

799). The rule was determined to be Categorically Excluded. Therefore, no environmental assessment or environmental impact statement will be completed for this final rule.

Executive Order 12372

Executive Order 12372, "Intergovernmental Review of Federal Programs," requires consultation with State, and local officials. The objectives of the Executive Order are to foster an intergovernmental partnership and a strengthened Federalism, by relying on State, and local processes for State, and local government coordination and review of proposed Federal Financial assistance and direct Federal development. For reasons set forth in the Notice to 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), the programs and activities within this rule are excluded from the scope of Executive Order 12372.

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988, "Civil Justice Reform." This rule is not retroactive and it does not preempt State, or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule. Before any judicial action may be brought regarding the provisions of this rule the administrative appeal provisions of 7 CFR parts 11 and 780 must be exhausted.

Executive Order 13132

This rule has been reviewed under Executive Order 13132, "Federalism." The policies contained in this rule do not have any substantial direct effect on States, the relationship between the Federal government and the States, or the distribution of power and responsibilities among the various levels of government. Nor does this rule impose substantial direct compliance costs on State, and local governments. Therefore, consultation with the States is not required.

Executive Order 13175

This rule has been reviewed for compliance with Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments." Executive Order 13175 imposes requirements on the development of regulatory policies that have Tribal implications or preempt Tribal laws. The policies contained in this rule do not preempt Tribal law.

FSA has been working closely with the USDA Office of Tribal Relations to ensure that the rule meets the concerns of Tribal leaders and to develop a plan

to improve the rule implementation with FSA staff. USDA will also respond in a timely and meaningful manner to all Tribal government requests for consultation concerning this rule and will provide additional venues, such as webinars and teleconferences, to periodically host collaborative conversations with Tribal leaders and their representatives concerning ways to implement this rule in Indian country. We received one comment on the interim rule, from a group representing Tribal farmers and ranchers. That comment is addressed above and noted that the local county committee and local FSA office should improve outreach efforts to Tribal members.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandate Reform Act of 1995 (UMRA, Pub. L. 104-4) requires Federal agencies to assess the effects of their regulatory actions on State, local, or Tribal governments or the private sector. Agencies generally must prepare a written statement, including a cost benefit analysis, for proposed and final rules with Federal mandates that may result in expenditures of \$100 million or more in any 1 year for State, local, or Tribal governments, in the aggregate, or to the private sector. UMRA generally requires agencies to consider alternatives and adopt the more cost effective or least burdensome alternative that achieves the objectives of the rule. This rule contains no Federal mandates under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) for State, local, or Tribal governments, or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

Paperwork Reduction Act

Currently approved information collection activities are covered under OMB control number 0560-0229. This rule involves no change to the currently approved collection of information.

E-Government Act Compliance

FSA is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

List of Subjects for 7 CFR Part 7

Agriculture.

PART 7—SELECTION AND FUNCTIONS OF FARM SERVICE AGENCY STATE AND COUNTY COMMITTEES

■ Accordingly, we are adopting as final, without change, the interim rule that amended 7 CFR part 7 and that was published at 77 FR 33063-33075 on June 5, 2012.

Signed on December 4, 2012.

Thomas J. Vilsack,

Secretary of Agriculture.

[FR Doc. 2013-04790 Filed 2-28-13; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 205

[Document Number AMS-NOP-11-0002; NOP-11-02]

National Organic Program: Notice of Policies Addressing Kelp, Seeds and Planting Stock, Livestock Feed, and Responding to Pesticide Residue Testing

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of availability of final guidance.

SUMMARY: The National Organic Program (NOP) is announcing the availability of three final guidance documents and one instruction document intended for use by certifying agents and certified operations. The final guidance and instruction documents are entitled as follows: "The Use of Kelp in Organic Livestock Feed (NOP 5027); Responding to Results from Pesticide Residue Testing (NOP 2613)"; "Seeds, Annual Seedlings, and Planting Stock in Organic Crop Production (NOP 5029)"; and "Evaluating Allowed Ingredients and Sources of Vitamins and Minerals for Organic Livestock Feed (NOP 5030)". These final guidance and instruction documents are intended to inform the public of NOP's current thinking on these topics.

DATES: The final guidance documents announced by this notice of availability are effective on March 4, 2013.

FOR FURTHER INFORMATION CONTACT: Melissa Bailey, Ph.D., Director, Standards Division, National Organic Program, USDA-AMS-NOP, 1400 Independence Ave. SW., Room 2646-So., Ag Stop 0268, Washington, DC 20250, Email:

Melissa.bailey@ams.usda.gov;

Telephone: (202) 720-3252; Fax: (202) 205-7808.

SUPPLEMENTARY INFORMATION:**I. Background**

On June 13, 2011, the National Organic Program (NOP) published in the **Federal Register** a notice of availability with request for public comment on four draft guidance documents (76 FR 34180). The topics covered in the draft documents addressed recommendations issued by the National Organic Standards Board (NOSB) and the USDA Office of Inspector General (OIG) in a March 2010 audit report of the NOP. The four documents presented policies on the use of kelp in livestock feed products, procedures for certifying agents in response to results from pesticide residue testing, requirements for procurement and use of seed, seedlings and planting stock, and evaluation criteria for allowed ingredients and sources of vitamins and minerals in livestock feed. The four draft guidances can be viewed on the NOP Web site at <http://www.ams.usda.gov/NopDraftGuidance>. The 60-day comment period closed on August 12, 2011.

The NOP received approximately 50 individual comments on the four draft guidance documents. Based upon the comments received, the NOP revised and is publishing the three draft guidance documents as final: “NOP 5027—The Use of Kelp in Organic Livestock Feed; “NOP 5029—Seeds, Annual Seedlings, and Planting Stock in Organic Crop Production”; and “NOP 5030—Evaluating Allowed Ingredients and Sources of Vitamins and Minerals for Organic Livestock Feed”. Each guidance document includes an appendix where the NOP provides a complete discussion of the comments received and the rationale behind any changes made to the guidance documents as well as any changes proposed, but not made to the guidance documents.

The fourth draft guidance document, “NOP 5028—Responding to Results from Pesticide Residue Testing,” has been revised and reissued under the same title as an instruction document, NOP 2613. Instruction documents set forth or clarify existing NOP procedures and provide information to certifying agents about conducting business related to certification and enforcement. In contrast, guidance documents provide or explain options and alternatives to satisfy regulatory requirements, set forth changes in interpretation of policy, or address unusually complex or highly controversial issues. Upon consideration of the objectives of the content in the final document, the NOP

has issued NOP 2613 as an instruction document, rather than guidance, since the purpose is to explain to certifying agents how to respond to results from pesticide residue testing. Because this was issued as a draft guidance with request for comment, this instruction includes an appendix where the NOP provides a discussion of the comments received on the draft guidance and the rationale behind any changes made in the instruction as well as any changes proposed, but not made to the instruction.

The three final guidance documents and one instruction document are now available from the NOP through “The Program Handbook: Guidance and Instructions for Certifying Agents and Certified Operations”. This Handbook provides those who own, manage, or certify organic operations with guidance and instructions that can assist them in complying with the NOP regulations. The current edition of the Program Handbook is available online at <http://www.ams.usda.gov/NopProgramHandbook>.

II. Significance of Guidance

These final guidance documents are being issued in accordance with the Office of Management and Budget (OMB) Bulletin on Agency Good Guidance Practices (GGPs) (January 25, 2007, 72 FR 3432–3440). The purpose of GGPs is to ensure that program guidance documents are developed with adequate public participation, are readily available to the public, and are not applied as binding requirements. Final guidance represents the NOP’s current thinking on these topics. It does not create or confer any rights for, or on, any person and does not operate to bind the NOP or the public. Guidance documents are intended to provide a uniform method for operations to comply that can reduce the burden of developing their own methods and simplify audits and inspections. Alternative approaches that can demonstrate compliance with the Organic Foods Production Act (OFPA), as amended (7 U.S.C. 6501–6522), and its implementing regulations are also acceptable. As with any alternative compliance approach, the NOP strongly encourages industry to discuss alternative approaches with the NOP before implementing them to avoid unnecessary or wasteful expenditures of resources and to ensure the proposed alternative approach complies with the Act and its implementing regulations.

III. Electronic Access

Persons with access to Internet may obtain the final guidance at the NOP’s Web site at <http://www.ams.usda.gov/>

nop. Requests for hard copies of the guidance or instruction documents can be obtained by submitting a written request to the person listed in the **ADDRESSES** section of this Notice.

Authority: 7 U.S.C. 6501–6522.

Dated: February 26, 2013.

David R. Shipman,

Administrator, Agricultural Marketing Service.

[FR Doc. 2013–04823 Filed 2–28–13; 8:45 am]

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DEPARTMENT OF AGRICULTURE**Agricultural Marketing Service****7 CFR Part 905**

[Doc. No. AMS–FV–11–0076; FV11–905–1 FR]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Redistricting and Reapportionment of Grower Members, and Changing the Qualifications for Grower Membership on the Citrus Administrative Committee

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule redefines districts, reapportions representation, and modifies the qualifications for membership on the Citrus Administrative Committee (Committee). The Committee is responsible for local administration of the Federal marketing order for oranges, grapefruit, tangerines, and tangelos grown in Florida (order). This final rule reduces the number of districts, reapportions representation among the districts, and allows up to four growers who are shippers or employees of a shipper to serve as grower members on the Committee. These changes adjust grower representation to reflect the composition of the industry, provide equitable representation from each district, and create the opportunity for more growers to serve on the Committee.

DATES: Effective March 4, 2013.

FOR FURTHER INFORMATION CONTACT:

Corey E. Elliott, Marketing Specialist, or Christian D. Nissen, Regional Director, Southeast Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (863) 324–3375, Fax: (863) 325–8793, or Email: Corey.Elliott@ams.usda.gov or Christian.Nissen@ams.usda.gov.

Small businesses may request information on complying with this