

Budget expense categories	(\$1,000)	
	1998-99	1999-2000
Salaries, Wages and Benefits	189.7	201.265
Research and Development	0	30
Office Rent	23	24
Travel	18.5	21
Reserve (Contingencies)	50.93	16.735
Equipment Rental	9	9.5
Data Processing	3.85	5
Stationery and Printing	5	5.5
Office Supplies	5	5
Postage and Messenger	5	7

The Committee reviewed and unanimously recommended 1999-2000 expenditures of \$347,400. The assessment rate of \$2.00 per ton of salable dried prunes was then determined by dividing the total recommended budget by the estimated salable dried prunes. The Committee is authorized to use excess assessment funds from the 1998-99 crop year (currently estimated at \$51,857) for up to 5 months beyond the end of the crop year to fund 1999-2000 crop year expenses. At the end of the 5 months, the Committee refunds or credits excess funds to handlers (\$993.81(c)). Anticipated assessment income and interest income during 1999-2000 would be adequate to cover authorized expenses.

Recent price information indicates that the grower price for the 1999-2000 season should average above \$850 per salable ton of dried prunes. Based on estimated shipments of 173,700 salable tons, assessment revenue during the 1999-2000 crop year is expected to be less than 1 percent of the total expected grower revenue.

This action would decrease the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate would reduce the burden on handlers, and may reduce the burden on producers. In addition, the Committee's meeting was widely publicized throughout the California dried prune industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the June 29, 1999, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

This proposed rule would impose no additional reporting or recordkeeping

requirements on either small or large California dried prune handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A 30-day comment period is provided to allow interested persons to respond to this proposed rule. Thirty days is deemed appropriate because: (1) The 1999-2000 crop year begins on August 1, 1999, and the marketing order requires that the rate of assessment for each crop year apply to all assessable dried prunes handled during such crop year; (2) the proposed rule would decrease the assessment rate for assessable prunes beginning with the 1999-2000 crop year; and (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years.

List of Subjects in 7 CFR Part 993

Marketing agreements, Plums, Prunes, Reporting and Recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 993 is proposed to be amended as follows:

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

1. The authority citation for 7 CFR part 993 continues to read as follows:

Authority: 7 U.S.C. 601-674.

2. Section 993.347 is revised to read as follows:

§ 993.347 Assessment rate.

On and after August 1, 1999, an assessment rate of \$2.00 per ton is established for California dried prunes.

Dated: July 23, 1999.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1079

[DA-99-02]

Milk in the Iowa Marketing Area; Termination of Proceeding

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Termination of Proceeding.

SUMMARY: This document terminates the proceeding that was initiated to consider a proposal to reduce the percentage of a supply plant's receipts that must be delivered to fluid milk plants to qualify a supply plant for pooling under the Iowa Federal milk order for the months of July and August 1999, and to further reduce the percentage for June 1999.

FOR FURTHER INFORMATION CONTACT:

Constance M. Brenner, Marketing Specialist, USDA/AMS/Dairy Programs, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 720-2357, e-mail address connie.brenner@usda.gov.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Proposed Rule: Issued April 14, 1999; published April 19, 1999 (64 FR 19071).

Final Rule: Issued May 5, 1999; published May 11, 1999 (64 FR 25193).

Notice of Reopening and Extension of Time for Filing Comments: Issued May 7, 1999; published May 13, 1999 (64 FR 25851).

Small Business Consideration

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the

Agricultural Marketing Service considered the economic impact of the action on small entities and certified that it would not have a significant economic impact on a substantial number of small entities. For the purpose of the Regulatory Flexibility Act, a dairy farm is considered a "small business" if it has an annual gross revenue of less than \$500,000, and a dairy products manufacturer is a "small business" if it has fewer than 500 employees. For the purposes of determining which dairy farms are "small businesses," the \$500,000 per year criterion was used to establish a production guideline of 326,000 pounds per month. Although this guideline does not factor in additional monies that may be received by dairy producers, it should be an inclusive standard for most "small" dairy farmers. For purposes of determining a handler's size, if the plant is part of a larger company operating multiple plants that collectively exceed the 500-employee limit, the plant will be considered a large business even if the local plant has fewer than 500 employees.

For the month of February 1999, 3,788 dairy farmers were producers under the Iowa order. Of these, 3,714 producers (i.e., 98 percent) were considered small businesses, having monthly milk production under 326,000 pounds. A further breakdown of the monthly milk production of the producers on the order during February 1999 was as follows: 2,804 produced less than 100,000 pounds of milk; 776 produced between 100,000 and 200,000 pounds; 134 produced between 200,000 and 326,000 pounds; and 74 produced over 326,000 pounds. During the same month, 11 handlers were pooled under the order. Five were considered small businesses.

Because this termination of the proceeding concerning the proposed revision results in no change in regulation, the economic conditions of small entities will remain unchanged. Also, it does not change reporting, record keeping, or other compliance requirements.

Based on the comment received in response to the initial proposed revision from Anderson-Erickson Dairy Company, the later comment from Swiss Valley Farms, Co., a cooperative organization in Davenport, Iowa, and on our analysis of relevant information connected with the proposed rulemaking, we have determined that the revision request should not be granted. While reduction of the pool supply plant shipping standards may have made qualification for pool status more easily obtainable for one supply

plant operator, the order should assure that adequate supplies of milk are available to meet the fluid milk needs of the Iowa market. The current level of supply plant shipping percentages should meet those needs without preventing producers whose milk historically has been associated with the order from maintaining their pool status.

Preliminary Statement

This termination of proceeding is issued pursuant to the provisions of the Agricultural Marketing Agreement Act and of the order regulating the handling of milk in the Iowa marketing area.

Notice of reopening and extension of time for filing comments was published in the **Federal Register** on May 13, 1999 (64 FR 25851). The time for filing comments on the proposed reduction of the percentage of a supply plant's receipts that must be delivered to fluid milk plants to qualify a supply plant for pooling under the Iowa Federal milk order for the months of July and August 1999, and a further reduction for June 1999, was extended through June 14, 1999. Interested persons were afforded opportunity to file written data, views and arguments thereon.

One comment opposing the reduction of supply plant shipping requirements was received.

Statement of Consideration

This document terminates the proceeding that was initiated to consider a proposal to reduce the percentage of a supply plant's receipts that must be delivered to fluid milk plants to qualify a supply plant for pooling under the Iowa Federal milk order for the months of July and August 1999, and to further reduce the percentage for June 1999.

The original request for a reduction in the percentage of a supply plant's shipping percentage requirements came from Beatrice Cheese, Inc., (Beatrice), a proprietary manufacturer of dairy products in Fredericksburg, Iowa. Beatrice requested a decrease in the applicable percentage of 10 percentage points from 20 percent to 10 percent for the months of April through August 1999. This request was based on Beatrice's contention that the action would allow the milk of dairymen who historically had supplied the market to continue to be pooled under the Federal order and also would prevent uneconomic milk movements. Beatrice stated that the 10 percent decrease for April through August 1999 was warranted due to the fact that current raw milk supplies available for fluid use from outside of Iowa's traditional

procurement area exceeded the needs of the fluid milk plants pooled under Federal Order 79 and that these available supplies had replaced milk formerly shipped by Beatrice producers. Beatrice contended that if the pool supply plant shipping percentages remained unchanged, the milk of dairymen who historically had supplied the Iowa market would not be able to continue to be pooled under the Federal Order or Beatrice would be forced to move milk uneconomically to qualify it for pooling.

A comment filed by Anderson-Erickson Dairy Company, a pool distributing plant operator regulated under Order 79, did not oppose the proposed reduction for the months of April and May, but proposed a reduction of no more than 5 percentage points for June and opposed any reduction at that time for the months of July and August 1999. Anderson-Erickson stated that the summer could likely lead to a different marketing scenario than that projected by Beatrice due to a volatile milk supply situation in Iowa.

As a result of Beatrice's request and Anderson-Erickson's comments, the Iowa order supply plant shipping percentages were reduced for April and May by 10 percentage points, and for June by 5 percentage points. In addition, a notice of reopening and extension of time for filing comments through June 14, 1999, was issued to consider a further 5-percent reduction for June and a continuation of the 10-percent point reduction for July and August.

Comments from Swiss Valley Farms, Co., a cooperative organization in Davenport, Iowa, recommend termination of the proceeding due to indications that Iowa milk production during the traditionally short supply months may be lower than normal. Swiss Valley also states that shipping percentages, once properly set, should be changed based only on changes in the supply-demand factors in the market. The cooperative association contends that such factors would represent only emergency situations beyond the control of the producers or processors in a market. Swiss Valley argues that these emergency situations are not currently in existence.

After consideration of all relevant material, including the proposal in the notice, the comment received from the cooperative organization, and other information connected with the rulemaking, it is hereby found and determined that the proposed revision action be terminated.

List of Subjects in 7 CFR Part 1079

Milk marketing orders.

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

Authority: 7 U.S.C. 601-674.

Dated: July 23, 1999.

Richard M. McKee,

Deputy Administrator, Dairy Programs.

[FR Doc. 99-19351 Filed 7-28-99; 8:45 am]

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DEPARTMENT OF AGRICULTURE**Office of Operations****7 CFR Part 2812**

RIN 0599-AA03

Priorities and Administrative Guidelines for Donation of Excess Research Equipment

AGENCY: Office of Procurement and Property Management, Office of Operations, USDA.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of Procurement and Property Management of the Department of Agriculture (USDA) proposes to amend its procedures for the donation of excess research equipment for technical and scientific education and research activities to educational institutions and nonprofit organizations under section 11(I) of the Stevenson-Wydler Technology Act (15 U.S.C. 3710(I)). This amendment would expand the list of entities eligible to receive such equipment, establish a priority list for eligible entities seeking transfer of such equipment, and clarify administrative rules regarding equipment transfer.

DATES: Comments must be submitted by August 30, 1999.

ADDRESSES: Comments should be sent to USDA, OPPM, PMD, 1400 Independence Ave., S.W., Mail Stop 9304, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Kathy Fay on 202-720-9779.

SUPPLEMENTARY INFORMATION:**I. Background****II. Procedural Requirements****A. Executive Order Number 12866.****B. Regulatory Flexibility Act.****C. Paperwork Reduction Act.****III. Electronic Access Addresses****I. Background**

USDA regulations for the donation of excess research equipment for technical and scientific educational and research activities under section 11(I) of the Stevenson-Wydler Technology Act (15

U.S.C. 3710(I)) were promulgated at 7 CFR part 2812 on July 3, 1995. USDA has determined that the eligibility of organizations to receive excess research equipment under this part is not clear.

The President signed Executive Order (EO) 12999 on April 17, 1996, requiring Federal agencies, when donating educationally useful Federal research equipment under section 11(I) of the Stevenson-Wydler Technology Act and other laws, to give the highest preference to schools (including pre-kindergarten through twelfth grade) and nonprofit organizations (including community-based educational organizations) with particular preference to such schools and nonprofit organizations located in Federal enterprise communities and empowerment zones designated pursuant to the Omnibus Reconciliation Act of 1993, Public Law 103-66. USDA is taking action in this rule-making to implement EO 12999.

Further, consistent with the EO 12999 and other authorities available to USDA for transfer of excess personal property (such as that implemented in 7 CFR part 3200), USDA desires to establish a preference list for those eligible entities seeking to receive property donated under this part.

II. Procedural Requirements**A. Executive Order Number 12866**

This proposed rule was reviewed under EO 12866, and it has been determined that it is not a significant regulatory action because it will not have an annual effect on the economy of \$100 million or more or adversely and materially affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. This proposed rule will not create any serious inconsistencies or otherwise interfere with any actions taken or planned by another agency. It will not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof.

B. Regulatory Flexibility Act

USDA certifies that this proposed rule will not have a significant impact on a substantial number of small entities as defined in the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, for the reason that this regulation imposes no new requirements on small entities.

C. Paperwork Reduction

The information collection and record keeping requirements to implement

these procedures have been cleared by the Office of Management and Budget (OMB), under 0505-0019, in accordance with the Paperwork Reduction Act (44 U.S.C. ch. 35).

III. Electronic Access Addresses

You may send electronic mail (E-mail) to kathy.fay@usda.gov or contact us via fax at (202) 720-3747.

List of Subjects in 7 CFR part 2812

Government property management.

For the reasons set forth in the preamble, 7 CFR part 2812 is proposed to be amended as set forth below:

PART 2812—DEPARTMENT OF AGRICULTURE GUIDELINES FOR THE DONATION OF EXCESS RESEARCH EQUIPMENT UNDER 15 U.S.C. 3710(I)

1. The authority citation for part 2812 is revised to read as follows:

Authority: 5 U.S.C. 301; E.O. 12999, 61 FR 17227, 3 CFR, 1997 Comp., p. 180.

2. Amend § 2812.3 by removing paragraph (b), redesignating paragraphs (c), (d), and (e) as (e), (h), and (i), respectively, and adding new paragraphs (b), (c), (d), (f) and (g) to read as follows:

§ 2812.3 Definitions.

* * * * *

(b) *Community-based educational organization* means nonprofit organizations that are engaged in collaborative projects with pre-kindergarten through twelfth grade educational institutions or that have education as their primary focus. Such organizations shall qualify as nonprofit educational institutions for purposes of section 203(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(j)).

(c) *Educational institution* means a public or private, non-profit educational institution, encompassing pre-kindergarten through twelfth grade and two- and four-year institutions of higher education, as well as public school districts.

(d) *Educationally useful Federal equipment* means computers and related peripheral tools (e.g., printers, modems, routers, and servers), including telecommunications and research equipment, that are appropriate for use in prekindergarten, elementary, middle, or secondary school education. It shall also include computer software, where the transfer of licenses is permitted.

* * * * *

(f) *Federal empowerment zone or enterprise community (EZ/EC)* means a