

Presidential Documents

Title 3—

Proclamation 5947 of March 27, 1989

The President

National Earthquake Awareness Week, 1989

By the President of the United States of America

A Proclamation

All fifty American States and the territories have various levels of risk from earthquakes. The probabilities of major earthquakes are highest in California and other Western States and continue to increase. However, vulnerabilities in the Central and Eastern United States are also increasing. Whenever and wherever a major earthquake occurs, its effects will be felt throughout the social and economic fabric of the entire Nation.

Although recent earthquakes, including the tragic earthquake in Soviet Central Asia last December, have heightened public awareness and stimulated interest in earthquakes, general knowledge is limited about the causes of earthquakes and measures that can reduce their effects. We must learn more about the earthquake threat so that we can take appropriate actions to reduce losses when an earthquake occurs.

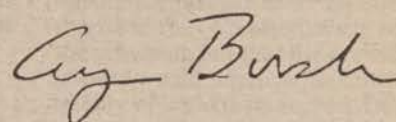
The Federal Government, through the National Earthquake Hazards Reduction Program, has been the primary leader in efforts to reduce the risks to life and property from future earthquakes in the United States. This program is a comprehensive multi-agency effort of scientific research, mitigation, preparedness and response planning, and public education.

An informed and educated citizenry is essential to reducing the earthquake risk. Federal, State, and local governments, educational institutions, business, industry, volunteer and service organizations, and individual citizens should increase efforts in mitigating the impact of earthquakes on families, communities, and the Nation.

The Congress, by Public Law 100-706, has designated the first week of April 1989 as "National Earthquake Awareness Week" and authorized and requested the President to issue a commemorative proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the first week of April 1989 as National Earthquake Awareness Week, and I call upon all public officials and the people of the United States to observe this week with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of March, in the year of our Lord nineteen hundred and eighty-nine, and of the Independence of the United States of America the two hundred and thirteenth.



Police and Security Presidential Documents

Memorandum for the President

Subject: The Situation in the United States of America

A. Introduction

At this time, the situation in the United States of America is one of great concern. The President has received information from reliable sources that there is a serious threat to the security of the United States. It is the duty of the President to take such action as he deems necessary to protect the United States from such threats.

The President has taken such action as he deems necessary to protect the United States from such threats. He has ordered the mobilization of the armed forces and has taken other steps to ensure the security of the United States. He has also taken steps to ensure the security of the United States from such threats.

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John F. Kennedy

Rules and Regulations

Federal Register

Vol. 54, No. 60

Thursday, March 30, 1989

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 220

[Amdt. No. 57]

School Breakfast Program; Nutritional Improvements and Offer Versus Serve

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends 7 CFR Part 220, the School Breakfast Program regulations, to revise the breakfast meal pattern to implement several provisions of the School Lunch and Child Nutrition Amendments of 1986, (Pub. L. 99-500, 591). This rule requires that school breakfasts include fluid milk, fruit or vegetable or full strength juice and two servings of bread or meat or their alternates or one serving of each. This rule also allows schools to permit students to refuse one food item of a breakfast. The Department is publishing this final rule to improve the nutritional quality of breakfasts offered under the program while maintaining local flexibility.

EFFECTIVE DATE: May 1, 1989. As described in the preamble, these provisions may be implemented earlier than July 1, 1989, but in no event later than July 1, 1989. The current rules shall remain in effect until a State implements the new rules, or July 1, 1989, whichever is earlier.

FOR FURTHER INFORMATION CONTACT: Robert Eadie, Chief, Policy and Program Development Branch, Child Nutrition Division, Food and Nutrition Service, USDA, Alexandria, Virginia 22302, telephone (703) 756-3620.

SUPPLEMENTARY INFORMATION: Classification

This final rule has been reviewed under Executive Order 12291 and has been classified as not major because it does not meet any of the three criteria identified under the Executive Order. This action will not have an annual effect on the economy of \$100 million or more, nor will it result in major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. Furthermore, it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 through 612). The Administrator of the Food and Nutrition Service has certified that this rule will not have a significant economic impact on a substantial number of small entities.

The School Breakfast Program is listed in the Catalog of Federal Domestic Assistance under No. 10.553 and is subject to the provisions of Executive Order 12372 which require intergovernmental consultation with State and local officials (7 CFR Part 3015, Subpart V).

No new data collection or recordkeeping requiring Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 through 3502) are included in this rule. The School Breakfast Program data collection and recordkeeping requirements have been approved by OMB (OMB No. 0584-0012).

Background

Proposed Rule

On May 23, 1988, the Department published a proposed rule in the *Federal Register* (53 FR 18289) to require that an additional food item be added to school breakfasts and to authorize schools to implement an "offer versus serve" (OVS) option in breakfast. Under this provision, students would be permitted to refuse one food item that they do not intend to consume. The proposal responded to national evaluations conducted by the Department which

found that breakfasts served through the School Breakfast Program are superior to home breakfasts with respect to milk-related nutrients (protein, calcium, phosphorous, and magnesium) but provide significantly less iron and vitamin A than home breakfasts, due in part to the fact that larger servings of foods containing iron are consumed at home. Based on a review of these findings, the Department has concluded that the iron content of program breakfasts needs to be increased an additional 4.6 milligrams per week to raise the iron content of school breakfasts to the level of home breakfasts. The Department believes that increasing the level of iron in the school breakfast will also increase the levels of many other nutrients which occur in combination with iron.

Overview of Comments Received

During the 60-day comment period on the proposed rule, the Department received 105 comment letters. The majority of these letters (43) were from school food authorities with 27 comments from local school personnel. Another 20 letters were received from State agencies and 13 were from representatives of advocacy groups, professional associations, industry, and other government agencies. The remaining 2 letters were from concerned citizens. Of the 105 commenters, 74 responded to the OVS issue and 56 addressed the proposed meal pattern changes. The overwhelming majority of commenters expressed support for the proposed rule. The Department would like to thank all who commented on this proposal. The remainder of this preamble discusses the comments on each individual issue in the proposal.

Meal Pattern Requirements

Of the comments on the meal pattern, 39 supported and 14 opposed the proposed meal pattern and the addition of a fourth item to the meal pattern. An additional 3 commenters were apparently unclear as to the intent of the proposed rule. Commenters in support of the provision felt that the revised meal pattern would improve the nutritional quality of breakfasts served. Other anticipated benefits include greater flexibility in planning meals and increased variety for the student consumer. Commenters who disapproved of the proposed meal

pattern cited several reasons for concern. Several commenters suggested that the fourth item, meat/meat alternates, while adding calories and necessary nutrients, could also raise fat and dietary cholesterol to an undesirable level. One commenter suggested that service of a meat/meat alternate be limited to three times a week. The Department is sensitive to commenter concerns on this issue and will continue to encourage school food services to prepare menus with consideration to good nutrition, student preferences, cost, and feasibility. The Department supports the idea that guidelines issued jointly by USDA and the Department of Health and Human Services, which recommend that people avoid excessive amounts of fat, saturated fat, cholesterol, sugar and sodium in their diets.

In the proposed rule, the Department solicited comments on whether or not the daily service of a good vitamin C source should be required to aid in the absorption of iron. The majority of commenters agreed with the importance of serving good vitamin C sources, but of the 31 commenters addressing the issue, 27 were opposed to requiring daily service. These commenters concluded that mandating the daily service of vitamin C would defeat the goals of enhancing local flexibility and reducing cost and waste. The Department agrees with commenter response and will continue to recommend that citrus fruit or juice or another fruit or vegetable or juice high in vitamin C be served daily.

In response to Congressional interest, commenters were also invited to comment on the feasibility and desirability of incorporating a requirement to serve an egg at least once a week in the breakfast program. The seventeen commenters responding to this suggestion unanimously opposed the idea. Commenters perceived that such a mandate would hinder local flexibility and perhaps deter some schools with minimal facilities from offering the breakfast program. Several commenters were also opposed to mandating the service of a food high in cholesterol. The Department agrees with the commenters' position; therefore, no such mandate will be proposed at this time.

Several commenters responded to the suggestion that "a daily serving of a second slice of whole wheat toast or a double sized corn muffin or double sized serving of cereal would enhance the iron content of school breakfasts considerably." Commenters asked for guidance to specify "double size" and instructions on how to incorporate these

items when implementing OVS. Information concerning the service of these items can be found in the *Food Buying Guide for Child Nutrition Programs*, Food and Nutrition Service Program Aid Number 1331.

The use of formulated grain-fruit products was addressed by six commenters. Commenters who disapproved of these products believed that formulated grain-fruit products complicate implementation of OVS. Several commenters also opposed the concept of promoting a relatively "high calorie, low-nutrient density food". One commenter favored grain-fruit products because of the convenience and ease of serving them. The Department is sensitive to issues of local flexibility and variety in planning breakfasts, and consequently, no change to the provision to allow grain-fruit products is being made at this time. It must be recognized, however, that another meat/meat alternate or bread/bread alternate item must now be offered in addition to the grain-fruit products and milk in order to satisfy the breakfast meal pattern.

No comments were received in response to the Department's proposal to amend the labeling requirement for grain-fruit product contained in Appendix A. This amendment conforms to the new requirement that, where necessary, a school could meet the fruit/vegetable requirement and one of the bread/bread alternate requirements by serving a grain-fruit product. Therefore, this amendment is being adopted as proposed. Moreover, the Department is eliminating an obsolete reference concerning serving grain-fruit products as a supplement.

The Department wishes to emphasize, however, that the Department would allow one year from the effective date of this rule for relabeling.

Offer Versus Serve

The provision authorizing schools to implement an OVS option for breakfast attracted the largest number of comments (74), with 58 approvals and 9 disapprovals. The remaining commenters generally approved of the provision but offered several suggestions on the implementation of OVS. The supportive commenters emphasized that OVS would help reduce plate waste and food costs in the program. Several food service personnel mentioned that OVS in the National School Lunch Program has been very popular with the student body. One commenter also added that a significant proportion of our youth are overweight, and OVS would allow those students the choice of deleting unnecessary calories. Commenters who disapproved

of the provision believed that, in some cases, OVS would increase food waste since the necessity of preparing food choices for students would result in greater amounts of leftover food. Several commenters mentioned that OVS would be too difficult to implement with their present system, e.g., pre-pack foods and satellite programs. A few comments expressed concern that OVS would compromise the nutritional quality of the breakfast program. Some of these commenters maintained that young students have not yet learned to make wise food choices and that allowing them to turn down foods they may not want or are not familiar with is counter productive to the nutrition education goal.

In response to the concerns of opposing commenters, the Department would first like to emphasize that schools would not be required to implement OVS. Under the law of this regulation, this decision would be a local option. Moreover, the Department would prefer that children accept all items in a four item breakfast to provide an enhanced level of nutrients. The Department recognizes concerns about the possibility of increased plate waste. The Department considers, however, that with careful and accurate planning of daily food production, schools can avoid excessive plate waste when offering larger breakfasts. OVS should provide schools with another tool for containing costs.

Other commenters suggested that OVS be implemented with the following limitations: (1) For everything *except* milk; (2) *only* for the bread/bread alternate and meat/meat alternate menu items; (3) everything *except* milk and juice; and (4) *only* after additional funds are allocated to cover additional costs. The Department appreciates these comments but believes that limiting OVS options would unduly complicate the process and reduce flexibility. In response to the issue of inadequate financial resources, the Department would like to reiterate that the above provisions were proposed in response to a three cent increase in the reimbursement for all breakfasts served under the program as mandated by P.L. 99-591. Moreover, subsequent to the proposal Congress passed P.L. 100-435, which mandates an additional three cents for each breakfast served under the program beginning July 1, 1989. Therefore, the Department considers that the additional funds mandated by these two laws will be sufficient to enable schools to implement the enhanced meal requirements set forth in this regulation. The Department also

notes that many schools are already serving varied breakfast containing four food items, and those schools would not have to alter their current practices. Finally, schools which currently serve the basic three item breakfasts would be able to meet the new requirement by adding a relatively inexpensive fourth item to the breakfast.

Implementation

Several commenters suggested that implementation of the breakfast rule not be mandated until the 1989-90 school year. The Department is sensitive to commenter concerns on this issue and recognizes that schools have begun the process of letting contracts and ordering and purchasing food for the current school year. The Department does not wish to place any excessive administrative burden on the schools and concurs with this suggestion. The Department will, however, encourage schools to implement provisions of the final breakfast rule during the current school year. The Department wishes to emphasize, moreover, that although the final rule will not be mandated until the 1989-90 school year, if a school chooses to implement the OVS provision, it must offer the additional food component, i.e., serving a four item reimbursable meal.

Technical Amendments

Twelve commenters wrote in support of the revised school breakfast meal pattern chart that included the provisions of the previously issued final rule allowing nuts and seeds and nut or seed butters to be used as meat alternates (51 FR 16807, published May 7, 1986) in the National School Lunch Program. As noted in the preamble to the proposed rule, the inclusion of this provision in Part 220 brings the School Breakfast Program into conformance with the National School Lunch

Program. Finally, several commenters noted a slight inconsistency between the egg sizes for the breakfast and lunch programs. In the National School Lunch Program, the food chart specifies the use of large eggs as meat/meat alternates; the School Breakfast Program chart included in the proposed rule did not specify that a particular sized egg must be used. Moreover, the proposed rule would have required that one egg be served for all age groups, in which case the ratio of egg serving to meat serving would have been different from the ratio in the National School Lunch Program, in which one egg provides the equivalent of two ounces of meat/meat alternate. The School Breakfast Program meal pattern requires only one ounce of meat/meat alternate, and this requirement can be met by serving $\frac{1}{2}$ of an egg. The Department never intended the two programs to be inconsistent. Therefore, the Department established $\frac{1}{2}$ large egg as the minimum serving size for eggs in the School Breakfast Program.

Child Care Food Program

The Department will address the Child Care Food Program separately at a later date.

List of Subjects in 7 CFR Part 220

Food assistance programs, School Breakfast Program, grant programs—social programs, nutrition, children, reporting and recordkeeping requirements, surplus agriculture commodities.

Accordingly, 7 CFR Part 220 is amended as follows:

PART 220—SCHOOL BREAKFAST PROGRAM

1. The authority citation for Part 220 is revised to read as follows:

SCHOOL BREAKFAST PATTERN

[Required minimum serving sizes]

Food components/items	Ages 1 and 2	Ages 3, 4, and 5	Grades K-12
Milk (Fluid): (As a beverage, on cereal, or both).....	$\frac{1}{2}$ cup.....	$\frac{3}{4}$ cup.....	$\frac{1}{2}$ pint.
JUICE/FRUIT/VEGETABLE: ¹ Fruit and/or vegetable; or Full-strength: Fruit Juice or Vegetable Juice.....	$\frac{1}{4}$ cup.....	$\frac{1}{2}$ cup.....	$\frac{1}{2}$ cup.
Bread/Bread Alternates: ² —Bread (whole-grain or enriched).....	$\frac{1}{2}$ slice.....	$\frac{1}{2}$ slice.....	1 slice.
—Biscuit, roll, muffin or equal serving of cornbread, etc. (whole-grain or enriched meal or flour).....	$\frac{1}{2}$ serving.....	$\frac{1}{2}$ serving.....	1 serving.
—Cereal (whole-grain or enriched or fortified).....	$\frac{1}{4}$ cup or $\frac{1}{2}$ oz.....	$\frac{1}{2}$ cup or $\frac{1}{2}$ oz.....	$\frac{3}{4}$ cup or 1 oz.
Meat-Meat Alternates: —Meat/poultry, or fish.....	$\frac{1}{2}$ oz.....	$\frac{1}{2}$ oz.....	1 oz.
—Cheese.....	$\frac{1}{2}$ oz.....	$\frac{1}{2}$ oz.....	1 oz.
—Egg (large).....	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$.
—Peanut Butter of other nut or seed butters.....	1 Tbsp.....	1 Tbsp.....	12 Tbsp.
—Cooked dry beans and peas.....	2 Tbsp.....	2 Tbsp.....	4 Tbsp.
—Nuts and/or Seeds (as listed in program guidance) ³	$\frac{1}{2}$ oz.....	$\frac{1}{2}$ oz.....	1 oz.

¹ A citrus juice or fruit or a fruit or vegetable or juice that is a good source of vitamin C (See Menu Planning Guide for School Food Service—PA-1260) is recommended to be offered daily.

² See Food Buying Guide for Child Nutrition Programs, PA-1331 (1984) for serving sizes for breads and bread alternates.

³ No more than one ounce of nuts and/or seeds may be served in any one meal.

Authority: Secs. 4 and 10 of the Child Nutrition Act of 1966, 80 Stat. 886, 889 (42 U.S.C. 1773, 1779), unless otherwise noted.

2. In § 220.8:

a. Paragraph (a) is revised.

b. Paragraphs (b)(1) and (b)(3) are removed;

c. Paragraph (b)(2) introductory text is redesignated as paragraph (b) introductory text, and a title is added to read "Infant meal pattern"; and

d. Paragraphs (b)(2) (i), (ii) and (iii) are redesignated as paragraph (b) (1), (2) and (3) respectively. The revision reads as follows:

§ 220.8 Requirements for breakfast.

(a)(1) *Food components*—Except as otherwise provided in this section and in any appendix to this part, a breakfast eligible for Federal cash reimbursement shall contain, at a minimum, the following food components in the quantities specified in the table in paragraph (a)(2) of this section:

(i) A serving of fluid milk served as a beverage or on cereal or used in part for each purpose;

(ii) A serving of fruit or vegetable or both, or full-strength fruit or vegetable juice; and

(iii) Two servings from one of the following components or one serving from each:

(A) Bread/Bread alternate

(B) Meat/Meat alternate

(2) *Minimum required breakfast quantities*. Except as otherwise provided in this section and in any appendix to this part, a breakfast eligible for Federal cash reimbursement shall contain at least the per breakfast minimum quantities of each item for the age and grade levels specified in the following table:

(e) *Offer Versus Serve*. Each school shall offer its students all four required food items as set forth under paragraph (a)(1) of this section. At the option of the school food authority, each school may allow students to refuse *one* food item from any component that the student does not intend to consume. The refused food item may be any of the four items offered to the student. A student's decision to accept all four food items or to decline one of the four food items shall not affect the charge for breakfast.

3. Appendix A of Part 220 is amended by revising paragraph 1 (a) and (b) to read as follows:

Appendix A—Alternate Foods for Meals Formulated Grain-Fruit Products

1. * * *

(a) Formulated grain-fruit products may be used to meet *one* bread/bread alternate and the fruit/vegetable requirement in the breakfast pattern specified in § 220.8.

(b) Only individually wrapped formulated grain-fruit products which bear a label conforming to the following legend shall be utilized. "This product conforms to U.S.D.A. Child Nutrition Program specifications. For breakfast, it meets the requirements for fruit/vegetable/juice and one bread/bread alternate."

* * *

G. Scott Dunn,
Acting Administrator.

Date: March 27, 1989.

[FR Doc. 89-7576 Filed 3-29-89; 8:45 am]
BILLING CODE 3410-30-M

7 CFR Part 226

Child Care Food Program: Retroactive Reimbursement to Adult Day Care Centers

AGENCY: Food and Nutrition Service, USDA.

ACTION: Interim rule.

SUMMARY: This interim rule amends the Child Care Food Program (CCFP) regulations to extend the qualifying deadlines for retroactive reimbursement payments to adult day care centers. Under existing regulations, centers must have executed a Program agreement agreement by March 31, 1989 and submitted retroactive claims by March 31, 1989 or 60 days following the last full month covered by the claim, whichever is later. This rule allows retroactive

reimbursement to be made provided that the application for Program participation is postmarked or submitted no later than April 17, 1989 and the claims for retroactive reimbursement are postmarked or submitted no later than April 17, 1989 or 60 days following the last full month covered by the claim, whichever is later. This extension will provide State agencies and adult day care centers additional time to properly carry out their responsibilities under the application and claim submission processes.

EFFECTIVE DATE: This interim rule is effective March 30, 1989.

FOR FURTHER INFORMATION CONTACT: Robert M. Eadie, Chief, Policy and Program Development Branch, Child Nutrition Division, Food and Nutrition Service, United States Department of Agriculture, 3101 Park Center Drive, Alexandria, Virginia 22302; (703) 756-3620.

SUPPLEMENTARY INFORMATION:

Classification

This action has been reviewed under Executive Order 12291 and has been classified as not major because it will not have an annual effect on the economy of \$100 million or more; will not cause a major increase in costs or prices for consumers, individual industries, or Federal, State or local government agencies, or geographic regions; and will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule has also been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 through 612). Pursuant to this review, the Acting Administrator of the Food and Nutrition Service has certified that this final rule will not have a significant economic impact on a substantial number of small entities.

This Program is listed in the Catalog of Federal Domestic Assistance under No. 10.558 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultations with State and local officials (7 CFR Part 3015, Subpart V, and final rule related notice published at 48 FR 29114, June 24, 1983.)

Public Participation and Interim Rule Justification

This rule amends 7 CFR Part 226, as amended at 53 FR 52584 on December 28, 1988. That amendment implemented a provision of the Older Americans Act Amendments of 1987 requiring that adult day care centers be considered eligible institutions for reimbursement for meals or supplements under the CCFP effective October 1, 1987. Based on the effective date of the legislation, the December 28 rule contained special provisions in § 226.25(g) which permit adult day care centers to claim retroactive reimbursement for eligible meals served between October 1, 1987 and the date of the initial Program agreement between a State agency and an adult day care center. Rather than requiring that the Program agreement be executed by March 31, 1989, as set forth in the previous rulemaking, this rule requires that application for Program participation be postmarked or submitted by April 17, 1989. It also extends the deadline for submitting claims for retroactive reimbursement from March 31, 1989 to April 17, 1989, or 60 days following the last day of the full month covered by the claim, as provided in 7 CFR Part 226.10(e). Since this rule will provide State agencies and institutions additional time to complete tasks essential to the retroactive payment process, G. Scott Dunn, Acting Administrator of the Food and Nutrition Service, has determined, in accordance with 5 U.S.C. 553(b), that it is unnecessary and contrary to public interest to take prior public comment and that good cause therefore exists for publishing this rule without prior public notice and comment. For the same reasons, the Acting Administrator has determined that good cause exists for making this rule effective without a 30 day post-publication waiting period.

Background

Although Pub. L. 100-175 was enacted on November 29, 1987, the effective date of the adult day care provisions is October 1, 1987. Based on that effective date, the Department made an exception to Section 226.11(a) of CCFP regulations that limits retroactive cash and commodity reimbursement to meals served in the calendar month preceding the calendar month in which a written agreement to operate the Program is executed. Specifically, Program regulations published on December 28,

1988 allow reimbursement retroactive to October 1, 1987. In addition, the regulation required institutions which intended to claim retroactive reimbursement to have executed a Program agreement with the State agency by March 31, 1989 and have submitted a claim for reimbursement for each month of operation covering the meals served between October 1, 1987 and the date of the initial Program agreement between the State agency and the center by March 31, 1989 or the date set by § 226.10(e), whichever was later.

Since the publication of the December 28 regulations the Department has been made aware by State agencies and others that the time period between the publication date and the March 31, 1989 deadline date is inadequate to accomplish what is envisioned under that regulation due to the unexpectedly large amount of interest in the adult day care community. They point out that § 226.25(g), which was added by the December 28 amendments and which establishes minimum documentation requirements for retroactive payments, will require centers to compile significant amounts of information. The difficulty in compiling this information is compounded by the fact that many of these centers are generally unfamiliar with CCFP requirements and procedures and, as a result, may need considerable assistance from State agencies in order to develop adequate documentation. Further, the more of these centers which apply, the greater will be the burden on State agencies. The Department is sympathetic to the concerns, particularly the potential burden on State agencies, and agrees that it is in the best interest of Program administration and Program participants if the March 31, 1989 deadline is extended.

In support of that position, the Department recognizes that extending CCFP benefits to a new class of centers and program participants requires extensive efforts on the part of State agencies and implementing this new component of the program in their centers requires considerable effort on the part of adult day care providers. The extension of these deadlines would give State agencies and adult day care centers a more reasonable amount of time to coordinate the necessary elements for retroactive reimbursements. Also, the addition of adults to the CCFP introduces a new universe of entities, such as programs for the elderly, mental health programs and programs for the disabled, with which CCFP State agencies must work.

The extension of deadlines gives CCFP State agencies further opportunities to develop sound relations with those administrators of programs for the aged and functionally impaired as they prepare to implement CCFP in adult day care centers.

In this regard, the Department believes that an April 17 deadline for the submission of Program applications is a date by which a center can more reasonably be expected to accomplish the work necessary to submit an approvable application. Further, since this rule requires only submission of applications by April 17 (rather than submission and approval by State agencies) and since existing regulations allow State agencies 30 days to approve applications (7 CFR 226.6(b)), State agencies will have an additional 47 days to carry out their responsibilities relative to application approval.

With regard to claim payments, the Department feels that an extension, also to April 17, 1989, would be appropriate. This will give centers additional time to prepare and submit retroactive claims and, given the 45 days currently available to State agencies to process claims (§ 226.7(k)), States should have adequate time to deal with these claims.

Accordingly, this regulation provides that institutions which intend to claim retroactive reimbursement now must have postmarked or submitted to the State agency an application for Program participation by April 17, 1989. 7 CFR 226.6(b) allows State agencies 30 days after the receipt of the application to make approval or disapproval decisions. Institutions which intend to claim retroactive reimbursement must have submitted a claim for reimbursement for each month of operation covering the means served between October 1, 1987 and the date of the initial program agreement between the State agency and the center by April 17, 1989, or the date set by 7 CFR 226.10(e).

All other requirements for retroactive reimbursement set forth in the December 28, 1988 amendment (53 FR 52584) remain applicable.

List of Subjects in 7 CFR Part 226

Day care, Food assistance programs, Grant programs—Health, infants and children, Reporting and recordkeeping requirements, Surplus agricultural commodities.

Accordingly, Part 226 is amended as follows:

PART 226—CHILD CARE FOOD PROGRAM

1. The authority citation for Part 226 continues to read as follows:

Authority: Secs. 9, 11, 14, 16, and 17, National School Lunch Act, as amended (42 U.S.C. 1758, 1759a, 1762a, 1765 and 1766).

2. In § 226.25 paragraph (g)(1)(ii) is revised to read as follows:

§ 226.25 Other provisions.

(g) * * *

(1) * * *

(ii) the application for Program participation is postmarked or submitted to the State agency no later than April 17, 1989, and the claims for reimbursement for the meals served between October 1, 1987 and the date of the initial agreement between the State agency and the center are postmarked or submitted to the State agency no later than April 17, 1989 or the date set by § 226.10(e), whichever is later.

* * *

G. Scott Dunn,

Acting Administrator, Food and Nutrition Service.

Date: March 27, 1989.

[FR Doc. 89-7575 Filed 3-29-89; 8:45 am]

BILLING CODE 3410-30-M

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 89-051]

Protocols for Importation of Swine From China Through the Harry S Truman Animal Import Center

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending our regulations on the importation of swine from the People's Republic of China by adding two protocols to allow the Agricultural Research Service of the United States Department of Agriculture to import swine from the People's Republic of China through the Harry S Truman Animal Import Center (HSTAIC) during calendar year 1989. These protocols specify requirements for importations through HSTAIC of swine from China. The swine should improve the germplasm of breeding animals in the United States, eventually improving the productivity and international competitiveness of U.S. swine.

EFFECTIVE DATE: March 24, 1989.

FOR FURTHER INFORMATION CONTACT:

Dr. Samuel S. Richeson, Senior Staff Veterinarian, Import-Export Products Staff, Veterinary Services, APHIS, USDA, Room 759, Federal Building, 6505

Belcrest Road, Hyattsville, MD 20782,
(301) 436-8144.

SUPPLEMENTARY INFORMATION:

Background

On July 25, 1988, we published in the *Federal Register* (53 FR 27846-27847, Docket Number 88-107) an interim rule that amended the regulations in 9 CFR Part 92, § 92.41, by granting the Agricultural Research Service (ARS) of the United States Department of Agriculture the exclusive right to use the Harry S Truman Animal Import Center (HSTAIC) for an importation of swine from the People's Republic of China during calendar year 1989. We affirmed that interim rule in a document published in the *Federal Register* on March 8, 1989 (54 FR 9768-9770, Docket Number 88-153).

The interim rule allows ARS to import swine from the People's Republic of China through HSTAIC in calendar year 1989, in accordance with procedures determined by the Secretary of Agriculture. The interim rule also stated that protocols governing the procedures for this importation would be published for comment prior to the importation.

These protocols were published in a proposed rule in the *Federal Register* on March 8, 1989 (54 FR 9836-9842, Docket Number 89-015). The proposed rule contained procedures for safe importation of swine from China, including overseas quarantine of swine from China prior to their importation, and procedures required for the swine from the time they leave China until their release from quarantine at HSTAIC.

Our proposal invited the submission of written comments, which were required to be postmarked or received on or before March 23, 1989. We did not receive any comments. Based on the rationale set forth in the proposal and in this document, we are adopting the provisions of the proposal as a final rule.

Effective Date

Pursuant to the provisions of 5 U.S.C. 553, we find good cause for making this rule effective less than 30 days after publication in the *Federal Register*. Arrangements for the shipment and quarantine of Chinese swine have already been completed by the Agricultural Research Service and the People's Republic of China. Delay in allowing the importation to proceed would disrupt research schedules and would lengthen the period during which the Harry S Truman Animal Import Center is unavailable for uses other than the importation of swine from China. Therefore, the Administrator of the

Animal and Plant Health Inspection Service has determined that this final rule should be effective upon signature.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than \$100 million; will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule enables ARS to import approximately 144 swine for research on the possibility of improving the germplasm of breeding swine in the United States. If improved breeding stock is developed, it should eventually benefit breeders in the private sector.

In December 1986, the swine population of the United States was approximately 51,000,000, of which approximately 6,612,000 were intended for breeding purposes. The ARS shipment is very small compared to this population, and is destined for research facilities instead of the normal market channels in the United States.

There are two potential effects resulting from adoption of this rule, one immediate and one long-term. The first impact is the costs involved in importing the shipment of Chinese swine in accordance with the rule, estimated at \$497,000. All costs associated with the importation of the swine will be borne by ARS.

The second possible impact is indirect and could occur only after years of research and development involving the imported swine. This impact would be development of improved breeds of U.S. swine incorporating desirable traits of the imported Chinese swine. If such development is successful, productivity of U.S. swine could increase, resulting in savings for swine producers and decreases in domestic consumer prices for pork and pork products. Since over 98 percent of U.S. swine producers qualify as small entities, higher swine productivity would have a beneficial effect on small entities. Higher swine productivity may be achieved only if numerous activities outside the scope of this rule occur, such as successful

research results, development of improved breeds that are marketable, and acceptance and distribution of improved breeds by the marketplace.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The regulations in this rule contain no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with state and local officials. (See 7 CFR Part 3015, Subpart V.)

List of Subjects in 9 CFR Part 92

Animal diseases, Canada, Imports, Livestock and livestock products, Mexico, Poultry and poultry products, Quarantine, Transportation, Wildlife.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Accordingly, 9 CFR Part 92 is amended as follows:

1. The authority citation for Part 92 continues to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102-105, 111, 134a, 134b, 134c, 134d, 134f, and 135; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(d).

2. Paragraph (g) of § 92.41 is revised to read as follows:

§ 92.41 Requirements for the importation of animals into the United States through the Harry S Truman Animal Import Center.

(g) The Agricultural Research Service may, in calendar year 1989, import swine from the People's Republic of China into the United States through the Harry S Truman Animal Import Center in accordance with the following protocols.

Protocol for Quarantine and Health Requirements for Porcine Animals Exported From the People's Republic of China to the United States of America

1. The official veterinary organization (OVO) of the People's Republic of China (PRC) shall be responsible for the implementation of quarantine procedures in the PRC and the issuance of certificates concerning the disease status of the swine and certain other matters required by the regulations in this Part 92.

2. The U.S. Department of Agriculture (USDA) shall send veterinarians to the premises of origin of export swine, related isolation premises, testing laboratories, and quarantine facilities to cooperate with PRC veterinarians in conducting quarantine procedures.

3. The premises of origin of export swine shall meet the following requirements:

a. For the last 3 years the premises of origin was located in an area with a 16-km radius which was free of foot-and-mouth disease (FMD), swine vesicular disease (SVD), and hog cholera (HC).

b. For the last year, there has been no evidence of brucellosis, tuberculosis, or pseudorabies on the premises of origin or on premises adjacent to the premises of origin.

c. For the last 5 years, there have been no cases of FMD, SVD, or HC.

d. For the last 3 years, no animal has been introduced into the herd of origin from farms affected with FMD, SVD, or HC.

e. Raw animal food wastes (garbage) have not been fed to the animals for export while in isolation.

4. Animals offered for exportation shall originate from farms which are solely swine breeding operations and shall not have left the farm on which they were born and reared, except as necessary for movement to an approved isolation facility.

5. Animals offered for exportation shall not have been vaccinated for FMD, SVD, or HC.

6. Animals offered for exportation shall pass a 60-day isolation period in a facility on premises approved by the OVO of the PRC. The facility shall be cleaned and disinfected, using a 4 percent sodium carbonate solution used in accordance with applicable label instructions, prior to the start of the isolation. During the isolation period, personnel handling the animals shall not have contact with other domestic farm livestock. The term "domestic farm livestock" does not include pets such as dogs and cats.

7. During the 60-day isolation period, the animals offered for exportation shall be found negative to the following tests¹:

a. Foot-and-mouth disease: 1. Microtiter virus neutralization (VN) test for types A, O, C, and Asia. (The PRC will test for types A and O, and the United States will test for types C and Asia at the USDA Foreign Animal Disease Diagnostic Laboratory (FADDL)). 2. Agar gel immunodiffusion (AGID) test using virus infection associated

antigen (VIAA) in serum. (Animals having responses to the AGID test or reacting to the VN test at 1:10 dilution or greater shall be prohibited from export. Other animals shall be retested within 30 days. If the whole group does not have the above responses and there is no clinical evidence of FMD, the group shall be eligible for export. Otherwise, the whole group shall be prohibited from export.)

b. Brucellosis: 1. Standard tube test (STT) at less than 30 IU/ml. 2. Card test (antigen and protocol to be supplied by USDA).

c. Swine vesicular disease: Virus neutralization test at 1:40 dilution (serums to be tested at FADDL).

d. Hog cholera: Fluorescent antibody neutralization (FAN) test at 1:16 dilution.

e. Japanese B encephalitis:

Hemagglutination inhibition (HI) test, negative according to PRC standards.

f. Pseudorabies: Virus neutralization at 1:4 dilution.

g. Tuberculosis: Intradermal test using bovine PPD tuberculin (Positive animals will be necropsied. If there are lesions of TB in the test positive pigs, the whole group will be ineligible for export. If no lesions are found, the rest of the pigs will be eligible for export. Note: All swine sacrificed for diagnosis of tuberculosis will be at the importer's expense.)

All samples of the above tests, except as noted in items 7a, 7c, and 7g, will be submitted to laboratories designated by the OVO of the PRC.

8. All animals offered for exportation during the isolation period must be clinically examined and treated for ectoparasites with a pesticide approved by the OVO of the PRC, used in accordance with applicable label instructions, and given an intramuscular injection of dihydrostreptomycin at a rate of 25 mg/kg dosage twice at an interval of 14 days as a precautionary treatment for leptospirosis.

9. All crates and parts of vehicles and ships used to hold livestock for transport or handling of animals shall be cleaned and disinfected prior to use with a 4 percent sodium carbonate solution used in accordance with applicable label instructions. All aircraft used to transport animals shall be cleaned and disinfected prior to use with a 4 percent sodium carbonate and 0.1 percent sodium silicate solution used in accordance with applicable label instructions.

10. Feed and bedding to be used during the 60-day isolation period and during transport shall not originate from epizootic disease infected areas and must meet applicable veterinary hygienic requirements established by the OVO of the PRC concerning freedom of the feed and bedding from contamination that could transmit diseases.

11. The OVO of the PRC shall certify that the People's Republic of China is free of rinderpest and African swine fever, that Teschen's disease has never been diagnosed on the premises of origin and that there has been no clinical evidence of Teschen's disease on the premises of origin during the isolation period.

12. The animals to be exported shall be examined clinically within 24 hours prior to loading for export by a USDA veterinarian

and be healthy and free of signs of infectious and contagious diseases.

13. During the isolation period on the premises of origin and all transport from the isolation facility on the premises of origin to the port of embarkation (including loading), export animals shall not have contact with, or exposure to, animals not included in the group at the isolation facility. Exposure consists of contact with yards, pens, or other facilities or vehicles that have been in contact with animals and have not been cleaned and disinfected.

14. USDA, APHIS representatives will make the final determination on the eligibility of Chinese swine to be exported to the United States.

Protocol for Quarantine of Swine From China at the Harry S Truman Animal Import Center

Shipment to the United States

1. On successful completion of the 60-day isolation period on the premises of origin, the swine shall be accepted for shipment to the United States provided that the official veterinary organization (OVO) of the People's Republic of China (PRC) issues or endorses an official health certificate to the effect that the swine have been kept in isolation for a minimum of 60 days and that, during that time, the animals remained healthy with no evidence of communicable disease affecting swine and that all tests and conditions as stated in this protocol have been met.

2. The swine shall be moved under joint supervision by the OVO of the PRC and U.S. Department of Agriculture (USDA) direct from the isolation facility to the exporting carrier by trucks or other carriers that have been cleaned and disinfected using a 4 percent sodium carbonate solution used in accordance with applicable label instructions under joint OVO/USDA supervision.

3. If the swine transit countries affected with foot-and-mouth disease (FMD), rinderpest, hog cholera, swine vesicular disease (SVD), or African swine fever en route to the United States, they will be refused entry on arrival at the Harry S Truman Animal Import Center (HSTAIC), unless they were accompanied en route by a USDA inspector who certifies that no disease exposure occurred during shipment.

4. The swine may not transit through the United States or any of its territories en route to U.S. quarantine, except as specifically provided for in an import permit issued by APHIS under the authority of 21 U.S.C. 135.

5. The landing of the swine shall be carried out in accordance with instructions given by a USDA veterinary officer at HSTAIC.

6. All vessels or aircraft from which the imported swine are landed shall be immediately cleaned and disinfected using a 4 percent sodium carbonate and 0.1 percent sodium silicate solution used in accordance with applicable label instructions, in the presence of a USDA veterinary officer.

Quarantine and Testing Procedures at HSTAIC

1. The swine shall be quarantined in the import center under the supervision of a veterinary officer of USDA for a period of at

¹ Technical information on laboratory methods and procedures for these tests may be obtained from the Administrator, APHIS, c/o Director, National Veterinary Services Laboratories, P.O. Box 844, Ames, IA 50010.

least 120 days after arrival and until all tests have been successfully completed.

2. The temperature of all imported swine will be taken daily for 7 days after arrival and thereafter at the discretion of the quarantine officers in charge.

3. All imported swine shall be examined for ectoparasites on arrival at HSTAIC and, if found free of infestation, receive a precautionary spray with coumaphos, used in accordance with applicable label instructions, in the form of a wettable powder or 0.06 emulsified concentrate spray solution. If found to be infested, all affected and exposed swine shall be treated until found free of infestation.

4. During the initial portion of quarantine, the imported swine shall be subjected to the tests listed below.* The tests will be performed at the Foreign Animal Disease Diagnostic Laboratory (FADDL). To qualify for release, every animal must have negative test results.

* a. Foot-and-mouth disease: 1. Microtiter virus neutralization (VN) test for types A, O, C, and Asia. 2. AGID test using virus infection associated antigen (VIAA) in serum.

b. Brucellosis: 1. Standard tube test (STT) at less than 30 IU/ml. 2. Card test.

* c. Swine vesicular disease: Virus neutralization test at 1:40 dilution.

* d. Hog cholera: Fluorescent antibody neutralization (FAN) test at 1:16 dilution.

e. Japanese B. encephalitis: Hemagglutination inhibition (HI) test at 1:10 dilution.

f. Pseudorabies: Virus neutralization at 1:4 dilution.

g. Tuberculosis: Intradermal test using bovine PPD tuberculin and read at 48 hours post injection (positive animals will be necropsied. If there are lesions of TB in the test positive pigs, the whole group may be ineligible for release until it is determined they are free of tuberculosis).

h. Any other tests determined to be necessary by the Administrator. All tests on collected specimens will be conducted at FADDL, unless authorized by USDA to be conducted at HSTAIC. Imported swine with less than negative test results that are not definitely considered to be infected will be retested if retesting is ordered by APHIS.

* If any imported swine are determined to be infected with these diseases based on test results and other data, they will be refused entry and destroyed, and all other imported swine in HSTAIC will be refused entry and destroyed.

5. Twenty-one days after initial collection of samples for FMD testing a second sample will be taken from each imported swine for a FMD virus infection associated antigen (VIAA) test. All tests listed in items 4a through 4h will be repeated on imported swine at approximately 60 days following the initial collection of test samples.

6. Within seven days of arrival of the imported swine, contact sentinel animals shall be placed with the imported animals at

the ratio of at least one contact calf and one contact pig to eight imported swine. The sentinel pigs and calves shall have been found negative to the tests listed in items 4a through 4h prior to their entry into the animal import center.

7. Following the 60-day tests required by item 5, 10 ml of heparinized blood shall be drawn from each imported swine and used to inoculate sentinel pigs, in the ratio of one sentinel pig for each eight imported swine. Each sentinel pig shall be inoculated with blood from eight different imported swine, in eight separate subcutaneous sites. The identity of each imported swine used to inoculate each sentinel pig shall be recorded in order to trace possible reactions.

8. Approximately 90 days after arrival of the imported swine, serum from the sentinel pigs and calves will be collected and submitted to FADDL to be tested for the same diseases for which the imported swine were tested.

9. If any imported or sentinel animals show clinical symptoms of, or the causative organism is isolated for, FMD, rinderpest, swine vesicular disease, or hog cholera, USDA shall cause all imported and sentinel animals to be slaughtered and the carcasses disposed of as prescribed by USDA. If any imported or sentinel animals show clinical symptoms of, or are considered exposed to, any other disease, or are classified as positive to any of the tests conducted during the quarantine period, USDA may cause any or all of the animals to be slaughtered and the carcasses disposed of as prescribed by USDA.

10. No animals shall be moved from HSTAIC until duly discharged by APHIS.

11. The ARS will be directly responsible for the payment of all costs involved in the isolation, testing, transportation, and embarkation quarantine of the swine in China, their transportation to HSTAIC, and all applicable quarantine costs at HSTAIC.

Done in Washington, DC, this 24th day of March 1989.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 89-7560 Filed 3-29-89; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 94

[Docket No. 89-036]

Change in Disease Status of Great Britain Because of Hog Cholera

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations concerning the importation into the United States of swine, pork, and pork products by adding Great Britain to the list of countries in which hog cholera is not known to exist. We have determined that hog cholera has been eradicated from Great Britain. This

action relieves certain restrictions on the importation into the United States of swine, pork, and pork products, from Great Britain.

EFFECTIVE DATE: March 30, 1989.

FOR FURTHER INFORMATION CONTACT:

Dr. Harvey A. Kryder, Senior Staff Veterinarian, Import-Export Products Staff, VS, APHIS, USDA, Room 753, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8695.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR Part 94 (referred to below as the regulations) regulate the importation into the United States of specified animals and animal products in order to prevent the introduction into the United States of various diseases, including hog cholera.

Section 94.9 of the regulations restricts the importation into the United States of pork and pork products from countries where hog cholera is known to exist. The restrictions include cooking, heating, or curing and drying procedures designed to ensure that pork or pork products have been treated in a manner adequate to destroy organisms that could spread hog cholera. Section 94.10 of the regulations, with certain exceptions, prohibits the importation into the United States of swine that originate in, are moved from, or transit any country in which hog cholera is known to exist.

On December 29, 1988, we published in the *Federal Register* (53 FR 52715-52716, Docket Number 88-149), a document proposing to amend §§ 94.9 and 94.10 by adding Great Britain to the list of countries in which hog cholera is not known to exist, to correct § 94.9(a) by including Sweden in the list of countries in which hog cholera is not known to exist, and to make nonsubstantive changes in § 94.9(a) by deleting surplusage.

Our proposal invited the submission of written comments, which were required to be postmarked or received on or before February 27, 1989. We did not receive any comments. Based on the rationale set forth in the proposal and in this document, we are adopting the provisions of the proposal as a final rule.

Effective Date

This final rule is effective upon publication. It relieves certain restrictions on the importation of meat and other animal products into the United States. Accordingly, prompt action was taken to remove these restrictions.

* Technical information on laboratory methods and procedures for these tests may be obtained from the Administrator, APHIS, c/o Director, National Veterinary Services Laboratories, P.O. Box 844, Ames, IA 50010.