

demonstrated a growth rate between 20 to 24 percent each year, including a 22 percent increase in 2006.

In addition, USDA has 97 accredited certifying agents who provide certification services to producers and handlers. A complete list of names and addresses of accredited certifying agents may be found on the AMS NOP Web site, at <http://www.ams.usda.gov/nop>. AMS believes that most of these accredited certifying agents would be considered small entities under the criteria established by the SBA.

#### *D. Paperwork Reduction Act*

No additional collection or recordkeeping requirements are imposed on the public by this proposed rule. Accordingly, OMB clearance is not required by section 350(h) of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, *et seq.*, or OMB's implementing regulation at 5 CFR part 1320.

The AMS is committed to compliance with the Government Paperwork Elimination Act (GPEA), which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible.

The AMS 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 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, 7 CFR part 205, Subpart G is proposed to be amended 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.

2. Section 205.601 is amended by:

- A. Adding new paragraph (a)(8);
- B. Redesignating paragraphs (e)(2) through (e)(9) as (e)(3) through (e)(10) and adding new paragraph (e)(2);
- C. Redesignating paragraphs (i)(1) through (i)(11) as (i)(2) through (i)(12); and adding new paragraph (i)(1); and
- D. Revising paragraph (m)(2).

The additions and revision read as follows:

#### **§ 205.601 Synthetic substances allowed for use in organic crop production.**

\* \* \* \* \*

(a) \* \* \*

(8) Sodium carbonate peroxyhydrate (CAS #—15630–89–4)—federal law restricts the use of this substance in food crop production to approved food uses identified on the product label.

\* \* \* \* \*

(e) \* \* \*

(2) Aqueous potassium silicate (CAS #—1312–76–1)—The silica, used in the manufacture of potassium silicate, must be sourced from naturally occurring sand.

\* \* \* \* \*

(i) \* \* \*

(1) Aqueous potassium silicate (CAS #—1312–76–1)—The silica, used in the manufacture of potassium silicate, must be sourced from naturally occurring sand.

\* \* \* \* \*

(m) \* \* \*

(2) EPA List 3—Inerts of unknown toxicity—for use only in passive pheromone dispensers.

\* \* \* \* \*

2. Section 205.605 is amended by adding one new substance in alphabetical order to paragraph (a) to read as follows:

#### **§ 205.605 Nonagricultural (nonorganic) substances allowed as ingredients in or on processed products labeled as “organic” or “made with organic (specified ingredients or food group(s)).”**

\* \* \* \* \*

(a) \* \* \*

\* \* \* \* \*

Gellan gum (CAS #—71010–52–1)

\* \* \* \* \*

3. Section 205.606 is amended by:

A. Redesignating paragraphs (g) through (t) and (u) through (w) as paragraphs (h) through (u) and (w) through (y) respectively;

B. Adding new paragraphs (g) and (v) to read as follows:

#### **§ 205.606 Nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as “organic.”**

\* \* \* \* \*

(g) Fortified cooking wines.

(1) Marsala.

(2) Sherry.

\* \* \* \* \*

(v) Tragacanth gum (CAS #—9000–65–1).

\* \* \* \* \*

Dated: May 28, 2009.

**Robert C. Keeney,**

*Acting Associate Administrator.*

[FR Doc. E9–12818 Filed 6–2–09; 8:45 am]

BILLING CODE 3410–02–P

## **DEPARTMENT OF ENERGY**

### **10 CFR Part 431**

[Docket No. EERE–2008–BT–STD–0013]

RIN 1904–AB83

### **Energy Conservation Program for Certain Industrial Equipment: Energy Conservation Standards for Commercial Heating, Air-Conditioning, and Water-Heating Equipment**

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Notice of data availability and request for public comment.

**SUMMARY:** The U.S. Department of Energy (DOE) is announcing the availability of an environmental assessment (EA) to accompany its notice of proposed rulemaking (NPR) considering potential energy conservation standards for certain commercial and industrial equipment, including commercial heating, air-conditioning, and water-heating equipment, published in the **Federal Register** on March 20, 2009. Specifically, this EA includes a concise examination of the impacts of emission reductions likely to result from the proposed standards for commercial packaged boilers and water-cooled and evaporatively-cooled commercial package air conditioners and heat pumps with a cooling capacity at or above 240,000 Btu/h and less than 760,000 Btu/h. The EA has been incorporated as Chapter 8 in the NPR technical support document (TSD). In addition, Chapter 9 of the NPR TSD provides the results of DOE's monetization analysis of these potential emission reductions. These materials are available online (see **ADDRESSES**). DOE specifically requests that interested members of the public, Tribes, and States comment on the EA.

**DATES:** DOE will accept comments, data, and information regarding the subject matter of this NODA submitted no later than June 18, 2009.

**ADDRESSES:** Any comments submitted must identify the NODA for Energy Conservation Standards for ASHRAE Products, and provide the docket number EERE–2008–BT–STD–0013 and/or Regulatory Information Number

(RIN) 1904-AB83. Comments may be submitted using any of the following methods:

- *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). Follow the instructions for submitting comments.

- *E-mail:*

*ASHRAE 90.1 rulemaking@ee.doe.gov*. Include the docket number EERE-2008-BT-STD-0013 and/or RIN number 1904-AB83 in the subject line of the message.

- *Postal Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE-2], 1000 Independence Avenue, SW., Washington, DC 20585-0121. Please submit one signed paper original.

- *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 950 L'Enfant Plaza, SW., Suite 600, Washington, DC 20024. Telephone: (202) 586-2945. Please submit one signed paper original.

*Docket:* For access to the docket to read background documents or comments received, visit the U.S. Department of Energy, Resource Room of the Building Technologies Program, 950 L'Enfant Plaza, SW., Suite 600, Washington, DC 20024, (202) 586-2945, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Please call Ms. Brenda Edwards at the above telephone number for additional information about visiting the Resource Room.

The results of DOE's monetization analysis of potential emission reductions materials are available online at: [http://www1.eere.energy.gov/buildings/appliance\\_standards/commercial/ashrae\\_products\\_nopr.html](http://www1.eere.energy.gov/buildings/appliance_standards/commercial/ashrae_products_nopr.html).

**FOR FURTHER INFORMATION CONTACT:** Mr. Mohammed Khan, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, Mailstop EE-2], 1000 Independence Avenue, SW., Washington, DC 20585-0121. Telephone: (202) 586-7892. E-mail: [Mohammed.Khan@ee.doe.gov](mailto:Mohammed.Khan@ee.doe.gov).

Mr. Eric Stas, U.S. Department of Energy, Office of the General Counsel, Mailstop GC-72, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585-0121. Telephone: (202) 586-9507. E-mail: [Eric.Stas@hq.doe.gov](mailto:Eric.Stas@hq.doe.gov).

For information on how to submit public comments, contact Ms. Brenda Edwards, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, Mailstop EE-2], 1000 Independence Avenue, SW.,

Washington, DC 20585-0121. Telephone: (202) 586-2945. E-mail: [Brenda.Edwards@ee.doe.gov](mailto:Brenda.Edwards@ee.doe.gov).

**SUPPLEMENTARY INFORMATION:** The Energy Policy and Conservation Act of 1975 (EPCA) (42 U.S.C. 6291 *et seq.*), as amended, directs DOE to establish energy conservation standards for certain commercial and industrial equipment, including commercial heating, air-conditioning, and water-heating equipment. Of particular relevance here, the statute also requires that each time the corresponding industry standard—the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. (ASHRAE)/Illuminating Engineering Society of North America (IESNA) Standard 90.1, *Energy Standard for Buildings Except Low-Rise Residential Buildings*—is amended, DOE must assess whether there is a need to update the uniform national energy conservation standards for the same equipment covered under EPCA. ASHRAE officially released an amended version of this industry standard (ASHRAE Standard 90.1-2007) on January 10, 2008, thereby triggering DOE's related obligations under EPCA.

DOE published a NOPR proposing amended energy conservation standards for commercial packaged boilers and water-cooled and evaporatively-cooled commercial package air conditioners and heat pumps with a cooling capacity at or above 240,000 Btu/h and less than 760,000 Btu/h at the efficiency levels specified by ASHRAE Standard 90.1-2007. 74 FR 12000 (March 20, 2009). DOE outlined its review of ASHRAE Standard 90.1-2007 and a determination of scope for the rulemaking in the March 2009 NOPR. In addition, the NOPR discussed the analytical framework used to evaluate ASHRAE equipment, the analytical models and tools that DOE is using to evaluate amended energy conservation standards for this equipment, and the results of the various rulemaking analyses performed by DOE. Finally, in the NOPR, DOE outlined its preliminary conclusions and the proposed standards for these two equipment types.

As noted above, this NODA announces the availability for public comment of an environmental assessment of the proposed energy conservation standards in the March 20, 2009, NOPR. The EA assesses the impacts of the proposed rule pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), the regulations of the Council on Environmental Quality (40 CFR parts 1500-1508), and DOE's regulations for

compliance with the National Environmental Policy Act (10 CFR part 1021). This EA includes a concise examination of the impacts of emission reductions likely to result from the proposed standards for commercial packaged boilers and water-cooled and evaporatively-cooled commercial package air conditioners and heat pumps with a cooling capacity at or above 240,000 Btu/h and less than 760,000 Btu/h. The EA has been incorporated as Chapter 8 in the NOPR TSD. In addition, Chapter 9 of the NOPR TSD provides the results of DOE's monetization analysis of these potential emission reductions. These materials are available online at: [http://www1.eere.energy.gov/buildings/appliance\\_standards/commercial/ashrae\\_products\\_nopr.html](http://www1.eere.energy.gov/buildings/appliance_standards/commercial/ashrae_products_nopr.html). DOE specifically requests that interested members of the public, Tribes, and States comment on the EA.

Issued in Washington, DC, on May 29, 2009.

**Steven G. Chalk,**

*Principal Deputy Assistant Secretary, Energy Efficiency and Renewable Energy.*

[FR Doc. E9-12958 Filed 6-2-09; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 20

[REG-119532-08]

RIN 1545-BH94

#### Section 2036—Graduated Retained Interests; Correction

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correction to notice of proposed rulemaking.

**SUMMARY:** This document contains corrections to a notice of proposed rulemaking (REG-119532-08) that was published in the **Federal Register** on Thursday, April 30, 2009, at 74 FR 19913. The corrections relate to proposed regulations that provide guidance on the portion of trust property includible in the grantor's gross estate if the grantor has retained the use of the property, the right to an annuity, unitrust, graduated retained interest, or other payment from such property for life, for any period not ascertainable without reference to the grantor's death, or for a period that does not in fact end before the grantor's death.