

methionine in organic poultry production. One comment did not express an opinion pertinent to the specifics of the amendment. The few comments opposing the extension of the allowance for synthetic methionine stated that use of the substance was incompatible with the regulatory definition of "organic production." Another comment objecting to extending the allowance questioned whether OFPA sanctions the use of a synthetic amino acid. This comment also cited natural alternatives to synthetic methionine and suggested that the continued allowance of synthetic methionine continues to delay the commercial development of alternatives to the synthetic form.

In developing their recommendation on the continued allowance for synthetic methionine on the National List, the NOSB reviewed the substance against the evaluation criteria of 7 U.S.C. 6517 and 6518 of the OFPA. The NOSB recommended that, after October 1, 2012, the annotation for methionine be amended to reduce the maximum amount of the substance allowed and establish October 1, 2015, as the expiration date. The NOSB's intent is that a step down in the levels allowed after October 1, 2012, will stimulate further market development of natural alternatives and drive management changes in the organic poultry industry. We plan to address this step down through a future rulemaking action. We believe that the current amendment should remain as codified in the interim rule. At this time, the record supports the rationale of the NOSB that synthetic methionine remains critical in organic poultry production and that its removal from the National List would have significant adverse impacts on the industry.

Two comments maintained that adequate wholly natural sources of methionine are in fact available and suggested that these alternatives should be sufficient for organic poultry production. The NOSB considered the availability of such alternatives in development of their recommendation and, based upon the public comment received, determined that alternatives are not available in sufficient quantities to meet the needs of the organic poultry industry. We concur with the NOSB's finding and, therefore, disagree with the comments suggesting that there are presently viable alternatives to justify removal of synthetic methionine from the National List.

After full consideration of these comments, we have determined that the record supports retaining the provisions in the interim rule to extend the use of

synthetic methionine in organic poultry production until October 1, 2012, at the following maximum levels of synthetic methionine per ton of feed: laying chickens—4 pounds; broiler chickens—5 pounds; turkeys and all other poultry—6 pounds. This provision remains consistent with the NOSB's April 29, 2010 recommendation.

#### 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.

#### PART 205—NATIONAL ORGANIC PROGRAM

Accordingly, the interim rule amending 7 CFR part 205, subpart G published at 75 FR 51919 on August 24, 2010, is adopted as a final rule without change.

Dated: March 4, 2011.

**David R. Shipman,**

*Associate Administrator, Agricultural Marketing Service.*

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#### NATIONAL CREDIT UNION ADMINISTRATION

##### 12 CFR Parts 708a and 708b

**RIN 3133-AD84; 3133-AD85**

#### Conversions of Insured Credit Unions

**AGENCY:** National Credit Union Administration (NCUA).

**ACTION:** Final rule.

**SUMMARY:** NCUA is confirming as final a December 23, 2010, interim final rule on the definition of the phrase "Regional Director" in NCUA's rule on credit union to mutual savings bank conversions. For clarification purposes, this rule modifies the aforementioned definition.

**DATES:** This rule is effective March 14, 2011.

#### FOR FURTHER INFORMATION CONTACT:

Jacqueline Lussier, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428, or telephone (703) 518-6540.

#### SUPPLEMENTARY INFORMATION:

##### Background

In 2009, the NCUA Board created the NCUA Office of Consumer Protection

(OCP) to become operational on January 1, 2010. NCUA is in the process of moving responsibility for the review and approval of certain types of credit union conversions from the Regional Directors to the Director of the OCP, including credit union conversions to mutual savings banks or mutual savings associations (MSBs) in 12 CFR part 708a and the conversion from National Credit Union Share Insurance Fund (NCUSIF) share insurance to nonfederal share insurance in 12 CFR part 708b. To accommodate this reassignment of staff functions, the NCUA Board issued an interim final rule in December 2010, adding the Director of the OCP to the definition of the phrase "Regional Director" in part 708a and adding a new definition of the phrase "Regional Director" to part 708b that mirrors the revised definition in part 708a. 75 FR 80678 (Dec. 23, 2010).

NCUA received one comment letter that supported inclusion of the Director of the OCP in the definition of "Regional Director" in parts 708a and 708b.

#### Final Rule

The interim final rule instructed the Office of Federal Register (OFR) to amend § 708a.1 (now § 708a.101)<sup>1</sup> of part 708a by adding a definition of "Regional Director" to include the Director of the OCP. The interim final rule, however, should have instructed the OFR that § 708a.1 (now § 708a.101) be amended not by adding a new definition but rather by revising the existing definition of "Regional Director." This final rule confirms the December 23, 2010, interim rule as final and instructs the OFR that the existing definition of "Regional Director" in § 708a.101 be revised to include the Director of the OCP.

#### Immediate Effective Date

NCUA is issuing this rulemaking as a final rule effective upon publication in the **Federal Register**. The Administrative Procedure Act (APA), 5 U.S.C. 553, requires that a final rule must have a delayed effective date of 30 days from the date of publication, except for good cause. In this regard, NCUA believes the 30-day delayed effective date is inapplicable because the amendments to parts 708a and 708b are not substantive but merely update the regulation to provide NCUA with

<sup>1</sup> In December 2010, the NCUA Board issued a final rule that, in part, reorganized part 708a into subparts A through C and redesignated the existing section numbers in subpart A as §§ 708a.101 through 708a.113. 75 FR 81378 (Dec. 28, 2010). As reorganized, subpart A applies to conversions of federally-insured credit unions to MSBs and former § 708a.1 is now numbered § 708a.101. That final rule became effective on January 27, 2011.

additional administrative flexibility. As such, the final rule is not subject to the 30-day delayed effective date requirement.

### Regulatory Procedures

#### *Regulatory Flexibility Act*

The Regulatory Flexibility Act requires NCUA to prepare an analysis to describe any significant economic impact any regulation may have on a substantial number of small credit unions (those under \$10 million in assets). 5 U.S.C. 603(a). Only a few credit unions convert in a given year. Accordingly, the NCUA Board certifies that the final rule will not have a significant economic impact on a substantial number of small credit unions, and, therefore, a regulatory flexibility analysis is not required.

#### *Paperwork Reduction Act*

The Paperwork Reduction Act of 1995 (PRA) applies to rulemakings in which an agency by rule creates a new paperwork burden on regulated entities or modifies an existing burden. 44 U.S.C. 3507(d). For purposes of the PRA, a paperwork burden may take the form of a reporting, recordkeeping, or disclosure requirement, each referred to as an information collection. The revised definition does not impose any new paperwork burden.

#### *Executive Order 13132*

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. In adherence to fundamental federalism principles, NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order. The final rule will not have substantial direct effects on the states, on the connection between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. NCUA has determined that this rule does not constitute a policy that has federalism implications for purposes of the executive order.

#### *The Treasury and General Government Appropriations Act, 1999—Assessment of Federal Regulations and Policies on Families*

NCUA has determined that the final rule will not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999, Public Law 105-277, 112 Stat. 2681 (1998).

### *Small Business Regulatory Enforcement Fairness Act*

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Public Law 104-121, provides generally for congressional review of agency rules. A reporting requirement is triggered in instances where NCUA issues a final rule as defined by section 551 of the Administrative Procedure Act, 5 U.S.C. 551. The Office of Information and Regulatory Affairs of the Office of Management and Budget has determined that this final rule is not a major rule for purposes of SBREFA.

#### List of Subjects

##### *12 CFR Part 708a*

Charter conversions, Credit unions.

##### *12 CFR Part 708b*

Credit unions, Mergers of credit unions, Reporting and recordkeeping requirements.

By the National Credit Union Administration Board on March 7, 2011.

**Mary F. Rupp,**

*Secretary of the Board.*

For the reasons stated in the preamble, the National Credit Union Administration confirms as final the interim rule, which amended 12 CFR parts 708a and 708b, and was published December 23, 2010, at 75 FR 80678, with the following changes:

### **PART 708a—BANK CONVERSIONS AND MERGERS**

- 1. The authority citation for part 708a continues to read as follows:

**Authority:** 12 U.S.C. 1766, 1785(b), and 1785(c).

- 2. In § 708a.101, revise the definition of *regional director* to read as follows:

#### **§ 708a.101 Definitions.**

\* \* \* \* \*

*Regional director* means either the director of the NCUA regional office for the region where a natural person credit union's main office is located or the director of the NCUA's Office of Consumer Protection. For corporate credit unions, *regional director* means the director of NCUA's Office of Corporate Credit Unions.

\* \* \* \* \*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2010-1030; Airspace Docket No. 10-AGL-18]

### Amendment of Class E Airspace; La Porte, IN

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; correction.

**SUMMARY:** This action corrects errors in the geographic coordinates of a final rule published in the **Federal Register** February 1, 2011, that amends Class E airspace in the La Porte, IN area.

**DATES:** Effective date 0901 UTC May 5, 2011.

**FOR FURTHER INFORMATION CONTACT:** Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone (817) 321-7716.

#### SUPPLEMENTARY INFORMATION:

##### History

On February 1, 2011, the FAA published in the **Federal Register** a final rule amending Class E airspace in the La Porte, IN area (76 FR 5471), Docket No. FAA-2010-1030. Subsequent to publication, errors were discovered in the geographic coordinates for the La Porte Hospital Heliport point in space and the La Porte NDB. This action corrects these coordinates.

Class E airspace designations are published in paragraph 6005, of FAA Order 7400.9U dated August 18, 2010, and effective September 15, 2010, which is incorporated by reference in 14 CFR 71.1.

##### Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, on page 5472, column one, in the airspace description, under La Porte NDB, remove "lat. 41°29'56" N., long. 86°46'17" W.", and insert "lat. 41°29'56" N., long. 86°46'16" W.".

On page 5472, column one, in the regulatory text, remove "\* \* \*" and within a 6-mile radius of the La Porte Hospital point in space at lat. 41°29'56" N., long. 86°46'17" W." and insert "and within a 6-mile radius of the La Porte Hospital point in space at lat. 41°36'11" N., long. 86°44'10" W."