

Notices

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Tuesday, January 26, 2010

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Proposed Posting, Posting, and Deposting of Stockyards

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

ACTION: Notice and request for comments.

SUMMARY: The Grain Inspection, Packers and Stockyards Administration (GIPSA) is taking several actions to post and deposit stockyards under the Packers and Stockyards Act (P&S Act). Specifically, we are proposing that eight stockyards now operating subject to the P&S Act be posted. We are posting 20 stockyards that were identified previously as operating subject to the P&S Act. Finally, we are deposing 34 stockyards that can no longer be used as stockyards.

DATES: For the proposed posting of stockyards, we will consider comments that we receive by February 10, 2010.

For the deposited stockyards, the deposing is effective on January 26, 2010.

ADDRESSES: We invite you to submit comments on this notice. You may submit comments by any of the following methods:

- *E-Mail:* comments.gipsa@usda.gov.
- *Mail:* H. Tess Butler, GIPSA, USDA, 1400 Independence Avenue, SW., Room 1654-S, Washington, DC 20250-3604.
- *Fax:* (202) 690-2173.

- *Hand Delivery or Courier:* H. Tess Butler, GIPSA, USDA, 1400 Independence Avenue, SW., Room 1643-S, Washington, DC 20250-3604.

- *Internet:* Go to <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

FOR FURTHER INFORMATION CONTACT: S. Brett Offutt, Director, Policy and Litigation Division, e-mail: S.Brett.Offutt@usda.gov or fax: (202) 690-3207.

SUPPLEMENTARY INFORMATION: The Grain Inspection, Packers and Stockyards Administration (GIPSA) administers and enforces the P&S Act, (7 U.S.C. 181 *et seq.*). The P&S Act prohibits unfair, deceptive, and fraudulent practices by livestock market agencies, dealers, stockyard owners, meat packers, swine contractors, and live poultry dealers in the livestock, poultry, and meatpacking industries.

Section 302 of the P&S Act (7 U.S.C. 202) defines the term “stockyard” as follows: “* * * any place, establishment, or facility commonly known as stockyards, conducted, operated, or managed for profit or nonprofit as a public market for livestock producers, feeders, market agencies, and buyers, consisting of pens, or other enclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce.”

Section 302 (b) of the P&S Act requires the Secretary of Agriculture to determine which stockyards meet this definition, and to notify the owner of the stockyard and the public of that determination by posting a notice in each designated stockyard. Once the Secretary provides notice to the stockyard owner and the public, the stockyard is subject to the provisions of Title III of the P&S Act (7 U.S.C. 201-203 and 205-217a) until the Secretary deposits the stockyard by public notice. To post a stockyard, we assign the stockyard a facility number, notify the stockyard owner, and send an official

posting notice to the stockyard owner to display in a public area of the stockyard. This process is referred to as “posting.” The date of posting is the date that the posting notices are physically displayed at the stockyard. A facility that does not meet the definition of a stockyard is not subject to the P&S Act, and therefore cannot be posted. A posted stockyard can be deposited, which occurs when the facility is no longer used as a stockyard.

We are hereby notifying stockyard owners and the public that the following eight stockyards meet the definition of a stockyard, and that we propose to designate these stockyards as posted stockyards.

Proposed facility No.	Stockyard name and location
CA-193	Westside Auction Yard, Newman, California.
AZ-117	Robertson Horse Sales, Benson, Arizona.
IA-263	Clarke's Auctioneering, Chariton, Iowa.
KY-185	Bluegrass Sales Stables, LLC, Elkton, Kentucky.
ME-106	Clark's Auction Company, Skowhegan, Maine.
OK-216	Alva Livestock Market, Alva Oklahoma.
TX-356	Corsicana Livestock Auction, Inc., Corsicana, Texas.
WI-151	Turenne Livestock Market, Thorpe, Wisconsin.

We are also notifying the public that the stockyards listed in the following table meet the P&S Act's definition of a stockyard and that we have posted the stockyards. On April 20, 2009, we published a notice in the **Federal Register** (74 FR 17945-17947) of our proposal to post these 20 stockyards. Since we received no comments to our proposal, we assigned the stockyards a facility number and notified the owner of the stockyard facilities. Posting notices were sent to the owner of the stockyard to display in public areas of the stockyard. The table below reflects the date of posting for each stockyard.

Facility No.	Stockyard name and location	Date of posting
AL-197	Screamer 5L Auction, Abbeville, Alabama	June 1, 2009.
KS-209	Lyon County Livestock Sales & Services, LLC, dba Admire Livestock Auction, Admire, Kansas.	June 3, 2009.
KY-182	Cattlemen's Livestock Market, LLC, Rockfield, Kentucky	June 2, 2009.
KY-183	Mill's 31-E Auction Center, Scottsville, Kentucky	June 10, 2009.
KY-184	Blue Grass South Livestock Market, LLC, Stanford, Kentucky	
MI-151	Tom Moore Sales, Onsted, Michigan	May 30, 2009.

Facility No.	Stockyard name and location	Date of posting
MI-152	United Producers, Inc., St. Louis, Michigan	June 1, 2009.
MI-153	United Producers, Inc., Manchester, Michigan	June 2, 2009.
MI-154	United Producers, Inc., Cass City, Michigan	June 2, 2009.
NC-179	Edward Johnson Auctioneers, Inc., dba Johnson's Cattle Auction, Canton, North Carolina.	June 6, 2009.
NM-124	Cow House Auction, Kirtland, New Mexico	June 10, 2009.
OH-153	Larue Horse Sale, LLC, LaRue, Ohio	May 29, 2009.
OK-215	Old Goat Enterprises, LLC, dba Countryside Auction, Chandler, Oklahoma	June 9, 2009.
TN-200	Longhorn Auction Company and Livestock Sales, Mountain City, Tennessee	June 10, 2009.
TN-201	James Linville, dba Scotts Hill Stockyard, Scotts Hill, Tennessee	June 1, 2009.
TN-202	Tennessee Livestock Producers, Inc., Columbia, Tennessee	June 10, 2009.
TX-352	Texas Cattle Exchange, Inc., Eastland, Texas	June 1, 2009.
TX-353	Elkhart Horse Center, Elkhart, Texas	June 5, 2009.
TX-354	Marion County Stockyards, Jefferson, Texas	June 10, 2009.
VA-164	Victoria Livestock Market, Victoria, Virginia	June 10, 2009.

Finally, we are notifying the public that the following 34 stockyards no longer meet the definition of a stockyard and that they are being deposed. We deposite stockyards when the facility can no longer be used as a stockyard. The

reasons a facility can no longer be used as a stockyard may include the following: (1) The market agency has moved and the posted facility is abandoned; (2) the facility has been torn down or otherwise destroyed, such as

by fire; (3) the facility is dilapidated beyond repair; or (4) the facility has been converted and its function has changed.

Facility No.	Stockyard name and location	Date posted
AR-103	Batesville Stockyards, Inc., Batesville, Arkansas	June 28, 1957.
AR-177	Morrilton Horse Sale, Morrilton, Arkansas	April 17, 2006.
CO-148	Valley Livestock Auction Co., Inc., Fruita, Colorado	June 1, 1978.
CO-152	Mountain States Livestock Marketing, Inc., Silt, Colorado	February 25, 1986.
FL-100	Arcadia State Livestock Market, Inc.	February 26, 1960.
FL-102	Neel Cattle, Inc.	March 7, 1960.
FL-112	Northwest Florida Livestock Market, Inc.	March 1, 1960.
FL-120	Cattlemen's Livestock Auction Market	February 25, 1960.
KS-105	Beloit Livestock Auction, Beloit, Kansas	March 29, 1950.
KS-106	Coffey County Livestock Market, Inc., Burlington, Kansas	June 16, 1959.
KS-109	Chanute Regional Stockyards, Inc., Chanute, Kansas	May 26, 1959.
KS-144	Hoxie Livestock Market, Hoxie, Kansas	March 22, 1965.
LA-111	Livestock Producers, Inc., Bossier City, Louisiana	January 20, 1959.
LA-118	Livestock Producers, Inc., Homer, Louisiana	March 9, 1957.
LA-145	Stanley Brothers Livestock, Inc., Bastrop, Louisiana	August 22, 1994.
MO-196	United Producers, Inc., Sedalia, Missouri	June 8, 1959.
MO-242	United Producers, Inc., Buffalo, Missouri	December 15, 1977.
NM-103	Twin Heart Ranch, Inc., dba San Juan Livestock, Aztec, New Mexico.	March 28, 1966.
OK-135	Hennessey Livestock Auction, LLC, Hennessey, Oklahoma	March 25, 1969.
OR-123	Bever Livestock Auction, Bever, Oregon	September 20, 1960.
PA-106	Chambersburg Livestock Sales, Inc., Chambersburg, Pennsylvania.	December 3, 1959.
PA-125	Lancaster Stockyards, Inc., Lancaster, Pennsylvania	November 1, 1921.
PA-137	Quakertown Livestock Sales, Inc., Quakertown, Pennsylvania	November 18, 1959.
PA-140	Isenock Auction Services, Inc., New Park, Pennsylvania	October 14, 1964.
PA-146	Thomasville Livestock Market, Inc., York, Pennsylvania	December 2, 1959.
PA-150	Sarah E. Fisher's Sale, York Springs, Pennsylvania	November 21, 1975.
PA-153	Green Acres Enterprise, Inc., Rossiter, Pennsylvania	March 29, 1986.
TN-110	Southern Livestock & Auction Company, Columbia, Tennessee	August 30, 1961.
TN-152	Paris Livestock Sales, Paris, Tennessee	May 26, 1959.
TX-114	Belton Livestock Auction, Belton, Texas	September 10, 1963.
TX-116	Blanco Livestock Commission Company, Blanco, Texas	August 18, 1961.
TX-157	Eastland Auction Co., Eastland, Texas	November 30, 1956.
TX-242	Paris Livestock Commission Company, Inc., Paris, Texas	November 20, 1956.
TX-253	Union Stock Yards, San Antonio, Texas	November 1, 1921.

Effective Date

These depositions are effective upon publication in the **Federal Register** because they relieve a restriction and, therefore, may be made effective in less than 30 days after publication in the

Federal Register without prior notice or other public procedure.

Authority: 7 U.S.C. 202.

J. Dudley Butler,
Administrator, Grain Inspection, Packers and Stockyards Administration.

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