

**DEPARTMENT OF AGRICULTURE****Food and Nutrition Service****Emergency Food Assistance Program; Availability of Foods for Fiscal Year 2013**

**AGENCY:** Food and Nutrition Service, USDA.

**ACTION:** Notice.

**SUMMARY:** This notice announces the surplus and purchased foods that the Department expects to make available for donation to States for use in providing nutrition assistance to the needy under the Emergency Food Assistance Program (TEFAP) in Fiscal Year (FY) 2013. The foods made available under this notice must, at the discretion of the State, be distributed to eligible recipient agencies (ERAs) for use in preparing meals and/or for distribution to households for home consumption.

**DATES:** *Effective Date:* October 1, 2012.

**FOR FURTHER INFORMATION CONTACT:** Anne Fiala, Policy Branch, Food Distribution Division, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, Virginia 22302-1594 or telephone (703) 305-2662.

**SUPPLEMENTARY INFORMATION:**

In accordance with the provisions set forth in the Emergency Food Assistance Act of 1983 (EFAA), 7 U.S.C. 7501, *et seq.*, and the Food and Nutrition Act of 2008, 7 U.S.C. 2036, the Department makes foods available to States for use in providing nutrition assistance to those in need through TEFAP. In accordance with section 214 of the EFAA, 7 U.S.C. 7515, 60 percent of each State's share of TEFAP foods is based on the number of people with incomes below the poverty level within the State and 40 percent on the number of unemployed persons within the State. State officials are responsible for establishing the network through which the foods will be used by ERAs in providing nutrition assistance to those in need and for allocating foods among those ERAs. States have full discretion in determining the amount of foods that will be made available to ERAs for use in preparing meals and/or for distribution to households for home consumption.

The types of foods the Department expects to make available to States for distribution through TEFAP in FY 2013 are described below.

**Surplus Foods**

Surplus foods donated for distribution under TEFAP are Commodity Credit

Corporation (CCC) foods purchased under the authority of section 416 of the Agricultural Act of 1949, 7 U.S.C. 1431 (section 416) and foods purchased under the surplus removal authority of section 32 of the Act of August 24, 1935, 7 U.S.C. 612c (section 32). The types of foods typically purchased under section 416 include dairy, grains, oils, and peanut products. The types of foods purchased under section 32 include meat, poultry, fish, vegetables, dry beans, juices, and fruits.

Approximately \$274.5 million in surplus foods acquired in FY 2012 are being delivered to States in FY 2013. These foods include beans (dried, canned), blueberries, carrots, catfish, chicken (leg quarters, thighs/drumsticks), cranberry sauce, grape juice, lamb (leg, shoulder), mixed fruit, orange juice, peaches, pears, pork (canned, frozen), potatoes, and tomatoes (diced, juice, sauce). Other surplus foods may be made available to TEFAP throughout the year. The Department would like to point out that food acquisitions are based on changing agricultural market conditions; therefore, the availability of foods is subject to change.

**Purchased Foods**

In accordance with section 27 of the Food and Nutrition Act of 2008, 7 U.S.C. 2036, the Secretary is directed to purchase \$265.75 million worth of foods in FY 2013 for distribution through TEFAP. These foods are made available to States in addition to those surplus foods which otherwise might be provided to States for distribution under TEFAP.

For FY 2013, the Department anticipates purchasing the following foods for distribution through TEFAP: dehydrated potatoes, dried plums, raisins, frozen ground beef, frozen whole chicken, frozen ham, frozen turkey roast, blackeye beans, garbanzo beans, great northern beans, light red kidney beans, lentils, lima beans, pinto beans, egg mix, shell eggs, lowfat bakery mix, egg noodles, white and yellow corn grits, spaghetti, macaroni, oats, peanut butter, roasted peanuts, brown and white rice, whole grain rotini, whole grain macaroni, whole grain spaghetti, vegetable oil, ultra high temperature fluid 1 percent milk, bran flakes, corn flakes, oat cereal, rice cereal, corn cereal, and corn and rice cereal; the following canned items: green beans, blackeye beans, kidney beans, refried beans, vegetarian beans, carrots, cream corn, whole kernel corn, peas, sliced potatoes, pumpkin, spaghetti sauce, spinach, sweet potatoes, tomatoes, diced tomatoes, tomato sauce, mixed

vegetables, tomato soup, vegetable soup, cream of chicken and mushroom soups, apricots, applesauce, mixed fruit, peaches, pears, beef, beef stew, chicken, pork, and salmon; and the following bottled juices: apple, cherry apple, cran-apple, grape, grapefruit, orange, and tomato. The amounts of each item purchased will depend on the prices the Department must pay, as well as the quantity of each item requested by the States. Changes in agricultural market conditions may result in the availability of additional types of foods or the non-availability of one or more types listed above.

Dated: January 25, 2013.

**Audrey Rowe,**

*Administrator, Food and Nutrition Service.*

[FR Doc. 2013-02255 Filed 2-1-13; 8:45 am]

**BILLING CODE 3410-30-P**

**DEPARTMENT OF AGRICULTURE****Food and Nutrition Service****Summer Food Service Program; 2013 Reimbursement Rates**

**AGENCY:** Food and Nutrition Service, USDA.

**ACTION:** Notice.

**SUMMARY:** This notice informs the public of the annual adjustments to the reimbursement rates for meals served in the Summer Food Service Program for Children. These adjustments address changes in the Consumer Price Index, as required under the Richard B. Russell National School Lunch Act. The 2013 reimbursement rates are presented as a combined set of rates to highlight simplified cost accounting procedures. The 2013 rates are also presented individually, as separate operating and administrative rates of reimbursement, to show the effect of the Consumer Price Index adjustment on each rate.

**DATES:** *Effective Date:* January 1, 2013.

**FOR FURTHER INFORMATION CONTACT:** Tina Namian, Section Head, Policy and Program Development Branch, Child Nutrition Division, Food and Nutrition Service, United States Department of Agriculture, 3101 Park Center Drive, Suite 1206, Alexandria, Virginia 22302, 703-305-2590.

**SUPPLEMENTARY INFORMATION:**

The Summer Food Service Program (SFSP) is listed in the Catalog of Federal Domestic Assistance under No. 10.559 and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. (See 7 CFR Part 3015, Subpart V, and final rule-related

notice published at 48 FR 29114, June 24, 1983.)

In accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3518, no new recordkeeping or reporting requirements have been included that are subject to approval from the Office of Management and Budget.

This notice is not a rule as defined by the Regulatory Flexibility Act, 5 U.S.C. 601–612, and thus is exempt from the provisions of that Act. Additionally, this notice has been determined to be exempt from formal review by the Office of Management and Budget under Executive Order 12866.

#### Definitions

The terms used in this notice have the meaning ascribed to them under 7 CFR Part 225 of the SFSP regulations.

#### Background

This notice informs the public of the annual adjustments to the reimbursement rates for meals served in SFSP. In accordance with sections 12(f) and 13, 42 U.S.C. 1760(f) and 1761, of the Richard B. Russell National School Lunch Act (NSLA) and SFSP regulations under 7 CFR Part 225, the United States Department of Agriculture announces

the adjustments in SFSP payments for meals served to participating children during calendar year 2013.

The 2013 reimbursement rates are presented as a combined set of rates to highlight simplified cost accounting procedures. Reimbursement is based solely on a “meals times rates” calculation, without comparison to actual or budgeted costs.

Sponsors receive reimbursement that is determined by the number of reimbursable meals served multiplied by the combined rates for food service operations and administration. However, the combined rate is based on separate operating and administrative rates of reimbursement, each of which is adjusted differently for inflation.

#### Calculation of Rates

The combined rates are constructed from individually authorized operating and administrative reimbursements. Simplified procedures provide flexibility, enabling sponsors to manage their reimbursements to pay for any allowable cost, regardless of the cost category. Sponsors remain responsible, however, for ensuring proper administration of the Program, while providing the best possible nutrition benefit to children.

The operating and administrative rates are calculated separately. However, the calculations of adjustments for both cost categories are based on the same set of changes in the *Food Away From Home* series of the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the United States Department of Labor. They represent a 2.56 percent increase in this series for the 12 month period, from November 2011 through November 2012 (from 234.046 in November 2011 to 240.038 in November 2012).

#### Table of 2013 Reimbursement Rates

Presentation of the 2013 maximum per meal rates for meals served to children in SFSP combines the results from the calculations of operational and administrative payments, which are further explained in this notice. The total amount of payments to State agencies for disbursement to SFSP sponsors will be based upon these adjusted combined rates and the number of meals of each type served. These adjusted rates will be in effect from January 1, 2013 through December 31, 2013.

#### SUMMER FOOD SERVICE PROGRAM 2013 REIMBURSEMENT RATES (COMBINED)

Per meal rates in whole or fractions of U.S. dollars	All States except Alaska and Hawaii		Alaska		Hawaii	
	Rural or self-prep sites	All other types of sites	Rural or self-prep sites	All other types of sites	Rural or self-prep sites	All other types of sites
Breakfast .....	1.9800	1.9425	3.2100	3.1500	2.3200	2.2750
Lunch or Supper .....	3.4700	3.4125	5.6325	5.5425	4.0650	4.0000
Snack .....	0.8200	0.8000	1.3350	1.3050	0.9650	0.9425

#### Operating Rates

The portion of the SFSP rates for operating costs is based on payment

amounts set in section 13(b)(1) of the NSLA, 42 U.S.C. 1761(b)(1). They are rounded down to the nearest whole

cent, as required by section 11(a)(3)(B) of the NSLA, 42 U.S.C. 1759a(a)(3)(B).

#### SUMMER FOOD SERVICE PROGRAM OPERATING COMPONENT OF 2013 REIMBURSEMENT RATES

Operating rates in U.S. dollars, rounded down to the nearest whole cent	All states except Alaska and Hawaii	Alaska	Hawaii
Breakfast .....	1.80	2.92	2.11
Lunch or Supper .....	3.14	5.10	3.68
Snack .....	0.73	1.19	0.86

#### Administrative Rates

The administrative cost component of the reimbursement is authorized under section 13(b)(3) of the NSLA, 42

U.S.C. 1761(b)(3). Rates are higher for sponsors of sites located in rural areas and for “self-prep” sponsors that prepare their own meals, at the SFSP site or at a central facility, instead of

purchasing them from vendors. The administrative portion of SFSP rates are adjusted, either up or down, to the nearest quarter-cent.

## SUMMER FOOD SERVICE PROGRAM ADMINISTRATIVE COMPONENT OF 2013 REIMBURSEMENT RATES

Administrative rates in U.S. dollars, adjusted, up or down, to the nearest quarter-cent	All states except Alaska and Hawaii		Alaska		Hawaii	
	Rural or self-prep sites	All other types of sites	Rural or self-prep sites	All other types of sites	Rural or self-prep sites	All other types of sites
Breakfast .....	0.1800	0.1425	0.2900	0.2300	0.2100	0.1650
Lunch or Supper .....	0.3300	0.2725	0.5325	0.4425	0.3850	0.3200
Snack .....	0.0900	0.0700	0.1450	0.1150	0.1050	0.0825

**Authority:** Sections 9, 13, and 14, Richard B. Russell National School Lunch Act, 42 U.S.C. 1758, 1761, and 1762a, respectively.

Dated: January 29, 2013.

**Audrey Rowe,**  
*Administrator.*

[FR Doc. 2013-02231 Filed 2-1-13; 8:45 am]

**BILLING CODE 3410-30-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration [C-570-955]

#### **Certain Magnesia Carbon Bricks From the People's Republic of China: Rescission of Countervailing Duty Administrative Review; 2011**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**DATES:** *Effective Date:* February 4, 2013.

**FOR FURTHER INFORMATION CONTACT:** Hilary Sadler or Dana Mermelstein, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-4340 or (202) 482-1391, respectively.

#### **Background**

On September 4, 2012, the Department of Commerce (the Department) published a notice of opportunity to request an administrative review of the countervailing duty (CVD) order on certain magnesia carbon bricks (MCBs) from the People's Republic of China (PRC) covering the period January 1, 2011, through December 31, 2011.<sup>1</sup> The Department received a timely request for review of Yingkou Bayuquan Refractories Co., Ltd. (BRC) from Vesuvius USA Corporation (Vesuvius), a U.S. importer of MCBs from the PRC.<sup>2</sup>

<sup>1</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 77 FR 53863, 53864 (September 4, 2012).

<sup>2</sup> See Letter to the Department from Fengchi "Magnesia Carbon Bricks from China, Case No. C-570-955: Request for Countervailing Duty Administrative Review," dated October 1, 2012.

Fengchi Imp. & Exp. Co., Ltd. of Haicheng City and Fengchi Refractories Co., of Haicheng City (together, Fengchi) also timely requested a review of itself.<sup>3</sup> On October 31, 2012, the Department published a notice of initiation of an administrative review of the CVD order on MCBs from the PRC with respect to Fengchi and BRC.<sup>4</sup> On December 21, 2012, Fengchi timely withdrew its request for review of itself.<sup>5</sup> On January 7, 2013, Vesuvius timely withdrew its request for review of BRC.<sup>6</sup>

#### **Rescission**

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if a party that requested the review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. Both parties timely submitted withdrawal requests within the 90-day period (*i.e.*, before January 29, 2013). Because we received no other requests for review of Fengchi and BRC and no other requests for review of the CVD order on MCBs from the PRC with respect to other companies subject to the order, we are rescinding this administrative review of the CVD order on MCBs from the PRC in full, consistent with 19 CFR 351.213(d)(1).

#### **Assessment**

The Department will instruct U.S. Customs and Border Protection (CBP) to assess countervailing duties on all appropriate entries. Fengchi and BRC

<sup>3</sup> See Letter to the Department from Fengchi "Magnesia Carbon Bricks from China, Case No. C-570-955: Request for Countervailing Duty Administrative Review," dated October 1, 2012.

<sup>4</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 77 FR 65858 (October 31, 2012).

<sup>5</sup> See Letter to the Department from Fengchi "Magnesia Carbon Bricks from China, Case No. C-570-955: Withdrawal of Request for Countervailing Duty Administrative Review" dated December 21, 2012.

<sup>6</sup> See Letter to the Department from Vesuvius "Magnesia Carbon Bricks from China, Case No. C-570-955: Withdrawal of Request for Countervailing Duty Administrative Review" dated January 7, 2013.

shall be assessed countervailing duties at rates equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2011, through December 31, 2011, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after publication of this notice.

#### **Notification Regarding Administrative Protective Orders**

This notice also serves as a final reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under an APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: January 25, 2013.

**Christian Marsh,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. 2013-02213 Filed 2-1-13; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### **Trade Mission to Egypt and Kuwait**

**AGENCY:** International Trade Administration, Department of Commerce.

**ACTION:** Replacement Notice.

**SUMMARY:** The United States Department of Commerce, International Trade Administration, U.S. and Foreign