

Proposed Rules

Federal Register

Vol. 77, No. 40

Wednesday, February 29, 2012

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 205

[Doc. No. AMS–NOP–11–0063; NOP–11–11PR]

RIN 0581–AD18

National Organic Program; Proposed Amendment to the National List of Allowed and Prohibited Substances (Livestock)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule; correction.

SUMMARY: This document contains a correction to the proposed rule which was published on February 6, 2012 (77 FR 5717). The proposed rule relates to revising the U.S. Department of Agriculture's (USDA) National List of Allowed and Prohibited Substances (National List) to reduce the maximum levels for synthetic methionine currently allowed in organic poultry production after October 1, 2012. This document will remove an incorrect reference to a date in the proposed modification to our regulation.

FOR FURTHER INFORMATION CONTACT: Melissa Bailey, Ph.D., Director, Standards Division, Telephone: (202) 720–3252; Fax: (202) 205–7808.

SUPPLEMENTARY INFORMATION:

Background

On February 6, 2012, the Agricultural Marketing Service published a proposed rule (77 FR 5717) to reduce the maximum levels of synthetic methionine that may be provided to organic poultry after October 1, 2012. This action addressed the recommendation of the National Organic Standards Board to permit the use of synthetic methionine at the following maximum levels per ton of feed after October 1, 2012: laying and broiler chickens—2 pounds; turkeys and all other poultry—3 pounds. As published, the proposed modification to

7 CFR § 205.603(d)(1) contains the date “October 2, 2012.” This is an incorrect reference to a date and therefore should not be included in the proposed regulatory language. This document corrects the regulatory language of the proposed rule.

1. On page 5721, in the second column, § 205.603 paragraph (d)(1) is corrected to read as follows:

§ 205.603 Synthetic substances allowed for use in organic livestock production.

* * * * *

(d) * * *

(1) DL-Methionine, DL-Methionine—hydroxy analog, and DL-Methionine—hydroxy analog calcium (CAS #'s 59–51–8, 583–91–5, 4857–44–7, and 922–50–9)—for use only in organic poultry production at the following maximum levels of synthetic methionine per ton of feed: laying and broiler chickens—2 pounds; turkeys and all other poultry—3 pounds.

Dated: February 16, 2012.

Robert C. Keeney,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2012–4755 Filed 2–28–12; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1033

[Docket No. AO–11–0333; AMS–DA–11–0067; DA–11–04]

Milk in the Mideast Marketing Area; Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule; recommended decision.

SUMMARY: This decision recommends adoption of a proposal to amend the Pool Plant provisions of the Mideast Federal milk marketing order to reflect that distributing plants physically located within the marketing area with a Class I utilization of at least 30 percent, and with combined route disposition and transfers of at least 50 percent distributed into Federal milk marketing areas, would be regulated as

a Pool Distributing Plant under the terms of the order.

DATES: Comments must be submitted on or before April 30, 2012.

ADDRESSES: All comments received will be posted without change, including any personal information provided. Comments (four copies) must be filed with the Hearing Clerk, United States Department of Agriculture, STOP 9200–Room 1031, 1400 Independence Avenue SW., Washington, DC 20250–1031. Comments may be submitted for public viewing using the electronic process available at the Federal eRulemaking portal: <http://www.regulations.gov>. Reference should be made to the title of the action and docket number.

FOR FURTHER INFORMATION CONTACT: Erin C. Taylor, Order Formulation and Enforcement Division, USDA/AMS/Dairy Programs, STOP 0231–Room 2963, 1400 Independence Avenue SW., Washington, DC 20250–0231, (202) 720–7183, email address: erin.taylor@ams.usda.gov.

SUPPLEMENTARY INFORMATION: This decision recommends adoption of amendments that will more adequately define the plants, and the producer milk associated with those plants, that serve the fluid needs of the Mideast market and therefore which producers should share in the additional revenue arising from fluid milk sales.

This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12866.

The amendments to the rules proposed herein have been reviewed under Executive Order 12988, Civil Justice Reform. They are not intended to have a retroactive effect. If adopted, the proposed amendments would not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) (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 request modification or exemption from such order by filing with USDA a petition stating that the order, any provision of the order, or any obligation