

Food components	Age 1 and 2	Age 3 through 5	Age 6 through 12 <sup>1</sup>	Adult participants
Eggs (large) .....	1/2 egg .....	3/4 egg .....	1 egg .....	1 egg

<sup>1</sup> Children age 12 and up may be served adult size portions based on the greater food needs of older boys and girls, but shall be served not less than the minimum quantities specified in this section for children age 6 through 12.

<sup>2</sup> For purposes of the requirements outlined in this subsection, a cup means a standard measuring cup.

<sup>3</sup> Serve 2 or more kinds of vegetable(s) and/or fruit(s). Full-strength vegetable or fruit juice may be counted to meet not more than one-half of this requirement.

<sup>4</sup> Bread, pasta or noodle products, and cereal grains shall be wholegrain or enriched; cornbread, biscuits, rolls, muffins, etc., shall be made with wholegrain or enriched meal or flour.

<sup>5</sup> Serving size equivalents to be published in guidance materials by FNS.

<sup>6</sup> Edible portion as served.

<sup>7</sup> Tree nuts and seeds that may be used as meat alternates are listed in program guidance.

<sup>8</sup> No more than 50% of the requirement shall be met with nuts or seeds. Nuts or seeds shall be combined with another meat/meat alternate to fulfill the requirement. For the purpose of determining combinations, 1 oz. of nuts or seeds is equal to 1 oz. of cooked lean meat, poultry, or fish.

#### SUPPLEMENTAL FOOD

(4) \* \* \*

Food components	Age 1 and 2	Age 3 through 5	Age 6 through 12 <sup>1</sup>	Adult participants
Eggs (large) .....	1/2 egg .....	1/2 egg .....	1/2 egg .....	1/2 egg

\* \* \* \* \*

Dated: December 16, 1999.  
**Samuel Chambers, Jr.,**  
*Administrator, Food and Nutrition Service.*  
 [FR Doc. 99-33180 Filed 12-23-99; 8:45 am]  
 BILLING CODE 3410-30-U

#### DEPARTMENT OF AGRICULTURE

##### Animal and Plant Health Inspection Service

##### 7 CFR Part 353

[Docket No. 99-100-1]

##### Export Certification; Heat Treatment of Solid Wood Packing Materials Exported to China

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Interim rule and request for comments.

**SUMMARY:** We are amending the export certification regulations to provide for the establishment of a program under which softwood (coniferous) packing materials used with goods exported from the United States may be certified as having been heat treated. This program is necessary because the Government of the People's Republic of China has established a requirement that coniferous packing materials exported to China must be accompanied

by such certification. This change will affect persons who use coniferous packing materials to export goods from the United States to the People's Republic of China.

**DATES:** This interim rule is effective December 17, 1999. We invite you to comment on this docket. We will consider all comments that we receive by February 25, 2000.

**ADDRESSES:** Please send your comment and three copies to: Docket No. 99-100-1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737-1238.

Please state that your comment refers to Docket No. 99-100-1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS rules, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

[www.aphis.usda.gov/ppd/rad/webrepor.html](http://www.aphis.usda.gov/ppd/rad/webrepor.html).

**FOR FURTHER INFORMATION CONTACT:** Mr. Russell Caplen, Economist/Policy Analyst, Policy and Program Development, APHIS, 4700 River Road Unit 119, Riverdale, MD 20737-1236; (301) 734-8537.

#### SUPPLEMENTARY INFORMATION:

##### Background

The export certification regulations contained in 7 CFR part 353 (referred to below as the regulations) set forth the procedures for obtaining certification for plants and plant products offered for export or reexport. Export certification is not required by the regulations; rather, it is provided by the Animal and Plant Health Inspection Service (APHIS) as a service to exporters who are shipping plants or plant products to countries that require phytosanitary certification as a condition of entry. After assessing the condition of the plants or plant products intended for export, relative to the receiving country's regulations, an inspector will issue an internationally recognized phytosanitary certificate (PPQ Form 577), a phytosanitary certificate for reexport (PPQ Form 579), or an export certificate for processed plant products (PPQ Form 578), if warranted.

Since 1975, APHIS has participated with State governments in the

Cooperative Phytosanitary Export Certification Program, which allows certain State and county officials, as well as APHIS officials, to issue phytosanitary certificates, phytosanitary certificates for reexport, or export certificates for processed plant products. Because the number of Federal inspectors is limited, the use of State and county inspectors is a considerable service to exporters of plants and plant products in terms of both time and convenience.

The Government of the People's Republic of China has established requirements concerning importation of softwood (coniferous) packing materials from the United States in order to prevent the introduction into China of plant pests, specifically the pinewood nematode. This nematode is indigenous to North America and has caused significant damage to conifer forests in Asia.

Effective January 1, 2000, the Government of the People's Republic of China will require goods from the United States to be accompanied either by a statement from the exporter that the shipment does not contain any coniferous packing material or by a certificate signed by a representative of the United States Department of Agriculture (USDA) attesting that the coniferous packing materials in the shipment have been heat treated by being subjected to a minimum core temperature of 56 °C for 30 minutes.

In response to this requirement, we have developed a new certificate of heat treatment and procedures for issuing it to exporters who need to heat treat their packing materials in order to ship goods to China. This new certificate of heat treatment, PPQ Form 553, is divided into two parts and serves as both a certification by the exporter that the required heat treatment was performed and USDA endorsement of industry compliance with the certification requirements.

In the first part of the form, the exporter provides the name and address of both the exporter and the consignee and a description of the consignment. The exporter also signs a statement on the form certifying that the coniferous packing material in the shipment has been heat treated by being subjected to a minimum core temperature of 56 °C for 30 minutes.

In the second part of the form, an inspector endorses the form by applying an official stamp and signing the form, dating it, and recording the work unit, city, and State where the form was endorsed. This work unit could be either an office of Plant Protection and Quarantine (PPQ), APHIS, or the office

of a State or county plant protection cooperator that has been designated by the Secretary of Agriculture to certify shipments of plant products for export in accordance with 7 CFR part 353.

This two-part form is designed to simplify the process of obtaining certification of heat treatment and to minimize the paperwork burden for both exporters and inspectors. We plan to make PPQ Form 553 widely available, via the Internet and other means, so that exporters can obtain it without difficulty. We are also engaged in a public outreach to ensure that exporters are aware of the new certification requirement of the Government of the People's Republic of China and to inform exporters as to how they can obtain PPQ Form 553 and where to submit it to an inspector for endorsement. Persons interested in determining the locations of inspectors who can accept and process PPQ Form 553 can find a list of PPQ offices at <http://www.aphis.usda.gov/travel/aqi> and a list of cooperating State offices at <http://www.aphis.usda.gov/npb/npbmemb>.

It should be noted that the regulations prior to this interim rule have allowed for industry-issued certification that a plant product has been handled, processed, or inspected in a manner required by a foreign government to be used in lieu of PPQ certification forms. However, the certification requirements of the People's Republic of China do not recognize industry-issued certificates to certify that coniferous packing material has been heat treated. Only PPQ Form 553 will be accepted by the People's Republic of China for this purpose.

In § 353.1 of the regulations, we are defining *certificate of heat treatment* as "A certificate (PPQ Form 553) issued by an inspector endorsing the statement of an exporter that the coniferous packing materials associated with a shipment for export have been heat treated by being subjected to a minimum core temperature of 56 °C for 30 minutes."

Section 353.5 of the regulations describes how to apply for certification under part 353 and states that applicants must apply using PPQ Form 572. We are adding to this section that applicants for a certificate of heat treatment must submit PPQ Form 553 instead.

Section 353.7 of the regulations describes the processing procedures for the various certificates issued in accordance with part 353. We are adding a new paragraph (e) describing the procedures for the new certificate of heat treatment. This paragraph instructs the exporter or his or her representative to complete blocks 1 through 4 of PPQ

Form 553 and submit the original form and one copy to an inspector, who will complete and sign both the original form and the copy. The original certificate of heat treatment will then be delivered or mailed to the applicant or a person designated by the exporter. One copy of each certificate will be kept on file in the office of the inspector who endorses it. The exporter or his or her representative must also keep on file at his or her office a copy of each certificate issued in his or her name, as well as documentation showing that heat treatment was performed on packing materials in the shipment referred to in the certificate. The exporter or his or her representative must make these documents available to an inspector upon request for a period of 1 year following the date of issuance of the certificate.

We anticipate that some exporters will apply for a certificate of heat treatment at APHIS or cooperating State offices at or near the port from which they intend to export their goods to China, while others will apply to offices located near the place of origin of the goods, or at intermediate locations where goods are packed and assembled for shipment. We intend to make inspectors available to issue certificates of heat treatment at many different locations in order to accommodate exporter needs and to avoid overwhelming our port offices with new work. Section 353.3 of the current regulations advises our customers on how to contact an APHIS regional office to learn where they can apply for export certificates. We have also established a web page, currently <http://www.aphis.usda.gov/oa/chinaswp/hotbutton>, where exporters can obtain copies of PPQ Form 553 and other information about this program.

#### Removal of Authority Citation

In the authority citation for part 553, we are removing the reference to 44 U.S.C. 35 because that section has been repealed.

#### Immediate Action

The Administrator of the Animal and Plant Health Inspection Service has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. Immediate action is necessary to provide a means for U.S. exporters to obtain certificates that the Government of the People's Republic of China will require to accompany certain shipments of U.S. goods to China as of January 1, 2000.

Because prior notice and other public procedures with respect to this action

are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make this action effective less than 30 days after publication. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

#### **Executive Order 12866 and Regulatory Flexibility Act**

This rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

This emergency situation makes compliance with section 603 and timely compliance with section 604 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) impracticable. If we determine that this rule will have a significant economic impact on a substantial number of small entities, then we will discuss the issues raised by section 604 of the Regulatory Flexibility Act in our final regulatory flexibility analysis.

#### **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.)

#### **Executive Order 12988**

This interim rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

#### **Paperwork Reduction Act**

In accordance with section 3507(j) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection and recordkeeping requirements included in this interim rule have been submitted for emergency approval to the Office of Management and Budget (OMB). OMB has assigned control number 0579-0147 to the information collection and recordkeeping requirements.

We plan to request continuation of that approval for 3 years. Please send

written comments on the 3-year approval request to the following addresses: (1) Docket No. 99-100-1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238, and (2) Clearance Officer, OCIO, USDA, room 404-W, 14th Street and Independence Avenue, SW., Washington, DC 20250. Please state that your comments refer to Docket No. 99-100-1, and send your comments within 60 days of publication of this rule.

This interim rule establishes regulations to provide for the establishment of a program under which softwood (coniferous) packing materials, used with goods exported from the United States to China, may be certified as having been heat treated. This program is necessary because the Government of the People's Republic of China has established a requirement that coniferous packing materials imported from the United States must be accompanied by such certification. Exporters shipping goods to China that are accompanied by coniferous packing materials will have to complete a new PPQ Form 553 and submit it to an inspector for endorsement and maintain for 1 year at their offices a copy of each certificate issued. Exporters or their agents will also have to keep on file for 1 year at their offices documentation from heat treatment facilities showing that the heat treatment certified by each certificate was performed. Each exporter or his or her representative will have to make copies of these documents available to inspectors upon request.

We are soliciting comments from the public concerning our information collection and recordkeeping requirements. These comments will help us:

(1) Evaluate whether the information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond (such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology; e.g., permitting electronic submission of responses).

*Estimate of burden:* Public reporting burden and recordkeeping for this

collection of information is estimated to average 1 minute per response.

*Respondents:* Exporters and their representatives or brokers who export commercial shipments packed in coniferous solid wood packing materials to the People's Republic of China.

*Estimated annual number of respondents:* 6,500.

*Estimated annual number of responses per respondent:* 25.

*Estimated annual number of responses:* 162,500.

*Estimated total annual burden on respondents:* 2,808 hours.

Copies of this information collection can be obtained from: Clearance Officer, OCIO, USDA, room 404-W, 14th Street and Independence Avenue, SW., Washington, DC 20250.

#### **List of Subjects in 7 CFR Part 353**

Exports, Plant diseases and pests, Reporting and recordkeeping requirements.

Accordingly, 7 CFR part 353 is amended as follows:

#### **PART 353—EXPORT CERTIFICATION**

1. The authority citation for part 353 is revised to read as follows:

**Authority:** 7 U.S.C. 147a; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.2(c).

2. In 353.1, a definition of *Certificate of heat treatment* is added, in alphabetical order, to read as follows:

##### **353.1 Definitions.**

\* \* \* \* \*

*Certificate of heat treatment.* A certificate (PPQ Form 553) issued by an inspector endorsing the statement of an exporter that the coniferous packing materials associated with a shipment for export have been heat treated by being subjected to a minimum core temperature of 56 °C for 30 minutes.

\* \* \* \* \*

##### **§ 353.2 [Amended]**

3. In § 353.2, the phrase "or an export certificate for processed plant products (PPQ Form 578)," is removed and the phrase "an export certificate for processed plant products (PPQ Form 578), or a certificate of heat treatment (PPQ Form 553)" is added in its place.

##### **§ 353.5 [Amended]**

4. Section 353.5 is amended as follows:

a. In paragraph (a), the phrase "(PPQ Form 572)" is removed and the phrase "(PPQ Form 572, or, to obtain a certificate of heat treatment, PPQ Form 553)" is added in its place, and the word "certification." is removed and the phrase "certification, except that, for

PPQ Form 553, the office of inspection need not be a port." is added in its place.

b. In paragraph (b), the phrase "at the port of certification" is removed.

5. In § 353.7, new paragraph (e) is added to read as follows:

#### § 353.7 Certificates.

\* \* \* \* \*

(e) *Certificate of heat treatment (PPQ Form 553)*. For each consignment containing coniferous packing materials for which certification is requested, the exporter or his or her representative shall complete blocks 1 through 4 of PPQ Form 553 and submit the original form and one copy to an inspector. The inspector shall complete and sign both the original form and the copy.

(2) The original certificate of heat treatment shall immediately upon its issuance be delivered or mailed to the applicant or a person designated by the applicant.

(3) One copy of each certificate shall be filed in the office of inspection.

(4) The exporter or his or her representative must keep on file at his or her office a copy of each certificate issued in his or her name, and documentation showing that heat treatment was performed on packing materials in the shipment referred to in the certificate, and make these documents available to an inspector upon request, for a period of 1 year following the date of issuance of the certificate.

(Approved by the Office of Management and Budget under control number 0579-0052)

Done in Washington, DC, this 17th day of December 1999.

**Bobby R. Acord,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 99-33422 Filed 12-23-99; 8:45 am]

BILLING CODE 3410-34-P

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 955

[Docket No. FV99-955-1 FIR]

#### Vidalia Onions Grown in Georgia; Fiscal Period Change

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Department of Agriculture (Department) is adopting, as a final rule, without change, the provisions of an interim final rule changing the fiscal period under the

Vidalia onion marketing order (order) to January 1–December 31 from September 16–September 15. It also extends the current fiscal period which began September 16, 1998, through December 31, 1999. The order is administered locally by the Vidalia Onion Committee (Committee), which recommends its program expenses on a fiscal period basis. An assessment rate, levied on fresh Vidalia onion shipments, is established to pay those expenses. When the former fiscal period was established, it coincided with the Vidalia onion marketing season which ran from April through June. Due largely to the use of Controlled Atmosphere (CA) storage, Vidalia onions are now shipped through the fall. This action will continue to make the fiscal period consistent with the current marketing season.

**EFFECTIVE DATE:** December 28, 1999.

#### FOR FURTHER INFORMATION CONTACT:

William G. Pimental, Southeast Marketing Field Office, F&V, AMS, USDA, P.O. Box 2276, Winter Haven, FL 33883-2276; telephone: (941) 299-4770, Fax: (941) 299-5169; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-2491, Fax: (202) 720-5698.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, DC 20090-6456; telephone (202) 720-2491, Fax: (202) 720-5698, or E-mail: Jay.Guerber@usda.gov.

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Agreement and Order No. 955 (7 CFR part 955) regulating the handling of Vidalia onions grown in Georgia, hereinafter referred to as the "order." The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act."

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule continues in effect modifications to the language in the order's administrative rules and regulations which changed the fiscal period to January 1 through December 31, making it consistent with the current Vidalia onion marketing season. It also continues to extend the 1998-99 fiscal period, formerly September 16, 1998, through September 15, 1999, through December 31, 1999. Therefore, this rule better reflects current industry practice. These changes were unanimously recommended by the Committee at its November 19, 1998, meeting.

Section 955.40 of the order provides authority for the Committee to incur expenses that are reasonable and necessary to operate the program. The order also provides that these expenses be paid by assessments levied on fresh shipments of Vidalia onions. The Committee prepares an annual budget of expenses and recommends an appropriate assessment rate on a fiscal year basis. Section 955.13 of the order defines "fiscal period" to mean September 16 through September 15 of the following year, or such other period that may be recommended by the Committee and approved by the Secretary.

When the order was first issued in 1989, the harvesting and marketing season for Vidalia onions ran from April through June. The September 16 through September 15 fiscal period thus covered the entire marketing season and was appropriate for budget planning purposes. Over the past decade, changes in the industry have extended the marketing season. In particular, the adoption of Controlled Atmosphere (CA) storage by three-fourths of the handlers has allowed them to economically store Vidalia onions