

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 205

[Document Number AMS-NOP-14-0059; NOP-14-06]

#### National Organic Program

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Correcting amendments.

**SUMMARY:** This document contains technical corrections to the USDA organic regulations (7 CFR part 205) which were published in the **Federal Register** on December 21, 2000. The correcting amendments are minor, mostly typographical amendments which do not change, or alter the interpretation, of any provision within the USDA organic regulations.

**DATES:** These corrections are effective on February 5, 2015.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Tucker, Ph.D., Acting Director, Standards Division, USDA, AMS, NOP, Telephone: (202) 720-3252, Fax: (202) 205-7808, or email: *Jennifer.Tucker@ams.usda.gov*.

#### SUPPLEMENTARY INFORMATION:

##### Background

AMS published the USDA organic regulations final rule in the **Federal Register** on December 21, 2000 (65 FR 80637), which established the USDA National Organic Program (NOP). This program provides the national standards governing the marketing of organically produced agricultural products. Establishing the national standards facilitated domestic and international marketing of organic fresh and processed products, and assured consumers that such products meet consistent, uniform standards. After a periodic regulation review, AMS

determined that several minor changes need to be inserted into the USDA organic regulations. This document makes these technical corrections which mostly involve word changes, citation changes and updates to program information.

#### List of Subjects in 7 CFR Part 205

Administrative practice and procedure, Agriculture, Animals, Archives and records, Imports, Labeling, Organically produced products, Plants, Reporting and recordkeeping requirements, Seals and insignia, Soil conservation.

For the reasons set forth in the preamble, AMS amends 7 CFR part 205 as follows:

#### PART 205—NATIONAL ORGANIC PROGRAM

■ 1. The authority citation for 7 CFR part 205 continues to read as follows:

**Authority:** 7 U.S.C. 6501-6522.

#### § 205.2 [Amended]

■ 2. Amend § 205.2 by removing from the definition of “Residue testing” the term “degradations” and adding in its place the term “degradation”.

■ 3. Amend § 205.100 by revising paragraph (c)(1) to read as follows:

#### § 205.100 What has to be certified.

\* \* \* \* \*

(c) \* \* \*

(1) Knowingly sells or labels a product as organic, except in accordance with the Act, shall be subject to a civil penalty of not more than the amount specified in § 3.91(b)(1) of this title per violation.

\* \* \* \* \*

■ 4. Amend § 205.301 by revising paragraphs (f)(1), (2), and (3) to read as follows:

#### § 205.301 Product composition.

\* \* \* \* \*

(f) \* \* \*

(1) Be produced using excluded methods, pursuant to § 205.105(e);

(2) Be produced using ionizing radiation, pursuant to § 205.105(f);

(3) Be processed using sewage sludge, pursuant to § 205.105(g);

\* \* \* \* \*

#### § 205.400 [Amended]

■ 5. Amend § 205.400 by revising paragraph (d) to remove the reference “§ 205.104” and add, in its place, “§ 205.103.”

■ 6. Amend § 205.502 by revising paragraph (a) to read as follows:

#### § 205.502 Applying for accreditation.

(a) A private or governmental entity seeking accreditation as a certifying agent under this subpart must submit an application for accreditation which contains the applicable information and documents set forth in §§ 205.503 through 205.505 and the fees required in § 205.640 to: Program Manager, USDA-AMS-NOP, 1400 Independence Ave. SW., Room 2648 So. Bldg., Ag Stop 0268, Washington, DC 20250-0268.

\* \* \* \* \*

#### § 205.510 [Amended]

■ 7. Amend § 205.510 by removing from paragraph (b)(3) the reference “§§ 205.510(b)(2)” and adding, in its place, “§ 205.510(b)(2)”.

#### § 205.603 [Amended]

■ 8. Amend § 205.603 by removing from paragraph (a)(12) the word “Glycerine” and adding, in its place, the word “Glycerin”.

■ 9. Amend § 205.607 by revising paragraphs (a) and (c) to read as follows:

#### § 205.607 Amending the National List.

(a) Any person may petition the National Organic Standards Board for the purpose of having a substance evaluated by the Board for recommendation to the Secretary for inclusion on or deletion from the National List in accordance with the Act.

\* \* \* \* \*

(c) A petition to amend the National List must be submitted to: Program Manager, USDA-AMS-NOP, 1400 Independence Ave. SW., Room 2648 So. Bldg., Ag Stop 0268, Washington, DC 20250-0268.

■ 10. Amend § 205.641 by revising paragraph (a) to read as follows:

#### § 205.641 Payment of fees and other charges.

(a) Applicants for initial accreditation and renewal of accreditation must remit the nonrefundable fee, pursuant to § 205.640(a)(3), along with their application. Remittance must be made

payable to the USDA, AMS Livestock Program and mailed to: USDA, AMS Livestock, Poultry and Seed Program, QAD, P.O. Box 790304 St. Louis, MO 63179-0304 or such other address as required by the Program Manager.

\* \* \* \* \*

- 11. Amend § 205.662 by revising paragraph (g)(1) to read as follows:

**§ 205.662 Noncompliance procedure for certified operations.**

\* \* \* \* \*

(g) \* \* \*

(1) Knowingly sells or labels a product as organic, except in accordance with the Act, shall be subject to a civil penalty of not more than the amount specified in § 3.91(b)(1) of this title per violation.

\* \* \* \* \*

- 12. Amend § 205.681 by revising paragraphs (a)(2) and (d)(1) to read as follows:

**§ 205.681 Appeals.**

(a) \* \* \*

(2) If the Administrator or State organic program denies an appeal, a formal administrative proceeding will be initiated to deny, suspend, or revoke the certification. Such proceeding shall be conducted pursuant to the U.S. Department of Agriculture's Uniform Rules of Practice, 7 CFR part 1, subpart H, or the State organic program's rules of procedure.

\* \* \* \* \*

(d) *Where and what to file.* (1)

Appeals to the Administrator must be filed in writing and addressed to: Administrator, USDA, AMS, c/o NOP Appeals Team, 1400 Independence Avenue SW., Room 2648-So., Stop 0268, Washington, DC 20250-0268.

\* \* \* \* \*

Dated: February 2, 2015.

**Rex A. Barnes,**

*Associate Administrator, Agricultural Marketing Service.*

[FR Doc. 2015-02324 Filed 2-4-15; 8:45 am]

**BILLING CODE 3410-02-P**

## DEPARTMENT OF AGRICULTURE

### Grain Inspection, Packers and Stockyards Administration

#### 9 CFR Part 201

RIN 0580-AB23

#### Suspension of Flock Delivery and Stages of Poultry Production

**AGENCY:** Grain Inspection, Packers and Stockyards Administration, USDA.

**ACTION:** Final rule.

**SUMMARY:** This final rule removes certain regulations promulgated under the Packers and Stockyards Act, 1921 (P&S Act). Under the authority granted to the Secretary of Agriculture (Secretary) and delegated to the Grain Inspection, Packers and Stockyards Administration (GIPSA), GIPSA is authorized to issue regulations necessary to carry out the provisions of the P&S Act. As directed by Congress in Section 731, Division A, of the Consolidated and Further Continuing Appropriations Act, 2015, GIPSA is rescinding certain regulations issued under the P&S Act. GIPSA is exercising the good cause exceptions provided by the Administrative Procedure Act to forgo notice-and-comment rulemaking and proceed directly to a final rule, because notice and comment rulemaking is impracticable and unnecessary since Congress has ordered the rescission of these specific sections.

**DATES:** Effective February 5, 2015.

**FOR FURTHER INFORMATION CONTACT:** S. Brett Offutt, Director, Litigation and Economic Analysis Division, P&SP, GIPSA, 1400 Independence Ave. SW., Washington, DC 20250-3646, (202) 720-7363, *s.brett.offutt@usda.gov*.

**SUPPLEMENTARY INFORMATION:** Section 731 of the Consolidated and Further Continuing Appropriations Act, 2015, Public Law 113-235, requires that: "the Secretary of Agriculture shall, within 60 days after the date of enactment of this Act, rescind sections 201.2(o), 201.3(a), and 201.215(a), of title 9 of the Code of Federal Regulations (as in effect on such date)." Since notice and comment is unnecessary and impracticable, GIPSA is exercising the good cause exceptions provided by the Administrative Procedure Act to forgo notice-and-comment rulemaking and proceed directly to a final rule to rescind sections 201.2(o), 201.215(a) and 201.3(a) from title 9 of the Code of Federal Regulations. As part of this final rule, we are also correcting the authority citation for Part 201.

#### List of Subjects in 9 CFR Part 201

Contracts, Poultry.

Accordingly, title 9 part 201 is amended as follows:

#### PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

- 1. The authority citation for part 201 is revised to read as follows:

**Authority:** 7 U.S.C. 181—229c.

#### § 201.2 [Amended]

- 2. In § 201.2, remove paragraph (o).

#### § 201.3 [Amended]

- 3. In § 201.3, remove paragraph (a) and remove the paragraph (b) designation and its subject heading.

#### § 201.215 [Amended]

- 4. In § 201.215, remove paragraph (a) and redesignate paragraphs (b) and (c) as paragraphs (a) and (b), respectively.

**Susan B. Keith,**

*Acting Administrator, Grain Inspection, Packers and Stockyards Administration.*

[FR Doc. 2015-02142 Filed 2-4-15; 8:45 am]

**BILLING CODE 3410-KD-P**

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 72

[NRC-2014-0233]

RIN 3150-AJ47

#### List of Approved Spent Fuel Storage Casks: Holtec International HI-STORM 100 Cask System, Certificate of Compliance No. 1014, Amendment No. 8, Revision No. 1

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Direct final rule.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is amending its spent fuel storage regulations by revising the Holtec International HI-STORM 100 Cask System listing within the "List of approved spent fuel storage casks" to add Revision No. 1 to Amendment No. 8 (effective May 2, 2012, and corrected on November 16, 2012), to the Certificate of Compliance (CoC) No. 1014. Amendment No. 8, Revision No. 1, changes burnup/cooling time limits for thimble plug devices; changes Metamic-HT material testing requirements; changes Metamic-HT material minimum guaranteed values; and updates fuel definitions to allow boiling water reactor fuel affected by certain corrosion mechanisms with specific guidelines to be classified as undamaged fuel.

**DATES:** The direct final rule is effective April 21, 2015, unless significant adverse comments are received by March 9, 2015. If the direct final rule is withdrawn as a result of such comments, timely notice of the withdrawal will be published in the **Federal Register**. Comments received after this date will be considered if it is practical to do so, but the NRC staff is