Foreign Agricultural Service (FAS), within 30 days from the date of notification. The appeal must be presented in writing and must specifically state any reason as to why such determination should not stand. The Director, Import Policies and Trade Analysis Division, FAS, will provide such person with an opportunity for an informal hearing on such matter.

(b) A further appeal from the final decision of the Director, Import Policies and Trade Analysis Division, FAS, may be made to the Administrator, FAS, within five business days of the notification of the decision of the Director, Import Policies and Trade Analysis Division, FAS.

§ 1530.311 Waivers.

Upon written application of the licensee, the Licensing Authority may extend the period for the production of polyhydric alcohols, may temporarily increase the maximum amount of the license, may extend the period for submitting proof of use, or may temporarily waive or modify any other requirement imposed by this subpart if such waiver or modification is necessary or appropriate under unusual, unforeseen or extraordinary circumstances and will not frustrate the purposes of this program and if compliance with the relevant provisions of HTS subheading 1701.11.02, additional U.S. note 3 is established to the Licensing Authority's satisfaction. the Licensing Authority may specify additional requirements or procedures in place of the requirements or procedures waived or modified.

§ 1530.312 Expiration of licenses.

(a) The licenses issued under this program shall expire upon written notice to the licensees by the Licensing Authority. The notice will state the date on which the licenses will expire and any other details applicable to the expiration of the licenses.

(b) If there have been no charges or credits on the license within 12 months of the date on which the license was issued, or any subsequent period of 18 months, the license may be deemed to have expired.

§ 1530.313 Paperwork Reduction Act assigned number.

The Office of Management and Budget has approved the information collection requirements in these regulations in accordance with 44 U.S.C. chapter 35 and OMB number 0551-0015 has been assigned.

§ 1530.314 Transitional provisions.

(a) All licenses issued to manufacturers prior to October 1, 1990, pursuant to the provisions of 7 CFR 1530.201, under the program for "Sugar for Production of Polyhydric Alcohol," are canceled effective October 9, 1990.

(b) Any manufacturer who, on September 30, 1990, held a license which had a balance of charges and credits other than zero and which is canceled pursuant to paragraph (a) of this section may be issued a new license upon such manufacturer's agreement to:

(1) Fully settle the balance outstanding on such previous license, by bringing such balance to zero;

(2) Comply with all the provisions of this subpart, subheading 1701.11.02 of the HTS, and additional U.S. note 3; and

(3) Comply with any terms, conditions and procedures imposed by the Licensing Authority in order to assure an orderly transition.

(c) During the transitional period between October 1, 1990, and the promulgation of a final rule to replace the interim rule issued on October 9, 1990, the Licensing Authority may modify or waive any requirement of this subpart, including the requirements that a manufacturer make a written application for a license prior to the issuance of the license and make a written application for a waiver under § 1530.210 of this subpart, if the Licensing Authority determines such modification or waiver is necessary or appropriate to assure an orderly transition and will not frustrate the purposes of this program.

PART 6—[AMENDED]

§§ 6.90-6.93 [Removed]

2. In 7 CFR part 6, subpart—Sugar Import Quotas, consisting of §§ 6.90 through 6.93, is removed.

§§ 6.100-6.113 [Removed]

3. In 7 CFR part 6, the subpart heading "Subpart—Importation of Sugar Free from Quota" is revised to read "Subpart—Calculation of Market Stabilization Price"; the undesignated centerheading "Sugar to be Re-Exported in Refined Form", the authority citation following the centerheading, and §§ 6.100 through 6.113 are removed; and the undesignated centerheading which reads "Calculation of Market Stabilization Price" is removed.

§§ 6.300-6.302 [Redesignated as §§ 6.100-6.102]

4. In 7 CFR part 6, the authority citation preceding §§ 6.300 through 6.302 is redesignated as the authority citation for "Subpart—Calculation of Market Stabilization Price" and §§ 6.300 through 6.302 are redesignated as §§ 6.100 through 6.102, respectively.

Signed at Washington, DC on October 5, 1990.

Clayton Yeutter,

Secretary of Agriculture.

[FR Doc. 90-24143 Filed 10-9-90; 4:57 pm]

BILLING CODE 3410-10-M

Food and Nutrition Service

7 CFR Part 210

National School Lunch Program; Pilot Project Exemptions

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends 7 CFR part 210, the National School Lunch Program, to permit the Department to exempt those State agencies or school food authorities selected for the pilot projects mandated under section 205 of Public Law 101-147 from some or all of the regulatory requirements relating to the counting of meals and the applications for free and reduced price eligibility. Additionally, this rule extends the approved exemptions to the School Breakfast and/or Special Milk Programs, if pilot project schools also operate these programs. This rule responds to a directive to the Secretary of Agriculture in section 205 of Public Law 101-147 to issue final regulations implementing the pilot projects.

EFFECTIVE DATE: This rule is effective July 1, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Eadie, Chief, Policy and Program Development Branch, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, room 515, Alexandria, Virginia 22302 or phone (703) 756-3620.

SUPPLEMENTARY INFORMATION:

Classification

Section 205(b) of Public Law 101-147, the Child Nutrition and WIC Reauthorization Act of 1989, directs the Secretary of Agriculture to issue final regulations, not later than July 1, 1990, implementing the pilot projects authorized under section 18(d) of the National School Lunch Act (42 U.S.C. 1769(d)). Further, the provisions in this rule are nondiscretionary and interpretive in nature. For these reasons, the Administrator of the Food and Nutrition Service has determined, in accordance with 5 U.S.C. 553(b)(3) (A) and (B), that it is impracticable, unnecessary and contrary to public interest to take prior public comment and that good cause therefore exists for publishing this rule without prior public comment. For the same reasons, the Administrator has determined in accordance with 5 U.S.C. 553(d) (1) and (3) that good cause exists for making this rule effective without a 30 day post-publication waiting period. Finally, because section 205 of Public Law 101-147 charges the Secretary to issue final regulations implementing the pilot projects not later than July 1, 1990, this rule is being made effective retroactive to July 1, 1990.

This final rule has been reviewed by the Assistant Secretary for Food and Consumer Services 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 rule 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 on 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.

This final rule imposes no new reporting or recordkeeping requirements requiring Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 through 3520).

The National School Lunch Program is listed in the Catalog of Federal Domestic Assistance under No. 10.555 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 notice at 48 FR 29114, June 24, 1983.)

Background

Section 205(a) of Public Law 101-147, the Child Nutrition and WIC Reauthorization Act of 1989, amended section 18(g) (later redesignated as section 18(d)) of the National School Lunch Act (NSLA) (42 U.S.C. 1769(d)) to require the Secretary to conduct pilot projects seeking to simplify the paperwork burden incurred by State agencies and school food authorities relating to the requirements for daily lunch counts and annual applications for free and reduced price meals.

The first pilot program, authorized under section 18(d)(1) of the NSLA, requires the Department to solicit proposals for State agencies and school food authorities to conduct pilot programs which test alternatives to daily meal counts and annual applications. The second and third pilot programs, authorized under paragraphs (d)(2) and (d)(3) of section 18 of the NSLA, require the Department to carry out pilot programs under which a limited number of schools participating under Provision 1 and Provision 2 of the special assistance certification and reimbursement alternatives have the option of determining the number of free, reduced price and paid meals served daily by multiplying the daily total meal counts by percentages determined on the basis of current enrollment and eligibility status. In addition to the three required pilot programs, section 18(d)(4) of the NSLA authorizes the Department to conduct any other pilot programs to test alternative counting and claiming procedures which do not fall into the pilot programs otherwise authorized under section 18(d).

Accordingly, the Department published a notice on June 11, 1990 (55 FR 23572) soliciting proposals from State agencies and school food authorities wishing to conduct pilot projects under the authority of section 18(d)(1) of the NSLA. The Department will notify State agencies and school food authorities by August 10, 1990 if their proposals are approved. In addition, the Department sent a targeted mailing to school food authorities with schools currently participating in the special assistance certification and reimbursement alternatives under 7 CFR 245.9 soliciting their participation in the pilot projects authorized under paragraphs (d)(2) and (d)(3) of section 18 of the NSLA.

In addition to the mandate to conduct pilot projects, section 205(b) of Public Law 101-147 also directed the Secretary of Agriculture to issue final regulations implementing the pilot projects. In order to implement the pilot projects under section 18(d)(1), section 205(a) allows the Department to permit selected school food authorities and State agencies to depart from some or all of the statutory requirements relating to daily meal counts, by type, and annual applications for free and reduced price meals. Unlike the projects authorized under section 18(d)(1), the conditions for the pilot projects under sections 18(d) (2) and (3) are specifically described in the statute. Therefore, no statutory waiver authority is necessary. In order to comply with the statutory mandates for these projects, however, it will be necessary to waive certain regulatory provisions. In addition, while no projects are currently contemplated under section 18(d)(4), any projects instituted in the future could require deviations from the regulations (although no statutory provisions could be waived). Therefore, this rule responds to this additional directive by amending the National School Lunch Program regulations to permit the Department to exempt those State agencies or school food authorities selected for the pilot projects mandated under section 18(d) of the NSLA from some or all of the requirements relating to the counting of meals and the applications for free and reduced price eligibility requirements of 7 CFR parts 210 and 245.

This rule further allows the Department to extend the approved exemptions to the School Breakfast and/or Special Milk Programs requirements, when those Programs operate in an approved pilot program school. Eligibility and counting requirements for those Programs are similar to those requirements under the National School Lunch Program and the extension of the exemptions is necessary to ensure that pilot program schools need only administer one set of procedures. The Department emphasizes that exemptions will be authorized only when necessary to carry out the approved demonstration projects.

List of Subjects in 7 CFR Part 210

Food assistance programs, National School Lunch Program, Commodity School Program, Grants programs-social programs, Nutrition, Children, Reporting and recordkeeping requirements, Surplus agricultural commodities.

Accordingly, 7 CFR part 210 is amended as follows:

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

1. The authority citation for 7 CFR part 210 continues to read as follows:

Authority: The provisions of Part 210 issued under secs. 2-12, 60 Stat. 230, as amended; sec. 10, 80 Stat. 889, as amended; 84 Stat. 270; 42 U.S.C. 1751-1760, 1779.

2. Part 210.28 Regional Office addresses and § 210.29 OMB control numbers are redesignated as §§ 210.29 and 210.30, respectively, and a new § 210.28 is added to read as follows:

§ 210.28 Pilot project exemptions.

Those State agencies or school food authorities selected for the pilot projects mandated under section 18(d) of the Act may be exempted by the Department from some or all of the counting and free and reduced price application requirements of this part and 7 CFR part 245, as necessary, to conduct an approved pilot project. Additionally, those schools selected for pilot projects that also operate the School Breakfast Program (7 CFR part 220) and/or the Special Milk Program for Children (7 CFR part 215), may be exempted from the counting and free and reduced price application requirements mandated under these Programs. The Department shall notify the appropriate State agencies and school food authorities of its determination of which requirements are exempted after the Department's selection of pilot projects.

Dated: October 5, 1990.

Betty Jo Nelsen,

Administrator.

[FR Doc. 90-24101 Filed 10-11-90; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 1079

[DA-90-027]

Milk in the Iowa Marketing Area; Revision of Supply Plant Shipping Percentage

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Revision of rules.

SUMMARY: This action revises certain provisions of the Iowa Federal milk order for the months of September through November. The action reduces the shipping percentage for pooling supply plants by 5 percentage points from 35 to 30 percent of receipts. The revision is made in response to a request by Beatrice Cheese, Inc., the operator of a supply plant who ships milk to distributing plants regulated under the order. The action is necessary to prevent uneconomic shipments of milk from supply plants to distributing plants. In addition, since these shipping percentages have been reduced during the months of September-November for each of the last five years, the shipping percentage are being reduced during these months for an indefinite period.

EFFECTIVE DATE: October 12, 1990.

FOR FURTHER INFORMATION CONTACT: John F. Borovies, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 447-2089.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Notice of Proposed Revision of Supply Plant Shipping Percentages; Issued August 2, 1990; published August 8, 1990 (55 FR 32263).

The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities. Such action reduces the regulatory impact on milk handlers and tends to ensure that the market will be adequately supplied with milk for fluid use with a smaller proportion of milk shipments from pool supply plants.

This final rule has been reviewed by the Department in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This revision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the provisions of § 1079.7(b)(1) of the Iowa order.

Notice of proposed rulemaking was published in the **Federal Register** (55 FR 32263) concerning a proposed decrease in the shipping percentage for pool supply plants for the months of September through November. The public was afforded the opportunity to comment on the proposed notice by submitting written data, views and arguments by August 15, 1990.

Statement of Consideration

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, and other available information, it is hereby found and determined that the supply plant shipping percentage should be lowered by 5 percentage points from the present 35 to 30 percent of milk receipts during the months of September through November.

Section 1079.7(b)(1) of the Iowa order provides that the Director of the Dairy Division may increase or reduce the supply plant shipping percentage by up to 10 percentage points. The adjustments can be made to encourage additional milk shipments or to prevent uneconomic shipments.

A reduction of 5 percentage points to the supply plant shipping percentage for the months of September-November 1990 was proposed by Beatrice Cheese, Inc., a handler who operates a pool supply plant under the order. The handler contends that the reduction of the shipping standard is necessary to prevent uneconomic shipments from supply plants to distributing plants. The handler points out that receipts of producer milk under the order during the first six months of 1990 were up about 4 percent from the previous year. In addition, about 26 percent of producer milk pooled under the order was used in Class I during the first six months, compared to 26.5 percent the previous year. The handler also points out that receipts for milk at its supply plant during the first six months were about 5 percent greater than the previous year. Based on the relationship of fluid milk sales to the receipts of milk, the handler contends that a reduction of the supply plant shipping percentage is necessary to prevent uneconomic shipments during the months of September-November 1990. Absent a reduction, the handler contends that it would have to engage in the uneconomic backhauling of 2.0 to 2.5 million pounds of milk per month in order to pool its supply of milk. The handler maintains that distributing plants would be adequately supplied with milk with a lowering of the supply plant shipping percentage by 5 percentage points to 30 percent of receipts.

The notice of proposed rulemaking noted that these supply plant shipping percentages had been reduced during the months of September through November during each of the last five years. As a result of this history of the supply/demand relationship for the market during these months, consideration was given to reducing the shipping percentage for the months of September through November for an indefinite period.

Mid-America Dairymen, Inc. (Mid-Am), a cooperative association that represents producers who supply the market, filed comments opposing the requested action. Mid-Am expressed the view that a reduction of the shipping percentage could result in a shortage of milk for Class I use at distributing plants. Basically, Mid-Am contends that a review of the market's supply/demand relationship for the first six months of the year is not necessarily indicative of the supply/demand relationship that will exist during the last half of the year. Mid-Am notes that during the last half of 1989, producer receipts declined by about 14 percent from the same period in 1988 resulting in a Class I utilization of more than 36 percent compared to a 30 percent Class I utilization during the last half of 1988. As a result, Mid-Am contends that a reduction of the supply plant shipping percentage is unwarranted for the September-November 1990 period, particularly since increased fluid milk sales can be anticipated with the opening of schools. In addition, Mid-Am contends that an indefinite reduction is not warranted in view of a number of uncertainties associated with milk production and marketing.

In a separate action, Associated Milk Producers Inc., (AMPI), a cooperative association that represents producers who supply the market, requested a suspension of certain provisions that limit the amount of milk that can be moved directly from farms to nonpool plants and still be priced under the order. In supporting this request, AMPI cited the same marketing conditions expressed by Beatrice Cheese. AMPI projects that, based on the first six months of the year, about 30 percent of the market's milk supply will be needed for Class I use during September-November this year. AMPI maintains that the normal historical utilization increase should be assumed rather than the aberration from the historical trend that occurred during 1989 when a significant quantity of milk was removed from the market because of pricing considerations.

The reasons presented by Mid-Am do not provide a sufficient basis for denying the request to reduce the supply plant shipping percentage during the months of September-November. The best available indicator of the market's potential supply/demand relationship for the months involved is an extension of the marketing conditions experienced during the first six months of the year and the historical relationship between marketing conditions during the first and second half of the year. In this regard, the experience of 1989 is a clear aberration from the normal trend. Consequently, the marketing conditions indicated by Beatrice Cheese and AMPI reflect a need to reduce the supply plant shipping percentage to avoid uneconomic shipments of milk during the September-November period.

A reduction of the shipping percentage this year results in a reduction during each of the last six years. Thus, it appears that a lower shipping standard during the months of September-November is more reflective of marketing conditions than the 35-percent shipping standard. Thus, the lower shipping standard should be established for these months for an indefinite period. Mid-Am's concerns that an indefinite lowering of the shipping standard may not reflect future marketing conditions are not persuasive since the order provides a remedy to either increase or reduce the shipping standard as a result of changes in marketing conditions. Further, an indefinite duration in view of the history or revision actions, is more likely to result in a reduction of rulemaking actions that occur in continuously adjusting these provisions of the order.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest is that:

(a) This revision is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area for the months of September through November;

(b) This revision does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of the proposed revision was given interested parties and they were afforded the opportunity to file written data, views, or arguments concerning this revision.

Therefore, good cause exists for making this revision effective upon publication of this notice in the **Federal Register**.

List of Subjects in 7 CFR Part 1079

Milk marketing orders.

It is therefore ordered that the following provisions of § 1079.7(b) of the Iowa milk order are hereby revised for the months of September through November.

PART 1079—MILK IN THE IOWA MARKETING AREA

1. The authority for 7 CFR part 1079 continues to read as follows:

Authority: Sections 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).

§ 1079. [Amended[1]

2. In the introductory text of § 1079.7(b), the provision "35 percent" is revised to "30 percent" for the months of September, October and November.

Signed at Washington, DC on: October 5, 1990.

W. H. Blanchard,

Director, Dairy Division.

[FR Doc. 90-24057 Filed 10-11-90; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 90-178]

Brucellosis in Cattle; State and Area Classifications

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: We are amending the brucellosis regulations concerning the interstate movement of cattle by changing the classification of Idaho from Class A to Class Free. We have determined that Idaho now meets the standards for Class Free status. This action relieves certain restrictions on the interstate movement of cattle from Idaho.

DATES: Interim rule effective October 9, 1990. Consideration will be given only to comments received on or before December 11, 1990.

ADDRESSES: To help ensure that your written comments are considered, send an original and three copies of written comments to Regulatory Analysis and Development, PPD, APHIS, USDA, room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket Number 90-178. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. John D. Kopec, Senior Staff Veterinarian, Cattle Diseases and Surveillance Staff, VS, APHIS, USDA, room 729, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-6188.

SUPPLEMENTARY INFORMATION:

Background

Brucellosis is a contagious disease affecting animals and man, caused by bacteria of the genus *Brucella*.

The brucellosis regulations contained in 9 CFR part 78 (referred to below as the regulations) provide a system for classifying States or portions of States according to the rate of brucellosis infection present, and the general effectiveness of a brucellosis control and eradication program. The classifications are Class Free, Class A, Class B, and Class C. States or areas that do not meet the minimum standards