

Proposed Rules

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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

[Document Number AMS–NOP–10–0068; NOP–10–08]

Meeting of the National Organic Standards Board

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Request for comments.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the Agricultural Marketing Service (AMS) is announcing a forthcoming meeting of the National Organic Standards Board (NOSB). The principal purpose of NOSB meetings is to provide an opportunity for the organic community to weigh in on proposed NOSB recommendations and discussion items. These meetings also allow the NOSB to receive updates from the USDA/NOP on issues pertaining to organic agriculture.

DATES: The meeting dates are Monday, October 25, 2010, 8 a.m. to 5:30 p.m.; Tuesday, October 26, 2010, 8 a.m. to 4:40 p.m.; Wednesday, October 27, 2010, 8 a.m. to 5 p.m.; and Thursday, October 28, 2010, 8 a.m. to 5:30 p.m. Requests from individuals and organizations wishing to make oral presentations at the meeting are due by the close of business on Tuesday, October 12, 2010.

ADDRESSES: The meeting will take place at the Best Western InnTowner, 2424 University Avenue, Madison, Wisconsin 53726.

• The NOSB meeting agenda and proposed recommendations may be viewed at <http://www.ams.usda.gov/nop>. Requests for copies of these materials may be sent to Ms. Lisa

Ahramjian (*see FOR FURTHER INFORMATION CONTACT* section).

• Written comments on proposed NOSB recommendations may be received by the close of business on Tuesday, October 12, 2010. Written comments may be submitted to Ms. Lisa Ahramjian electronically at www.regulations.gov (preferred) or via mail (*see FOR FURTHER INFORMATION CONTACT* section). The comments should identify Document Number AMS–NOP–10–0068; NOP–10–08. It is our intention to have all comments—whether they are submitted by mail or the Internet—available for viewing on the www.regulations.gov Web site.

• To make an oral presentation at the meeting, please send a request to Ms. Lisa Ahramjian at nosb@ams.usda.gov or (202) 720–3252.

FOR FURTHER INFORMATION CONTACT: Ms. Lisa Ahramjian, Executive Director, National Organic Standards Board, USDA–AMS–NOP, 1400 Independence Ave., SW., Room 2646–So., Ag Stop 0268, Washington, DC 20250–0268; Phone: (202) 720–3252; nosb@ams.usda.gov.

SUPPLEMENTARY INFORMATION: Section 2119 (7 U.S.C. 6518) of the Organic Foods Production Act of 1990 (OFPA), as amended (7 U.S.C. 6501 *et seq.*) requires the establishment of the NOSB. The purpose of the NOSB is to make recommendations about whether a substance should be allowed or prohibited in organic production or handling, to assist in the development of standards for substances to be used in organic production, and to advise the Secretary on other aspects of the implementation of the OFPA. The NOSB met for the first time in Washington, DC, in March 1992, and currently has six subcommittees working on various aspects of the organic program. The committees are: Compliance, Accreditation, and Certification; Crops; Handling; Livestock; Materials; and Policy Development.

In August of 1994, the NOSB provided its initial recommendations for the NOP to the Secretary of Agriculture. Since that time, the NOSB has submitted 197 addenda to its

recommendations and reviewed more than 357 substances for inclusion on the National List of Allowed and Prohibited Substances. The Department of Agriculture (USDA) published its final National Organic Program regulation in the **Federal Register** on December 21, 2000, (65 FR 80548). The rule became effective April 21, 2001.

In addition, the OFPA authorizes the National List of Allowed and Prohibited Substances and provides that no allowed or prohibited substance would remain on the National List for a period exceeding five years unless the exemption or prohibition is reviewed and recommended for renewal by the NOSB and adopted by the Secretary of Agriculture. This expiration is commonly referred to as sunset of the National List. The National List appears at 7 CFR Part 205, Subpart G.

The principal purpose of NOSB meetings is to provide an opportunity for the organic community to weigh in on proposed NOSB recommendations and discussion items. These meetings also allow the NOSB to receive updates from the USDA/NOP on issues pertaining to organic agriculture.

Summary of April 2010 NOSB Meeting

The last NOSB meeting was held on April 26–29, 2010, in Davis, California. During this meeting, the Board did not recommend the addition of any new materials to the National List, but did recommend renewal of 148 of the 232 listings of materials scheduled to expire on specific dates in 2012 (*see* Table 1). In addition, the Advanced Notice of Proposed Rulemaking for Sunset 2012 [Doc. No. AMS–NOP–09–0074; NOP–09–01] (75 FR 14500, March 26, 2010) was open for comments during the time of the April 2010 business meeting, and was not scheduled to close until May 25, 2010. Consequently, the Board had not yet received or reviewed all public comments, and was aware that additional information may be received from the public that may require the reconsideration of one or all of the materials recommended for continued listing at the next scheduled meeting of the Board.

TABLE 1—NOSB'S PREVIOUS SUNSET 2012 RELISTING RECOMMENDATIONS

Section	Material	Expiration date
§ 205.601 Synthetic substances allowed for use in organic crop production.	Hydrogen peroxide	October 21, 2012.
	Soap-based algicide/demossers	October 21, 2012.
	Herbicides, soap-based	October 21, 2012.
	Soaps, ammonium	October 21, 2012.
	Ammonium carbonate	October 21, 2012.
	Boric acid	October 21, 2012.
	Elemental sulfur	October 21, 2012.
	Lime sulfur	October 21, 2012.
	Oils, horticultural-narrow range oils as dormant, suffocating, and summer oils ...	October 21, 2012.
	Soaps, insecticidal	October 21, 2012.
§ 205.602 Nonsynthetic substances prohibited for use in organic crop production.	Sticky traps/barriers	October 21, 2012.
	Sucrose octanoate esters (CAS #s—42922–74–7; 58064–47–4)	December 11, 2012.
	Hydrated lime	October 21, 2012.
	Hydrogen peroxide	October 21, 2012.
	Lime sulfur	October 21, 2012.
	Oils, horticultural-narrow range oils as dormant, suffocating, and summer oils ...	October 21, 2012.
	Potassium bicarbonate	October 21, 2012.
	Elemental sulfur	October 21, 2012.
	Aquatic plant extracts (other than hydrolyzed)	October 21, 2012.
	Elemental sulfur	October 21, 2012.
§ 205.603 Synthetic substances allowed for use in organic livestock production.	Humic acids	October 21, 2012.
	Soluble boron products	October 21, 2012.
	Sulfates of zinc	October 21, 2012.
	Sulfates of copper	October 21, 2012.
	Sulfates of iron	October 21, 2012.
	Sulfates of manganese	October 21, 2012.
	Sulfates of molybdenum	October 21, 2012.
	Sulfates of selenium	October 21, 2012.
	Sulfates of cobalt	October 21, 2012.
	Carbonates of zinc	October 21, 2012.
	Carbonates of copper	October 21, 2012.
	Carbonates of iron	October 21, 2012.
	Carbonates of manganese	October 21, 2012.
	Carbonates of molybdenum	October 21, 2012.
	Carbonates of selenium	October 21, 2012.
	Carbonates of cobalt	October 21, 2012.
	Oxides of zinc	October 21, 2012.
	Oxides of copper	October 21, 2012.
	Oxides of iron	October 21, 2012.
	Oxides of manganese	October 21, 2012.
Oxides of molybdenum	October 21, 2012.	
Oxides of selenium	October 21, 2012.	
Oxides of cobalt	October 21, 2012.	
Silicates of zinc	October 21, 2012.	
Silicates of copper	October 21, 2012.	
Silicates of iron	October 21, 2012.	
Silicates of manganese	October 21, 2012.	
Silicates of molybdenum	October 21, 2012.	
Silicates of selenium	October 21, 2012.	
Silicates of cobalt	October 21, 2012.	
Liquid fish products	October 21, 2012.	
Vitamin B ₁	October 21, 2012.	
Vitamin C	October 21, 2012.	
Vitamin E	October 21, 2012.	
§ 205.603 Synthetic substances allowed for use in organic livestock production.	Ash from manure burning	October 21, 2012.
	Arsenic	October 21, 2012.
	Lead salts	October 21, 2012.
	Potassium chloride	October 21, 2012.
	Sodium fluoaluminat (mined)	October 21, 2012.
	Strychnine	October 21, 2012.
	Tobacco dust (nicotine sulfate)	October 21, 2012.
	Atropine (CAS #—51–55–8)	December 13, 2012.
	Vaccines	October 21, 2012.
	Butorphanol (CAS #—42408–82–2)	December 13, 2012.
Chlorhexidine	October 21, 2012.	
Electrolytes—without antibiotics	October 21, 2012.	
Flunixin (CAS #—38677–85–9)	December 13, 2012.	
Hydrogen peroxide	October 21, 2012.	

TABLE 1—NOSB'S PREVIOUS SUNSET 2012 RELISTING RECOMMENDATIONS—Continued

Section	Material	Expiration date
	Iodine	October 21, 2012.
	Magnesium hydroxide (CAS #—1309–42–8)	December 13, 2012.
	Oxytocin—use in postparturition therapeutic applications	October 21, 2012.
	Ivermectin	October 21, 2012.
	Peroxyacetic/peracetic acid (CAS #—79–21–0)	December 13, 2012.
	Phosphoric acid	October 21, 2012.
	Poloxalene (CAS #—9003–11–6)	December 13, 2012.
	Tolazoline (CAS #—59–98–3)	December 13, 2012.
	Xylazine (CAS #—7361–61–7)	December 13, 2012.
	Iodine	October 21, 2012.
	Lidocaine	October 21, 2012.
	Lime, hydrated	October 21, 2012.
	Mineral oil	October 21, 2012.
	Procaine	October 21, 2012.
	Sucrose octanoate esters (CAS #s—42922–74–7, 58064–47–4)	December 11, 2012.
	Trace minerals	October 21, 2012.
	Vitamins	October 21, 2012.
	Excipients	December 13, 2012.
§ 205.604 Nonsynthetic substances prohibited for use in organic livestock production.	Strychnine	October 21, 2012.
§ 205.605(a) Nonsynthetic substances allowed as ingredients in or on processed products labeled as “organic” or “made with organic.”	Alginate acid	October 21, 2012.
	Citric acid	October 21, 2012.
	Lactic acid	October 21, 2012.
	Bentonite	October 21, 2012.
	Calcium carbonate	October 21, 2012.
	Calcium chloride	October 21, 2012.
	Dairy cultures	October 21, 2012.
	Diatomaceous earth	October 21, 2012.
	Kaolin	October 21, 2012.
	Nitrogen—oil free grades	October 21, 2012.
	Oxygen—oil free grades	October 21, 2012.
	Perlite	October 21, 2012.
	Potassium chloride	October 21, 2012.
	Sodium bicarbonate	October 21, 2012.
	Sodium carbonate	October 21, 2012.
	Carnauba wax—nonsynthetic	October 21, 2012.
	Wood resin wax—nonsynthetic	October 21, 2012.
§ 205.605(b) Synthetic substances allowed as ingredients in or on processed products labeled as “organic” or “made with organic.”	Alginates	October 21, 2012.
	Ammonium bicarbonate	October 21, 2012.
	Ammonium carbonate	October 21, 2012.
	Ascorbic Acid	October 21, 2012.
	Calcium citrate	October 21, 2012.
	Calcium hydroxide	October 21, 2012.
	Calcium phosphates monobasic	October 21, 2012.
	Calcium phosphates dibasic	October 21, 2012.
	Calcium phosphates tribasic	October 21, 2012.
	Carbon dioxide	October 21, 2012.
	Ethylene	October 21, 2012.
	Monoglycerides* <i>To be reconsidered at Fall 2010 meeting due to public comments.</i>	October 21, 2012.
	Diglycerides* <i>To be reconsidered at Fall 2010 meeting due to public comments</i>	October 21, 2012.
	Glycerin	October 21, 2012.
	Hydrogen peroxide	October 21, 2012.
	Magnesium carbonate	October 21, 2012.
	Magnesium chloride	October 21, 2012.
	Magnesium stearate	October 21, 2012.
	Ozone	October 21, 2012.
	Potassium acid tartrate	October 21, 2012.
	Potassium carbonate	October 21, 2012.
	Potassium citrate	October 21, 2012.
	Potassium hydroxide	October 21, 2012.
	Potassium phosphate	October 21, 2012.
	Xanthan gum	October 21, 2012.

TABLE 1—NOSB’S PREVIOUS SUNSET 2012 RELISTING RECOMMENDATIONS—Continued

Section	Material	Expiration date
§ 205.606 Nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as “organic.”	Casings, from processed intestines	June 27, 2012.
	Celery powder	June 27, 2012.
	Chia (<i>Salvia hispanica</i> L.)	June 27, 2012.
	Dillweed oil (CAS #—8006-75-5)	June 27, 2012.
	Fish oil (fatty acid CAS #'s—10417-94-4 and 25167-62-8)	June 27, 2012.
	Galangal, frozen	June 27, 2012.
	Gelatin (CAS #—9000-70-8)	June 27, 2012.
	Arabic gum	October 21, 2012.
	Guar gum	October 21, 2012.
	Locust bean gum	October 21, 2012.
	Carob bean gum	October 21, 2012.
	Kelp	October 21, 2012.
	Konjac flour (CAS #—37220-17-0)	June 27, 2012.
	Lemongrass, frozen	June 27, 2012.
	Orange shellac—unbleached (CAS #—9000-59-3)	June 27, 2012.
	Peppers (chipotle chile)	June 27, 2012.
	Sweet potato starch, for bean thread production only	June 27, 2012.
Turkish bay leaves	June 27, 2012.	
Wakame seaweed (<i>Undaria pinnatifida</i>)	June 27, 2012.	

In addition to sunset 2012 activities, the board accomplished the following: Suggested six steps to accomplish the changes in regulation to allow NOSB, NOP, and EPA to review materials currently on the now obsolete EPA List 3 and 4 Inerts and determine how best to evaluate these materials; proposed an annotation to allow the petitioned levels

of the three forms of methionine allowed in organic poultry feed through October 1, 2012, at which time the maximum levels of methionine would be reduced; and proposed a language clarification to allow young organic animals still receiving milk in their diet to consume milk from animals being treated with substances allowed under

§ 205.603, regardless of withholding time.

Agenda Items for Fall 2010

The Crops Committee will present recommendations on eight sunset 2012 material listings (see Table 2).

TABLE 2—CROP COMMITTEE SUNSET 2012 RECOMMENDATIONS (TO BE PRESENTED AT OCTOBER, 2010 MEETING)

Section	Material	Expiration date
§ 205.601 Synthetic substances allowed for use in organic crop production.	Calcium hypochlorite	October 21, 2012.
	Chlorine dioxide	October 21, 2012.
	Sodium hypochlorite	October 21, 2012.
	Copper hydroxide	October 21, 2012.
	Copper oxide	October 21, 2012.
	Copper oxychloride	October 21, 2012.
	Copper sulfate	October 21, 2012.
	EPA List 4—Inerts of Minimal Concern	October 21, 2012.
§ 205.602 Nonsynthetic substances prohibited for use in organic crop production.	None.	

The Corps Committee is deferring fifteen sunset 2012 material listing until the spring 2011 NOSB meeting for

additional technical review (see Table 3).

TABLE 3—CROP COMMITTEE DEFERRED SUNSET 2012 MATERIALS (TO BE ADDRESSED AT SPRING, 2011 MEETING)

Section	Material	Expiration date
§ 205.601 Synthetic substances allowed for use in organic crop production.	Ethanol	October 21, 2012.
	Isopropanol	October 21, 2012.
	Newspapers or other recycled paper, without glossy or colored inks	October 21, 2012.
	Plastic mulch and covers	October 21, 2012.
	Newspapers or other recycled paper, without glossy or colored inks	October 21, 2012.
	Pheromones	October 21, 2012.
	Sulfur dioxide	October 21, 2012.
	Vitamin D ₃	October 21, 2012.
	Streptomycin	October 21, 2012.
	Lignin sulfonate	October 21, 2012.
	Magnesium sulfate	October 21, 2012.
	Ethylene gas	October 21, 2012.
	Lignin sulfonate	October 21, 2012.

TABLE 3—CROP COMMITTEE DEFERRED SUNSET 2012 MATERIALS (TO BE ADDRESSED AT SPRING, 2011 MEETING)—Continued

Section	Material	Expiration date
§ 205.602 Nonsynthetic substances prohibited for use in organic crop production.	Sodium silicate	October 21, 2012.
	Sodium nitrate	October 21, 2012.

The Crops Committee will also present recommendations to the board on four petitioned materials: ethylene glycol, ethylene DDS, tall oils, and tetramethyl-decyne-diol. Other Crops

Committee recommendations include a review of their prior sunset 2012 recommendations on § 205.601 and § 205.602 and a recommendation on corn steep liquor.

The Livestock Committee will present recommendations on twelve sunset 2012 material listings (see Table 4).

TABLE 4—LIVESTOCK COMMITTEE SUNSET 2012 RECOMMENDATIONS (TO BE PRESENTED AT OCTOBER, 2010 MEETING)

Section	Material	Expiration date	
§ 205.603 Synthetic substances allowed for use in organic livestock production.	Ethanol	October 21, 2012.	
	Isopropanol	October 21, 2012.	
	Aspirin	October 21, 2012.	
	Calcium hypochlorite	October 21, 2012.	
	Chlorine dioxide	October 21, 2012.	
	Sodium hypochlorite	October 21, 2012.	
	Furosemide	December 13, 2012.	
	Glucose	October 21, 2012.	
	Glycerine	October 21, 2012.	
	Magnesium sulfate	October 21, 2012.	
	Copper sulfate	October 21, 2012.	
	EPA List 4—Inerts of Minimal Concern	October 21, 2012.	
	§ 205.604 Nonsynthetic substances prohibited for use in organic livestock production.	None.	

The Livestock Committee will also present recommendations to the board on one petitioned material, formic acid, and review their prior sunset 2012 recommendations on § 205.603 and

§ 205.604. Other Livestock Committee recommendations include issues regarding apiculture and animal health care products/clarifying § 205.238(c)(2).

The Handling Committee will present recommendations on 43 sunset 2012 material listings (see Table 5).

TABLE 5—HANDLING COMMITTEE SUNSET 2012 RECOMMENDATIONS (TO BE PRESENTED AT OCTOBER, 2010 MEETING)

Section	Material	Expiration date	
§ 205.605(a) Nonsynthetic substances allowed as ingredients in or on processed products labeled as “organic” or “made with organic.”	Flavors	October 21, 2012.	
	Magnesium sulfate	October 21, 2012.	
	Yeast autolysate	October 21, 2012.	
	Bakers yeast	October 21, 2012.	
	Brewers yeast	October 21, 2012.	
	Nutritional yeast	October 21, 2012.	
	Smoked yeast	October 21, 2012.	
	§ 205.605(b) Synthetic substances allowed as ingredients in or on processed products labeled as “organic” or “made with organic.”	Calcium hypochlorite	October 21, 2012.
		Chlorine dioxide	October 21, 2012.
		Sodium hypochlorite	October 21, 2012.
Ferrous sulfate		October 21, 2012.	
Pectin (low-methoxy)		October 21, 2012.	
Phosphoric acid		October 21, 2012.	
Silicon dioxide		October 21, 2012.	
Sodium citrate		October 21, 2012.	
Sodium hydroxide		October 21, 2012.	
Sodium phosphates		October 21, 2012.	
§ 205.606 Nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as “organic.”	Sulfur dioxide	October 21, 2012.	
	Annatto extract color (pigment CAS # 1393-63-1)—water and oil soluble.	June 27, 2012.	
	Beet juice extract color (pigment CAS # 7659-95-2)	June 27, 2012.	
	Beta-carotene extract color from carrots (CAS # 1393-63-1)	June 27, 2012.	
	Black currant juice color (pigment CAS #'s: 528-58-5, 528-53-0, 643-84-5, 134-01-0, 1429-30-7, and 134-04-3).	June 27, 2012.	
	Black/purple carrot juice color (pigment CAS #'s: 528-58-5, 528-53-0, 643-84-5, 134-01-0, 1429-30-7, and 134-04-3).	June 27, 2012.	

TABLE 5—HANDLING COMMITTEE SUNSET 2012 RECOMMENDATIONS (TO BE PRESENTED AT OCTOBER, 2010 MEETING)—Continued

Section	Material	Expiration date
	Blueberry juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3).	June 27, 2012.
	Carrot juice color (pigment CAS # 1393–63–1)	June 27, 2012.
	Cherry juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3).	June 27, 2012.
	Chokeberry—Aronia juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3).	June 27, 2012.
	Elderberry juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3).	June 27, 2012.
	Grape juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3).	June 27, 2012.
	Grape skin extract color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3).	June 27, 2012.
	Paprika color—dried powder and vegetable oil extract (CAS # 68917–78–2).	June 27, 2012.
	Pumpkin juice color (pigment CAS # 127–40–2)	June 27, 2012.
	Purple potato juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3).	June 27, 2012.
	Red cabbage extract color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3).	June 27, 2012.
	Red radish extract color (pigment CAS #'s 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3).	June 27, 2012.
	Saffron extract color (pigment CAS # 1393–63–1)	June 27, 2012.
	Turmeric extract color (CAS # 458–37–7)	June 27, 2012.
	Fructo-oligosaccharides (CAS#308066–66–2)	June 27, 2012.
	Hops (<i>humulus lupulus</i>)	June 27, 2012.
	Inulin, oligofructose enriched	June 27, 2012.
	(CAS # 9005–80–5)	
	Pectin (high-methoxy)	October 21, 2012.
	Cornstarch (native)	October 21, 2012.
	Whey protein	June 27, 2012.

The Handling Committee is deferring decisions on six sunset 2012 material listings until the Spring 2011 NOSB meeting for additional technical review (see Table 6).

TABLE 6—HANDLING COMMITTEE DEFERRED SUNSET 2012 MATERIALS (TO BE ADDRESSED AT SPRING, 2011 MEETING)

Section	Material	Expiration date
§ 205.605(a) Nonsynthetic substances allowed as ingredients in or on processed products labeled as “organic” or “made with organic.”	Enzymes	October 21, 2012.
	Potassium iodide	October 21, 2012.
§ 205.605(b) Synthetic substances allowed as ingredients in or on processed products labeled as “organic” or “made with organic.”	Nutrient vitamins	October 21, 2012.
	Nutrient minerals	October 21, 2012.
	Potassium iodide	October 21, 2012.
	Tocopherols	October 21, 2012.
§ 205.606 Nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as “organic.”	None	

The Handling Committee will also present recommendations to the board on four petitioned materials: Yeast (petition to move from § 205.605 to § 205.606), pectin (low-methoxy), glucosamine hydrochloride, and hops (petition to remove from the National List). Other Handling Committee recommendations include a review of

their prior sunset 2012 recommendations on § 205.605(a), § 205.605(b), and § 205.606. The Committee will reconsider a prior sunset 2012 recommendation on glycerides (mono and di), and present a colors annotation recommendation.

The Materials Committee will present a recommendation on nanotechnology

and provide an oral update on materials classification.

The Compliance, Accreditation, and Certification Committee will present a recommendation on the “made with” organic claim and the limitations of § 205.101(b).

The Policy Development Committee will present recommendations on three

sections of the NOSB Policy and Procedures Manual: Section IV (Establishing Ad-hoc Committees), Section V (NOP/NOSB Collaboration), and Section VIII (Recommendations on sunset Review Policy). Additionally, they will present a recommendation to update the NOSB New Member Guide.

The Meeting Is Open to the Public. The NOSB has scheduled time for public input for Monday, October 25, 2010, from 10 a.m. to 5:30 p.m. and Wednesday, October 27, 2010 from 8 a.m. to 5 p.m. Individuals and organizations wishing to make oral presentations at the meeting must forward their requests by e-mail, phone, or mail to Ms. Lisa Ahramjian (see **FOR FURTHER INFORMATION CONTACT** section above). Individuals or organizations will be given one five-minute slot to present their views. All persons making oral presentations are requested to provide their comments in writing and indicate the topic of their comment, referencing specific NOSB recommendations/topics or noting if they plan to cover multiple topics. Written submissions may contain information other than that presented at the oral presentation. Anyone may submit written comments at the meeting. Persons submitting written comments are asked to provide 30 copies.

Interested persons may visit the NOSB portion of the NOP Web site at <http://www.ams.usda.gov/nop> to view available meeting documents prior to the meeting, or visit www.regulations.gov to submit and view comments (see **ADDRESSES** section above). Documents presented at the meeting will be posted for review on the NOP Web site approximately six weeks following the meeting.

Dated: September 13, 2010.

David R. Shipman,
Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2010-23337 Filed 9-17-10; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 56, 145, 146, and 147

[Docket No. APHIS-2009-0031]

RIN 0579-AD21

National Poultry Improvement Plan and Auxiliary Provisions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the National Poultry Improvement Plan (the Plan) and its auxiliary provisions by providing new or modified sampling and testing procedures for Plan participants and participating flocks. The proposed changes were voted on and approved by the voting delegates at the Plan's 2008 National Plan Conference. These changes would keep the provisions of the Plan current with changes in the poultry industry and provide for the use of new sampling and testing procedures.

DATES: We will consider all comments that we receive on or before November 19, 2010.

ADDRESSES: You may submit comments by either of the following methods:

- Federal eRulemaking Portal: Go to (<http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2009-0031>) to submit or view comments and to view supporting and related materials available electronically.

- Postal Mail/Commercial Delivery: Please send one copy of your comment to Docket No. APHIS-2009-0031, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. APHIS-2009-0031.

Reading Room: 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.

Other Information: Additional information about APHIS and its programs is available on the Internet at (<http://www.aphis.usda.gov>).

FOR FURTHER INFORMATION CONTACT: Mr. Andrew R. Rhorer, Senior Coordinator, Poultry Improvement Staff, National Poultry Improvement Plan, Veterinary Services, APHIS, USDA, 1498 Klondike Road, Suite 101, Conyers, GA 30094-5104; (770) 922-3496.

SUPPLEMENTARY INFORMATION:

Background

The National Poultry Improvement Plan (NPIP, also referred to below as "the Plan") is a cooperative Federal-State-industry mechanism for controlling certain poultry diseases. The

Plan consists of a variety of programs intended to prevent and control poultry diseases. Participation in all Plan programs is voluntary, but breeding flocks, hatcheries, and dealers must first qualify as "U.S. Pullorum-Typhoid Clean" as a condition for participating in the other Plan programs.

The Plan identifies States, flocks, hatcheries, dealers, and slaughter plants that meet certain disease control standards specified in the Plan's various programs. As a result, customers can buy poultry that has tested clean of certain diseases or that has been produced under disease-prevention conditions.

The regulations in 9 CFR parts 145, 146, and 147 (referred to below as the regulations) contain the provisions of the Plan. The Animal and Plant Health Inspection Service (APHIS, also referred to as "the Service") of the U.S. Department of Agriculture (USDA, also referred to as "the Department") amends these provisions from time to time to incorporate new scientific information and technologies within the Plan.

The proposed amendments discussed in this document are consistent with the recommendations approved by the voting delegates to the National Plan Conference that was held from June 5 through June 7, 2008. Participants in the 2008 National Plan Conference represented flockowners, breeders, hatcherymen, slaughter plants, and Official State Agencies from all cooperating States. The proposed amendments are discussed in detail below.

Simplifying Indemnity Provisions in Part 56

The regulations in 9 CFR part 56 set out conditions for the payment of indemnity for costs associated with poultry that are infected with or exposed to the H5 or H7 subtypes of low pathogenic avian influenza (H5/H7 LPAI). Section 56.3 states that indemnity may be paid for destruction and disposal of poultry that were infected with or exposed to H5/H7 LPAI, destruction of eggs for testing for H5/H7 LPAI, and cleaning and disinfection of premises, conveyances, and materials that came into contact with poultry that were infected with or exposed to H5/H7 LPAI (or destruction and disposal, if the cost of cleaning and disinfection would exceed the value of the materials or cleaning and disinfection would be impractical).

Section 56.3 also sets the percentages of the costs of those activities that are eligible for indemnity. Specifically, paragraph (b) of § 56.3 indicates that the Administrator is authorized to pay 100