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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 205

[Document Number AMS–NOP–14–0012; NOP–14–03]

#### National Organic Program: Notice of Final Guidance on Substances Used in Post-Harvest Handling of Organic Products

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

**ACTION:** Notice of availability of final guidance.

**SUMMARY:** The National Organic Program (NOP) is announcing the availability of a final guidance document intended for use by accredited certifying agents, and certified and exempt organic operations. The guidance document is entitled: Substances Used in Post-Harvest Handling of Organic Products (NOP 5023). This guidance document is intended to inform the public of NOP's current thinking on this topic.

**DATES:** The final guidance document announced by this document is effective on January 19, 2016.

**FOR FURTHER INFORMATION CONTACT:** Paul Lewis, Ph.D., Standards Division, National Organic Program, USDA–AMS–NOP, 1400 Independence Ave. SW., Room 2642–S., Ag Stop 0268, Washington, DC 20250–0268. Telephone: (202) 720–3252, Email: [Paul.Lewis@ams.usda.gov](mailto:Paul.Lewis@ams.usda.gov); Telephone: (202) 260–9294.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On April 25, 2014, the National Organic Program (NOP) published in the *Federal Register* a notice of availability with request for public comment on a draft guidance document addressing the permitted substances that may be used

in post-harvest handling of organic products (79 FR 22886). The NOP selected the topic for the guidance document announced through this notice in response to questions raised by certifiers and organic operations. These stakeholders requested that the NOP clarify the requirements and limitations regarding the substances permitted in post-harvest handling. The NOP also discussed and received feedback on this topic at a training session for certifiers in Portland, Oregon, in February 2011. The draft NOP guidance can be viewed on the NOP Web site at <http://www.ams.usda.gov/rules-regulations/organic>. The 60-day comment period closed on June 24, 2014.

NOP received 10 comments on the draft guidance document. Based upon the comments received, the NOP revised and is publishing a final guidance document on Substances Used in Post-Harvest Handling of Organic Products (NOP 5023). The guidance document includes an appendix (NOP 5023–1) where the NOP provides a complete discussion of the comments received and the rationale behind any changes made to the guidance documents.

This final guidance clarifies the USDA organic regulations regarding substances used in post-harvest handling activities such as washing, packing and storage of organic products. There is no discrete section of the National List of Allowed and Prohibited Substances (National List) (7 CFRs 205.600 through 205.607) designated for substances used in these post-harvest handling activities. Instead, the substances allowed for use in post-harvest handling appear in different sections of the National List (*e.g.*, section 205.601 for crop production, section 205.605 for processing), or are nonsynthetic substances, and are therefore not included on the National List for crop production. This has led to confusion about the point at which crop production for unprocessed commodities ends, when processing starts, and which substances may be used for post-harvest activities that may occur on farm or in a processing facility.

This final guidance provides information to all USDA-accredited certifying agents (certifiers) and certified and exempt organic operations about substances that may be used in post-harvest handling of organic products. More specifically, this final guidance

clarifies: (1) What substances may be used for post-harvest handling; (2) the difference between “post-harvest handling of raw agricultural commodities” and “further processing”; and (3) the regulatory requirements for facility pest management. This guidance also defines post-harvest substances and post-harvest handling.

This final guidance is available from the NOP through “The Program Handbook: Guidance and Instructions for Accredited Certifying Agents (ACAs) 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 USDA organic regulations. The current edition of the Program Handbook is available online at <http://www.ams.usda.gov/rules-regulations/organic/handbook>.

##### II. Significance of Guidance

This final guidance document is 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. This final guidance represents NOP's current thinking on the topic. 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, NOP strongly encourages industry to discuss alternative approaches with 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 USDA Agricultural Marketing Service Web site at <http://www.ams.usda.gov/rules-regulations/organic>. Requests for hard copies of the draft guidance 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: January 11, 2016.

**Erin Morris,**

*Associate Administrator, Agricultural Marketing Service.*

[FR Doc. 2016–00678 Filed 1–14–16; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### 8 CFR Parts 204, 214, 248, and 274a

[CIS No. 2515–11; DHS Docket No. USCIS–2012–0005]

RIN 1615–AC00

### Enhancing Opportunities for H–1B1, CW–1, and E–3 Nonimmigrants and EB–1 Immigrants

**AGENCY:** U.S. Citizenship and Immigration Services, Department of Homeland Security.

**ACTION:** Final rule.

**SUMMARY:** In this final rule, the Department of Homeland Security (DHS) is revising its regulations affecting: highly skilled workers in the nonimmigrant classifications for specialty occupation from Chile, Singapore (H–1B1), and Australia (E–3); the immigrant classification for employment-based first preference (EB–1) outstanding professors and researchers; and nonimmigrant workers in the Commonwealth of the Northern Mariana Islands (CNMI)-Only Transitional Worker (CW–1) classification. DHS anticipates that these changes to the regulations will benefit these highly skilled workers and CW–1 nonimmigrant workers by removing unnecessary hurdles that place such workers at a disadvantage when compared to similarly situated workers in other visa classifications.

**DATES:** This final rule is effective February 16, 2016.

**FOR FURTHER INFORMATION CONTACT:** Paola Rodriguez Hale, Adjudications Officer (Policy), Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue NW., Washington, DC 20529–

2141. Contact telephone number is (202) 272–8377.

**SUPPLEMENTARY INFORMATION:** DHS is revising its regulations affecting: (1) Highly skilled workers in the nonimmigrant classifications for specialty occupation from Chile, Singapore (H–1B1), and Australia (E–3); (2) the immigrant classification for employment-based first preference (EB–1) outstanding professors and researchers; and (3) nonimmigrant workers in the Commonwealth of the Northern Mariana Islands (CNMI)-Only Transitional Worker (CW–1) classification.

Specifically, in this final rule, DHS is amending its regulations to include H–1B1 and principal E–3 classifications in the list of classes of foreign nationals authorized for employment incident to status with a specific employer, and to clarify that H–1B1 and principal E–3 nonimmigrants are allowed to work without having to separately apply to DHS for employment authorization.

DHS is also amending the regulations to provide H–1B1 and principal E–3 nonimmigrants with authorization for continued employment with the same employer if the employer has timely filed for an extension of the nonimmigrant's stay. DHS is providing this same authorization for continued employment for CW–1 nonimmigrants if a petitioner has timely filed a Petition for a CNMI-Only Nonimmigrant Transitional Worker, Form I–129CW, or successor form requesting an extension of stay.

In addition, DHS is updating the regulations describing the filing procedures for extensions of stay and change of status requests to include the principal E–3 and H–1B1 nonimmigrant classifications. These changes will harmonize and align the regulations for principal E–3, H–1B1, and CW–1 nonimmigrant classifications with the existing regulations for other, similarly situated nonimmigrant classifications.

Finally, DHS is expanding the current list of initial evidence for EB–1 outstanding professors and researchers to allow petitioners to submit evidence comparable to the other forms of evidence already listed in 8 CFR 204.5(i)(3)(i). This will harmonize the regulations for EB–1 outstanding professors and researchers with certain employment-based immigrant categories that already allow for submission of comparable evidence.

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#### I. Executive Summary

##### A. Purpose of the Regulatory Action

DHS is amending its regulations in several ways to improve the programs serving the principal E–3, H–1B1, and CW–1 nonimmigrant classifications and the EB–1 immigrant classification for outstanding professors and researchers. These changes will harmonize the regulations governing these classifications with regulations governing similar visa classifications and remove unnecessary hurdles that have placed principal E–3, H–1B1, CW–1 and certain EB–1 workers at a disadvantage when compared to similarly situated workers in other visa classifications. DHS believes this rule also best achieves our goal of addressing unwarranted disparities involving continued employment authorization among and within particular nonimmigrant classifications.

##### B. Legal Authorities

Sections 103(a) and 214(a)(1) of the Immigration and Nationality Act (INA),