

# Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

#### Livestock Indemnity Program for Livestock Losses Due to Southern California Fires

**AGENCY:** Commodity Credit Corporation, USDA.

**ACTION:** Notice of funds availability.

**SUMMARY:** The Commodity Credit Corporation (CCC) is issuing this notice to inform interested parties of the availability of \$500,000 to provide assistance to producers who suffered livestock losses due to wild fires in Southern California. Assistance will be provided in the same manner as the assistance provided under terms applicable to a previous Livestock Indemnity Program.

**DATES:** The Farm Service Agency (FSA) will begin accepting applications on April 15, 2004. The application deadline is June 14, 2004, or such other date as determined by FSA's Deputy Administrator for Farm Programs.

**FOR FURTHER INFORMATION CONTACT:** Eloise Taylor, Chief, Compliance Branch, Production, Emergencies and Compliance Division, FSA, 1400 Independence Ave., SW., Washington, DC 20250-0517, (202) 720-9882, or e-mail at: [Eloise\\_Taylor@wdc.usda.gov](mailto:Eloise_Taylor@wdc.usda.gov) or <http://www.regulations.gov>. Persons with disabilities who require alternative means for communication of regulatory information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

#### SUPPLEMENTARY INFORMATION:

##### Paperwork Reduction Act

The collection of information from the public to implement this program has been approved by the Office of Management and Budget under Control Number 0560-0179.

#### Background

This notice provides California Livestock Indemnity Program terms and conditions, and informs affected parties that they may be eligible for benefits. Section 102(g) of Division H of the Consolidated Appropriations Act, 2004 (Public Law 108-199, January 23, 2004), provided \$500,000 of funds of the CCC for a livestock indemnity program in Southern California "under the heading 'Commodity Credit Corporation'" in the 1999 emergency Supplemental Appropriations Act, Public Law 106-31. That provision is accompanied in Section 102 with other provisions addressing recent wildfire losses. In accord with the understood intent of the livestock provision, the CCC is making available by this notice \$500,000 for those losses, namely in Southern California, to livestock owners in the counties of Ventura, San Bernardino, Santa Barbara, San Diego, Riverside, and Los Angeles who suffered eligible livestock losses from wildfires in the fall of 2003. No claims will be paid except upon the filing of a proper application during the application period as announced in this notice. All claims are subject to the availability of funds. Owners will be compensated by livestock category as established by CCC. The owner's loss must be the result of the wild fires and in excess of normal losses, as established by CCC, for the owner's livestock operation. The requirements as set forth below apply as do any additional terms as may be imposed in the application process by the agency.

Comments and questions concerning this notice may be directed to Eloise Taylor at the address above. However, because the nature of the relief, it has been determined that a delay in this action would be contrary to the public interest, and Congressional intent. Thus, the notice is effective immediately.

##### I. How To Apply

(A) Livestock owners must submit the application for benefits at the FSA service center for the area in which the livestock was lost. Except as otherwise provided in this notice, owners must meet all eligibility requirements as codified at 7 CFR part 1439, Subpart A. Further, except as otherwise provided in this notice, the terms and conditions, requirements, and definitions of the regulations published in the **Federal**

**Register** on November 1, 1999 (64 FR 58766), for the livestock indemnity program provided in Public Law 106-31 shall apply.

(B) The livestock owner shall provide any available supporting documents that will assist the FSA county committee, or is requested by the county committee, including, but not limited to:

(1) Evidence of the quantity of eligible livestock that perished in the natural disaster, such as purchase records, veterinarian receipts, bank loan papers, rendering truck certificates, Federal Emergency Management Agency and National Guard records, auction barn receipts, and any other documents available to confirm the presence of the livestock and subsequent losses; and

(2) Evidence, including any documents available, confirming that the disaster was responsible for the livestock losses.

(3) Certifications by the owner and other such documentation the county committee determines to be necessary to verify the information provided by the owner. Third-party verifications may be accepted only if the owner certifies in writing that there is no other documentation available. Third-party verification must be signed by the verifying party. Failure to provide documentation that is satisfactory to the county committee will result in the disapproval of the application.

##### II. Payment Limitations

(A) Funding for the program is limited to \$500,000. In the event that amount is insufficient to pay all approved claims, CCC will reduce the payments for all eligible and timely submitted claims on a pro rata basis or other method deemed appropriate by CCC.

(B) The total amount of benefits that a person may receive, as determined in accordance with 7 CFR Part 1400, shall not exceed \$50,000.

##### III. Who Is Eligible

Eligible producers for California LIP payments are livestock owners in the Southern California counties of Ventura, San Bernardino, Santa Barbara, San Diego, Riverside, and Los Angeles who suffered livestock losses from wildfires in the fall of 2003, and to livestock producers in Kern or Tulare county who suffered livestock losses from the McNally fire in 2002.

#### IV. Eligibility Determinations

Eligibility determinations will be made by the county committee upon receipt of all necessary data. Ineligible causes of loss are those that are not a direct result of the wild fires.

A person, as defined in 7 CFR Part 1400, who has annual gross revenue in excess of \$2.5 million shall not be eligible for benefits from this program.

#### V. Payment Calculations

(A) LIP payments will be based on the owner's share of the lost livestock.

(B) Payments will be calculated by multiplying the national payment rate for the livestock category, as determined by CCC, by the number of qualifying animals determined in paragraph I, above.

#### VI. General

(A) LIP will be under the supervision of the Deputy Administrator for Farm Programs, who will have the authority to modify terms and conditions of the program in order to achieve the purposes of the program.

(B) Livestock owners shall certify the accuracy of the information provided. All information provided is subject to verification and spot checks by CCC. Failure to provide information requested by the county committee or by agency officials is cause for denial of any application.

(C) The livestock owner must agree to the final terms and conditions.

(D) For additional information, affected livestock owners should contact Eloise Taylor at the address shown above.

(E) Payments are subject to administrative offset.

#### VII. Appeals

Once all claims have been submitted, individual applicants will have 30 days to challenge the payment amount with the county committee.

Signed at Washington, DC, April 20, 2004.

**Michael W. Yost,**

*Acting Executive Vice President, Commodity Credit Corporation.*

[FR Doc. 04-9800 Filed 4-29-04; 8:45 am]

BILLING CODE 3410-05-P

## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

[Docket No. 04-011N]

#### 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 new dollar limitations on the amount of sales of meat and meat food products and poultry products to hotels, restaurants, and similar institutions that do not disqualify a retail store for exemption from Federal inspection requirements. By reason of FSIS' regulations, for calendar year 2004 the dollar limitation for meat and meat food products has been increased from \$47,000 to \$53,600 and for poultry products from \$41,600 to \$43,600. FSIS is increasing the dollar limitations from calendar year 2003 based on price changes for these products evidenced by the Consumer Price Index.

**EFFECTIVE DATE:** This notice is effective April 30, 2004.

**FOR FURTHER INFORMATION CONTACT:** John O'Connell, Directives and Economic Analysis Staff, Office of Policy, Program, and Employee Development, FSIS, U.S. Department of Agriculture, Room 112, Cotton Annex Building, 300 12th Street, SW., Washington, DC 20250-3700; telephone (202) 720-0345, fax (202) 690-0486.

#### 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 that the statutory provisions requiring inspection of the slaughter of livestock or poultry, and the preparation or processing of meat and meat food and poultry products, do not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities (21 U.S.C. 454(c)(2) and 661 (c)(2)). In title 9 of the Code of Federal Regulations, §§ 303.1(d) and 381.10(d), FSIS regulations address the conditions under which requirements for inspection do not apply to retail operations involving the preparation or processing of meat or poultry products.

Under these regulations, sales to hotels, restaurants, and similar institutions disqualify a store for exemption if they 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, indicates 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 paragraphs (d)(2)(iii)(b) and (d)(2)(iii)(b) of §§ 303.1 and 381.10.)

The CPI for 2003 reveals an average annual price increase for meat and meat food products of 14 percent and an annual average price increase for poultry products of 4.7 percent. When rounded off to the nearest \$100.00, the price increase for meat and meat food products is \$6,600 and the price increase for poultry products is \$2,000. Because the price of meat and meat food products and the price of poultry products have increased by more than \$500, in accordance with §§ 303.1 (d)(2)(iii)(b) and 381.10 (d)(2)(iii)(b) of the regulations, FSIS is increasing the dollar limitation on sales to hotels, restaurants, and similar institutions to \$53,600 for meat and meat food products and at \$43,600 for poultry products for calendar year 2004.

#### Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to better ensure that the public, and in particular that minorities, women, and persons with disabilities are aware of this notice, FSIS will announce it online through the FSIS Web page located at <http://www.fsis.usda.gov>.

FSIS will also 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, recalls, and any 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 that have requested to be included. The update is also available on the FSIS Web page. Through the Listserv and the Web page, FSIS is able to provide information to a much broader, more diverse audience.

For more information contact the Congressional and Public Affairs Office at (202) 720-9113. To be added to the free e-mail subscription service (Listserv) go to the Constituent Update" page on the Internet at <http://www.fsis.usda.gov/oa/update/update.htm>. Click on the "Subscribe to