-149) into law on May 29, 1996. The operational implementation of SMI began soon after and is ongoing.

States are required to assess nutritional compliance with school meals requirements of all their school food authorities (SFAs) (the legal entities, typically school districts, that operate the USDA school meals programs in schools). This proposed data collection is intended to inform FNS of the specific data States are collecting in their school meals

nutrition compliance reviews so that FNS can determine whether this data is in such a form that it would allow FNS to derive from it national estimates of the nutrient content of meals analyzed in the reviews. This data collection will not ask States to provide their review data; rather, it will only ask States about the disposition and contents of their review data, where it is maintained, and how it is maintained (on paper, electronically, etc.).

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 45 minutes per State.

Respondents: Respondents will be the persons or person in each State most knowledgeable of the specifics of school meals nutrition compliance reviews in that State.

Estimated Number of Respondents: There will be 51 respondents for the survey: the 48 contiguous States, Hawaii, Alaska, and the District of Columbia.

Estimated Number of Responses per Respondent: One.

Estimated Total Annual Burden on Respondents: 38 hours.

Copies of this information collection can be obtained from Matthew Sinn, Food and Nutrition Service, 3101 Park Center Drive, Room 208, Alexandria, VA 22302-1500.

Dated: December 14, 1998.

Samuel Chambers, Jr.,

Administrator, Food and Nutrition Service.

[FR Doc. 98-34753 Filed 12-31-98; 8:45 am]

BILLING CODE 3410-30-P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Food Distribution Program: Substitution of Donated Beef and Pork With Commercial Beef and Pork

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the Food and Nutrition Service's (FNS) intent to implement a demonstration project to test program changes designed to improve the State processing of donated foods by allowing the substitution of donated beef and pork supplied by the Department of Agriculture (the Department) with

commercial beef and pork. FNS is invoking its authority under 7 CFR 250.30(t) to waive the current prohibition in 7 CFR 250.30(f)(1)(i) against the substitution of meat and poultry items and to establish the criteria under which substitution would be permitted. The Department will use the demonstration project results to further examine whether allowing this type of substitution will result in increased processor participation and provide a greater variety of processed end products to recipient agencies in a more timely manner and/or at lower costs.

DATES: The proposals described in this Notice may be submitted to FNS through June 30, 2000. The demonstration project runs until June 30, 2001.

ADDRESSES: Proposals should be sent to Les Johnson, Director, Food Distribution Division, Food and Nutrition Service, U.S. Department of Agriculture, Park Office Center, Room 501, 3101 Park Center Drive, Alexandria, Virginia 22302-1594.

FOR FURTHER INFORMATION CONTACT: David Brothers, Schools and Institutions Branch, at (703) 305-2644.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This notice has been determined to be not significant and therefore was not reviewed by the Office of Management and Budget under Executive Order 12866.

Executive Order 12372

This program is listed in the Catalog of Federal Domestic Assistance under 10.550 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials (7 CFR Part 3015, Subpart V and final rule-related notices published at 48 FR 29114, June 24, 1983 and 49 FR 22675, May 31, 1984).

Regulatory Flexibility Act

This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601-612) and is thus exempt from the provisions of that Act.

Background

Section 250.30 of the current Food Distribution Program regulations (7 CFR Part 250) sets forth the terms and conditions under which distributing agencies, subdistributing agencies, and recipient agencies may enter into contracts with commercial firms for processing donated foods and prescribes the minimum requirements to be

included in such contracts. Section 250.30(t) authorizes FNS to waive any of the requirements contained in 7 CFR Part 250 for the purpose of conducting demonstration projects to test program changes designed to improve the State processing of donated foods.

Current Program Requirements

The State processing regulations at Section 250.30(f)(1)(i) currently allow for the substitution of certain donated food items with commercial foods, with the exception of meat and poultry. Section 250.30(g) provides that, when donated meat or poultry products are processed or when any commercial meat or poultry product is incorporated into an end product containing one or more donated foods, all of the processing shall be performed in plants under continuous Federal meat or poultry inspection, or continuous State meat or poultry inspection in States certified to have programs at least equal to the Federal inspection programs. In addition to Food Safety Inspection Service (FSIS) inspection, all donated meat and poultry processing must be performed under Agricultural Marketing Service (AMS) acceptance service grading.

Currently, only a few companies process donated beef and pork. Those processors have stated that the current policy prohibiting the substitution of donated beef and pork reduces the quantity of donated beef and pork they are able to accept and process during a given period. Processors must schedule production around deliveries of the donated beef and pork because those products are highly perishable. Some of the processors must schedule production around deliveries of donated beef and pork for up to 30 States. Vendors do not always deliver donated beef and pork to the processors as scheduled, causing delays in production. These delays may be alleviated if the processors can replace donated beef and pork with their commercial beef and pork.

Demonstration Project

From October 1, 1998 to June 30, 2001, the Department will operate a demonstration project under which it will permit selected processors to substitute donated beef and pork in the State processing program for commercial beef and pork. Processors may submit proposals and be approved to participate in the demonstration project during this time. FNS is invoking its authority under 7 CFR 250.30(t) to waive the current prohibition in 7 CFR 250.30(f)(1)(i)

against substitution of beef and pork for purposes of this demonstration project.

The term substitution in 7 CFR 250.3 is defined to mean the replacement of donated foods with like quantities of domestically produced commercial foods of the same generic identity and equal or better quality.

FNS is soliciting interested beef and pork processors to submit written proposals to participate in the demonstration project. The following basic requirements will apply to the demonstration project:

- As with the processing of donated beef and pork into end products, AMS graders must monitor the process of substituting commercial beef and pork to ensure program integrity is maintained.
- Only bulk beef and pork delivered by USDA vendors to the processor will be eligible for substitution. No backhauled product will be eligible. (Backhauled product is typically frozen beef and pork in 9 pound chubbs delivered to schools which may be sent to processors for further processing at a later time.)
- Commercial beef and pork substituted for donated beef and pork must be certified by an AMS grader as complying with the same product specifications as the donated beef and pork. The age of any commercial product that is used in replacement for donated food may not exceed six months.
- Substitution of commercial beef and pork may occur in advance of the actual receipt of the donated beef and pork by the processor. However, no substitution may occur before the notice to deliver for that processor is issued by USDA. Lead time between the purchase and delivery of donated beef and pork may be up to five weeks. Any variation between the amount of commercial beef and pork substituted and the amount of donated beef and pork received by the processor will be adjusted according to guidelines furnished by USDA.
- Any donated beef and pork not used in end products because of substitution must only be used by the processor in other commercial processed products and cannot be sold as an intact unit. However, it may be used to fulfill other USDA contracts provided all terms of the other contract are met.
- The only regulatory provision or State processing contract term affected by the demonstration project is the prohibition on substitution of beef and pork (section 250.30(f)(1)(i) of the regulations). All other regulatory and contract requirements remain unchanged and must still be met by

processors participating in the demonstration project.

The demonstration project will enable FNS to evaluate whether to amend program regulations to allow the substitution of donated beef and pork with commercial beef and pork in the State processing program. Particular attention will be paid to whether such an amendment of the regulations would increase the number of processors participating, and whether it would increase the quantity of donated beef and pork that each processor accepts for processing. Further, FNS will attempt to determine whether the expected increase in competition and the expected increase in the quantity of donated beef and pork accepted for processing will enable processors to function more efficiently, producing a greater variety of processed end products more quickly and/or at lower costs.

Interested processors should submit a written proposal to FNS outlining how they plan to carry out the substitution while complying with the above conditions. The proposal must contain (1) a step-by-step description of how production will be monitored; and (2) a complete description of the records that will be maintained for (a) the commercial beef and pork substituted for the donated beef and pork and (b) the disposition of the donated beef and pork delivered by USDA. All proposals will be reviewed by representatives of the Food Distribution Division of FNS and by representatives of the AMS Livestock Division's Commodity Procurement Branch and Grading Branch. Companies approved for participation in the demonstration project will be required to enter into an agreement with FNS and AMS which authorizes the processor to substitute donated beef and pork with commercial bulk beef and pork in fulfilling any current or future State processing contracts during the demonstration project period. Participation in the demonstration project will not ensure that processors will be awarded any State processing contracts.

Dated: December 22, 1998.

Samuel Chambers, Jr.,

Administrator, Food and Nutrition Service.

[FR Doc. 98-34789 Filed 12-31-98; 8:45 am]

BILLING CODE 3410-30-U

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Types and Quantities of Agricultural Commodities Available for Donation Overseas Under Section 416(b) of the Agricultural Act of 1949, as Amended, in Fiscal Year 1999

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice.

SUMMARY: On Dec. 18, 1998, the President of the Commodity Credit Corporation, who is the Under Secretary of Agriculture for Farm and Agricultural Services, determined that an additional 2.5 million metric tons grain equivalent of wheat and wheat products that may be acquired by the Commodity Credit Corporation (CCC) under its surplus removal operations is available for donation overseas under section 416(b) of the Agricultural Act of 1949, as amended, during fiscal year 1999. This determination increases the amount of wheat and wheat products available for donation overseas under section 416(b) during fiscal year 1999 to 5.0 million metric tons grain equivalent.

FOR FURTHER INFORMATION CONTACT: Ira Branson, Director, CCC Program Support Division, FAS, USDA, (202) 720-3573.

Dated: December 2, 1998.

Lon Hatamiya,

Vice President, CCC.

[FR Doc. 98-34754 Filed 12-31-98; 8:45 am]

BILLING CODE 3410-10-M

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Opportunity for Designation in the Georgia, Schneider (IN), Central Iowa (IA), Montana, Mid-Iowa (IA), and Oregon Areas and Request for Comments on the Georgia, Schneider, Central Iowa, Montana, Mid-Iowa, and Oregon Agencies

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA).

ACTION: Notice.

SUMMARY: The designations of the official agencies listed below will end in July, August, and September 1999.

GIPSA is asking persons interested in providing official services in the areas

served by these agencies to submit an application for designation. GIPSA is also asking for comments on the services provided by these currently designated agencies:

- Georgia Department of Agriculture (Georgia);
- Schneider Inspection Service, Inc. (Schneider);
- Central Iowa Grain Inspection Service, Inc. (Central Iowa);
- Montana Department of Agriculture (Montana);
- Mid-Iowa Grain Inspection, Inc. (Mid-Iowa); and
- Oregon Department of Agriculture (Oregon).

DATES: Applications and comments must be postmarked or sent by telecopier (FAX) on or before February 2, 1999.

ADDRESSES: Applications and comments must be submitted to USDA, GIPSA, Janet M. Hart, Chief, Review Branch, Compliance Division, STOP 3604, Room 1647-S, 1400 Independence Avenue, S.W., Washington, DC 20250-3604. Applications and comments may be submitted by FAX on 202-690-2755. If an application is submitted by FAX, GIPSA reserves the right to request an original application. All applications and comments will be made available for public inspection at this address located at 1400 Independence Avenue, S.W., during regular business hours.

FOR FURTHER INFORMATION CONTACT: Janet M. Hart, at 202-720-8525.

SUPPLEMENTARY INFORMATION: This Action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this Action.

Section 7(f)(1) of the United States Grain Standards Act, as amended (Act), authorizes GIPSA's Administrator to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services.

Section 7(g)(1) of the Act provides that designations of official agencies shall end not later than triennially and may be renewed according to the criteria and procedures prescribed in Section 7(f) of the Act.

1. Current Designations Being Announced for Renewal.

Official agency	Main office	Designation start	Designation end
Georgia	Tifton, GA	8/1/1996	7/31/1999