

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

Agricultural Marketing Service

[FV-97-329N]

United States Standards for Grades of Canned Beets, United States Standards for Grades of Canned Carrots and the United States Standards for Grades of Canned White Potatoes

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The Agricultural Marketing Service (AMS) is revising standards for grades of canned beets, carrots, and white potatoes (canned root crop vegetables). Specifically, USDA is modifying the Recommended Minimum Drained Weight Averages (RMDWA's) for all styles packed in No. 300 size cans to be equivalent to the percent water capacity corresponding to the closest sized container, the No. 303 can, i.e., reduced by 9.02 percent. These changes were requested by industry in order to improve the usability of the U.S. standards for these canned root crop vegetables. In addition, USDA will further improve the standards and promote consistency by changing the format of the tables to incorporate a column for the water capacity of each container size and add metric system tables to the canned beets and canned carrots standards.

EFFECTIVE DATE: August 3, 1998.

FOR FURTHER INFORMATION CONTACT: Chere L. Shorter, Processed Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, Room 0709, South Building; STOP 0247, P.O. Box 96456, Washington, DC 20090-6456; Telephone (202) 720-4693, fax (202) 690-1087; or e-mail chere_l_shorter@usda.gov.

SUPPLEMENTARY INFORMATION: Section 203(c) of the Agricultural Marketing Act of 1946, as amended, directs and authorizes the Secretary of Agriculture "to develop and improve standards of quality, condition, quantity, grade, and packaging and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices * * *". AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and makes copies of official standards available upon request. The United States Standards for Grades of Canned Beets, the United States Standards for Grades of Canned Carrots, and the United States Standards for Grades of Canned White Potatoes (canned root crop vegetables) do not appear in the Code of Federal Regulations but are maintained by USDA.

The current U.S. grade standards for these canned root crop vegetables, along with the changes, are available either through the above addresses or by accessing the Internet at the following site: www.ams.usda.gov/standards/vegcan.htm.

Procedures for revising, suspending, or terminating voluntary official grades standards were published in August 13, 1997, (62 FR 43439).

In November 1993, USDA received a request to review the RMDWA's for these canned root crops in No. 300 size containers from the National Food Processors Association's (NFPA)'s Grade Standards Review Subcommittee. NFPA requested the changes in the United States Standards for Grades of Canned Beets; Canned Carrots; and Canned White Potatoes.

NFPA requested that the recommended drained weight of the No. 300 size container be reviewed for all styles of canned root crop vegetables. Within the last few years the canning industry has been replacing production of the No. 303 container size with the No. 300 container. The total water capacity for the No. 300 container is less than the total water capacity for a No. 303 container. The percentage water capacity, on which the recommended minimum drained weight average is based, is calculated by dividing the RMDWA for a particular style of canned root crop vegetable by the total water capacity of the container. Studies done by the USDA have found that for every

style of canned root crop vegetable under consideration, in the current U.S. standards, the drained weight as a percentage of the water capacity is significantly more for the No. 300 container than for No. 303 containers, even though the available capacity of the No. 300 container is 9.02 percent less than that of the No. 303 container.

NFPA stated that several companies were noting difficulty in meeting the RMDWA requirements for these products in the No. 300 cans. The remedies recommended by NFPA proposed that the RMDWA's in the U.S. grade standards for canned beets; canned carrots; and canned white potatoes be reduced to the same percentage water capacity offered in the No. 303 container size, i.e., lowered by 9.02 percent. The No. 303 can size was chosen because the size relationship is closest to the No. 300 can.

USDA published a notice in the **Federal Register** January 15, 1998, (63 FR 2356). Five comments were received from industry members. All comments received indicated that the affected industry members were in favor of the revision to base the RMDWA on the percent water capacity of the No. 303 container.

Accordingly, AMS agrees with the recommendations to improve the United States Standards for Grades of Canned Beets; Canned Carrots; and Canned White Potatoes and is making changes to and adding the following tables: Canned Beets, Table I, adding Table IA, Canned Carrots, Table I, adding Table IA, and Canned White Potatoes, Table I and Table IA. Specifically, the changes will: (1) Adjust the RMDWA's for No. 300 containers which were calculated using the percentage water capacity corresponding to No. 303 containers and lowered accordingly by 9.02 percent of the RMDWA of the 303 size container; and further improve the standards and promote consistency by (2) changing the format to include tables that will incorporate the water capacity of each container size; and (3) adding metric system tables to the canned beet and canned carrot standards.

The changes will become effective 30 days after the publication of this notice in the **Federal Register**. These changes will improve the grade standards by making RMDWA's proportional for the No. 300 can size, enhance safety of the product, and help to facilitate the

marketing of canned beets, carrots and white potatoes. This will allow for a more equitable marketing environment for the canning industry.

Authority: 7 U.S.C. 1621-1627.

Dated: June 24, 1998.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

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DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

National School Lunch, Special Milk, and School Breakfast Programs; National Average Payments/Maximum Reimbursement Rates

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This Notice announces the annual adjustments to: (1) the "national average payments, "the amount of money the Federal Government provides States for lunches, meal supplements and breakfasts served to children participating in the National School Lunch and School Breakfast Programs; (2) the "maximum reimbursement rates," the maximum per lunch rate from Federal funds that a State can provide a school food authority for lunches served to children participating in the National School Lunch Program; and (3) the rate of reimbursement for a half-pint of milk served to nonneedy children in a school or institution which participates in the Special Milk Program for Children. The payments and rates are prescribed on an annual basis each July. The annual payments and rates adjustments for the National School Lunch and School Breakfast Programs reflect changes in the Food Away From Home series of the Consumer Price Index for All Urban Consumers. The annual rate adjustment for the Special Milk Program reflects changes in the Producer Price Index for Fluid Milk Products. These payments and rates are in effect from July 1, 1998 through June 30, 1999.

EFFECTIVE DATE: July 1, 1998.

FOR FURTHER INFORMATION CONTACT: Robert M. Eadie, Chief, Policy and Program Development Branch, Child Nutrition Division, FNS, USDA, Alexandria, Virginia 22302, (703) 305-2620.

SUPPLEMENTARY INFORMATION: This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C.

601-612) and thus is exempt from the provisions of that Act.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), no new recordkeeping or reporting requirements have been included that are subject to approval from the Office of Management and Budget.

This action is exempted from review by the Office of Management and Budget under Executive Order 12866.

National School Lunch, School Breakfast and Special Milk Programs are listed in the Catalog of Federal Domestic Assistance under No. 10.553, No. 10.555 and No. 10.556, respectively, and are subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR Part 3015, Subpart V, and the final rule related notice published at 48 FR 29114, June 24, 1983.)

Background

Special Milk Program for Children

Pursuant to section 3 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1772), the Department announces the rate of reimbursement for a half-pint of milk served to nonneedy children in a school or institution which participates in the Special Milk Program for Children. This rate is adjusted annually to reflect changes in the Producer Price Index for Fluid Milk Products (Code 0231), published by the Bureau of Labor Statistics of the Department of Labor.

For the period July 1, 1998 to June 30, 1999, the rate of reimbursement for a half-pint of milk served to a nonneedy child in a school or institution which participates in the Special Milk Program is 13.00 cents. This reflects an increase of 4.65 percent in the Producer Price Index for Fluid Milk Products (Code 0231) from May 1997 to May 1998 (from a level of 135.4 in May 1997 to 141.7 in May 1998).

As a reminder, schools or institutions with pricing programs which elect to serve milk free to eligible children continue to receive the average cost of a half-pint of milk (the total cost of all milk purchased during the claim period divided by the total number of purchased half-pints) for each half-pint served to an eligible child.

National School Lunch and School Breakfast Programs

Pursuant to Sections 11 and 17A of the National School Lunch Act, (42 U.S.C. 1759a and 1766a), and Section 4 of the Child Nutrition Act of 1966, (42 U.S.C. 1773), the Department annually announces the adjustments to the

National Average Payment Factors and to the maximum Federal reimbursement rates for meals and supplements served to children participating in the National School Lunch Program. Adjustments are prescribed each July 1, based on changes in the Food Away From Home series of the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor. The changes in the national average payment rates for schools and residential child care institutions for the period July 1, 1998 through June 30, 1999 reflect a 2.75 percent increase in the Price Index during the 12-month period May 1997 to May 1998 (from a level of 156.3 in May 1997 to 160.6 in May 1998).

Section 704(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193, enacted August 22, 1996, amended section 11(a)(3)(B) of the National School Lunch Act (42 U.S.C. 1759a(a)(3)(B)) and changed the method for computing the annual adjustments to the national average payment rates for meals and supplements served to *nonneedy* children. Effective July 1, 1997, the annual adjustments to the payment rates for paid meals under Section 4 of the National School Lunch Act (42 U.S.C. 1753), and Section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) and *paid* supplements under Section 17(c) of the National School Lunch Act (42 U.S.C. 1766(c)), authorized under Section 11(a)(3)(B) of the National School Lunch Act, is rounded down to the nearest whole cent. The annual adjustments to the Section 4 payments for free and reduced price meals and to the Section 17(c) payments for free and reduced price supplements, were unchanged by P.L. 104-193 and are rounded up or down to the nearest one-fourth cent.

Lunch Payment Levels

Section 4 of the National School Lunch Act (42 U.S.C. 1753) provides general cash for food assistance payments to States to assist schools in purchasing food. The National School Lunch Act provides two different Section 4 payment levels for lunches served under the National School Lunch Program. The lower payment level applies to lunches served by school food authorities in which less than 60 percent of the lunches served in the school lunch program during the second preceding school year were served free or at a reduced price. The higher payment level applies to lunches served by school food authorities in which 60 percent or more of the lunches served