

DEPARTMENT OF AGRICULTURE**Commodity Credit Corporation****Draft Environmental Assessment;
Giant Miscanthus in Arkansas,
Missouri, Ohio, and Pennsylvania**

AGENCY: Commodity Credit Corporation and Farm Service Agency, USDA.

ACTION: Notice of availability and request for comments.

SUMMARY: This notice announces the availability of a draft environmental assessment (EA) for the proposed establishment and production of giant miscanthus (*Miscanthus X giganteus*) as a dedicated energy crop to be grown in the Aloterra Energy and MFA Oil Biomass Company (project sponsors) proposed project areas in Arkansas, Missouri, Ohio, and Pennsylvania as part of the Biomass Crop Assistance Program (BCAP). This notice provides a means for the public to submit comments to voice concerns about the proposed BCAP project areas.

DATES: We will consider comments that we receive by May 7, 2011. The Farm Service Agency (FSA) will consider comments received after that date to the extent possible.

ADDRESSES: We invite you to submit comments on the draft EA. In your comment, include the volume, date, and page number of this issue of the **Federal Register**. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *E-Mail:* GiantMiscanthusEAComments@intenvsol.com.
- *Fax:* 972-562-7673 ATTN: Giant Miscanthus EA Comments.
- *Mail:* Giant Miscanthus EA Comments, Integrated Environmental Solutions, LLC, 2150 S Central Expy Ste 110, McKinney, TX 75070.
- *Hand Delivery or Courier:* Deliver comments to the above address.

Comments may be inspected in the Office of the Director, CEPD, FSA, USDA, Room 4709 South Building, Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

You may request copies of the draft EA for Giant Miscanthus by writing to: Giant Miscanthus EA Copies, Integrated Environmental Solutions, LLC, 2150 S Central Expy, Ste 110, McKinney, TX 75070, or by e-mail to: rschneider@intenvsol.com, with the subject: "Request for copy draft Giant Miscanthus EA."

FOR FURTHER INFORMATION CONTACT:

Matthew Ponish, (202) 720-6853.

Persons with disabilities who require alternative means for communication (braille, large print, audio tape, *etc.*) should contact the USDA Target Center at (202) 720-2600 (voice and TDD).

SUPPLEMENTARY INFORMATION: The Aloterra Energy and MFA Oil Biomass Company submitted a proposal to FSA to establish BCAP project areas in Arkansas, Missouri, Ohio, and Pennsylvania. The proposal is to establish and produce giant miscanthus as a dedicated energy crop. The draft EA analyzes the environmental impacts of growing giant miscanthus in those areas. FSA will review comments submitted on the draft EA in response to this notice and use the additional input in developing the final EA and decision document about whether to approve the project or not. This notice announces the availability of the draft EA and the opening of the comment period; it does not discuss the contents of the draft EA.

The draft EA for the proposed BCAP project areas supporting the establishment and production of Giant Miscanthus (*Miscanthus X giganteus*) in Arkansas, Missouri, Ohio, and Pennsylvania sponsored by Aloterra Energy LLC and MFA Oil Biomass LLC is now available to review for the environmental impact.

The draft EA was prepared in accordance with the provisions of the National Environmental Policy Act (NEPA, 42 U.S.C. 4321-4347); the regulations of the Council on Environmental Quality (CEQ) (40 CFR parts 1500-1508); and FSA regulations for compliance with NEPA (7 CFR 799). As specified in the CEQ regulation, an EA is " * * * a concise document for which a Federal agency is responsible that serves to (1) briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement [EIS] or (2) a finding of no significant impact" (40 CFR 1508.9). Additionally, since this document falls under the guidance of the BCAP final programmatic EIS (PEIS), which was a broad national-level program document, CEQ guidance allows for "tiering." The CEQ regulation states that tiering "refers to the coverage of general matters in broader environmental impact statements with subsequent narrower statements or environmental analyses incorporating by reference the general discussions and concentrating solely on the issues specific to the statement subsequently prepared" (40 CFR 1508.28).

Section 9001 of the Food, Conservation, and Energy Act of 2008

(Pub. L. 110-246, commonly referred to as the 2008 Farm Bill) authorizes BCAP. BCAP is administered by the FSA Deputy Administrator for Farm Programs, on behalf of the Commodity Credit Corporation (CCC), with the support of other Federal and local agencies. BCAP is intended to assist agricultural and forest land owners and operators with the establishment and production of eligible crops in selected project areas for conversion to bioenergy, and the collection, harvest, storage, and transportation of eligible material for use in a biomass conversion facility.

On October 27, 2010, CCC published the Record of Decision (ROD) for the BCAP final PEIS (75 FR 65995-66007) and BCAP final rule (76 FR 66202-66243) in the **Federal Register**. As part of the mitigation measures detailed in the ROD, each project proposal is subject to a NEPA analysis prior to approval of the project area proposal. The initial environmental evaluation of a project area proposal is based on information contained in specific forms: BCAP-19, BCAP-20, BCAP-21, and BCAP-22, with supporting information. After this initial evaluation FSA can conclude either that:

- (1) No additional environmental analyses are applicable due to no potential for the proposed BCAP activity to significantly impact the environment, or
- (2) Additional environmental analyses in the form of an EA or EIS are necessary, depending upon the potential level of significance.

Due to inconclusive results in the initial environmental evaluation, FSA is required to do an EA to make a determination whether there could be significant environmental impacts.

The draft EA can be reviewed online at <http://www.fsa.usda.gov/FSA/webapp?area=home&subject=ecrc&topic=nep-cd>.

Signed in Washington, DC on April 5, 2011.

Carolyn B. Cooksie,

Acting Executive Vice President, Commodity Credit Corporation, and Acting Administrator, Farm Service Agency.

[FR Doc. 2011-8421 Filed 4-7-11; 8:45 am]

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DEPARTMENT OF AGRICULTURE**Food Safety and Inspection Service**

[Docket No. 2011-0004]

Exemption for Retail Store Operations

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of adjusted dollar limitations.

SUMMARY: The Food Safety and Inspection Service (FSIS) is announcing the dollar limitations on the amount of meat and meat food products, poultry and poultry products that a retail store can sell to hotels, restaurants, and similar institutions without disqualifying itself for exemption from Federal inspection requirements. In accordance with FSIS's regulations, for calendar year 2011, the dollar limitation for meat and meat food products is being increased from \$60,200 to \$61,900 but for poultry products will remain at \$50,200. FSIS is retaining or changing the dollar limitations from calendar year 2010 based on price changes for these products evidenced by the Consumer Price Index.

DATES: *Effective Date:* This notice is effective April 8, 2011.

FOR FURTHER INFORMATION CONTACT: Contact John O'Connell, Policy Issuances Division, Office of Policy and Program Development, FSIS, U.S. Department of Agriculture, Room 6083 South Building, 1400 Independence Avenue, SW., Washington, DC 20250-3700; telephone (202) 720-0345.

SUPPLEMENTARY INFORMATION:

Background

The Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*) provide a comprehensive statutory framework to ensure that meat, meat food products, poultry, and poultry products prepared for commerce are wholesome, not adulterated, and properly labeled and packaged. Statutory provisions requiring inspection of the preparation or processing of meat, meat food, poultry, and poultry products do not apply to the types of operations traditionally and usually conducted at retail stores and restaurants when those operations are conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities (21 U.S.C. 661(c)(2) and 454(c)(2)) FSIS's regulations (9 CFR 303.1(d) and 381.10(d)) elaborate on the conditions under which requirements for inspection do not apply to retail operations involving the preparation or processing of meat, meat food, poultry, and poultry products.

Sales to Hotels, Restaurants, and Similar Institutions

Under these regulations, sales to hotels, restaurants, and similar institutions (other than household consumers) disqualify a store for

exemption if the product sales exceed either of two maximum limits: 25 percent of the dollar value of total product sales or the calendar year dollar limitation set by the Administrator. The dollar limitation is adjusted automatically during the first quarter of the year if the Consumer Price Index (CPI), published by the Bureau of Labor Statistics, shows an increase or decrease of more than \$500 in the price of the same volume of product for the previous year. FSIS publishes a notice of the adjusted dollar limitations in the **Federal Register**. (See 9 CFR 303.1(d)(2)(iii)(b) and 381.10(d)(2)(iii)(b).)

The CPI for 2010 reveals an annual average price increase for meat and meat food products at 2.84 percent and an annual average price decrease for poultry products at 0.12 percent. When rounded to the nearest \$100, the price for meat and meat food products increased by \$1,700 and the price for poultry products decreased by \$100. Because the price of meat and meat food products increased by more than \$500, and because the price of poultry products did not decrease by more than \$500, FSIS is increasing the dollar limitation on sales to hotels, restaurants, and similar institutions to \$61,900 for meat and meat food products and is retaining it at \$50,200 for poultry products for calendar year 2011, in accordance with 9 CFR 303.1(d)(2)(iii)(b) and 381.10(d)(2)(iii)(b).

USDA Nondiscrimination Statement

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's Target Center at 202-720-2600 (voice and TTY).

To file a written complaint of discrimination, write USDA, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250-9410 or call 202-720-5964 (voice and TTY). USDA is an equal opportunity provider and employer.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to ensure that the public and in particular minorities, women, and persons with

disabilities, are aware of this notice, FSIS will announce it on-line through the FSIS Web page located at http://www.fsis.usda.gov/regulations_and_policies/Federal_Register_Notices/index.asp.

FSIS also will make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is communicated via Listserv, a free e-mail subscription service consisting of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals who have requested to be included. The Update also is available on the FSIS Web page. Through Listserv and the Web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an e-mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at http://www.fsis.usda.gov/News_and_Events/Email_Subscription/.

Options range from recalls, export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

Done at Washington, DC, on April 5, 2011.

Alfred V. Almanza,
Administrator.

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DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS-2011-0007]

**Codex Alimentarius Commission:
Meeting of the Codex Alimentarius
Commission**

AGENCY: Office of the Under Secretary for Food Safety, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The Office of the Under Secretary for Food Safety, U.S. Department of Agriculture (USDA), is sponsoring a public meeting on June 16, 2011. The objective of the public meeting is to provide information and receive public comments on agenda