

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

**7 CFR Parts 300, 301, 302, 305, 318, 319, 322, 330, 340, 351, 352, 353, 354, 360, 371, and 380**

#### 9 CFR Part 94

[Docket No. 05-012-2]

### Noxious Weed Control and Eradication Act; Revisions to Authority Citations

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** We are amending the authority citations in title 7, chapter III, and title 9, part 94, to reflect the enactment of the Noxious Weed Control and Eradication Act of 2004 (Pub. L. 108-412, 118 Stat. 2320, 7 U.S.C. 7781-7786), which amended the Plant Protection Act.

**EFFECTIVE DATE:** October 5, 2005.

**FOR FURTHER INFORMATION CONTACT:** Dr. Alan V. Tasker, Noxious Weeds Program Coordinator, Invasive Species and Pest Management, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737-1237; (301) 734-5225.

#### SUPPLEMENTARY INFORMATION:

##### Background

In a final rule published in the *Federal Register* on September 23, 2005 (70 FR 55705-55706, Docket No. 05-012-1), the Secretary of Agriculture delegated to the Animal and Plant Health Inspection Service (APHIS) the authority to carry out the Noxious Weed Control and Eradication Act of 2004, (Pub. L. 108-412, 118 Stat. 2321, 7 U.S.C. 7781-7786). In that final rule, we also stated our intent to further amend titles 7 and 9 of the Code of Federal Regulations (referred to below as the

regulations) in a separate rulemaking action to reflect the Plant Protection Act amendment in our authority citations. This final rule makes those changes to the authority citations.

This rule relates to internal agency management. Therefore, this rule is exempt from the provisions of Executive Order 12866 and 12988. Moreover, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required for this rule, and it may be made effective less than 30 days after publication in the *Federal Register*. In addition, under 5 U.S.C. 804, this rule is not subject to congressional review under the Small Business Regulatory Enforcement Fairness Act of 1996, Pub. L. 104-121. Finally, this action is not a rule as defined by 5 U.S.C. 601 *et seq.*, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

#### List of Subjects

*7 CFR Parts 300, 301, 302, 305, 318, 319, 322, 330, 340, 351, 352, 353, 354, 360, 371, and 380*

Administrative practice and procedure, Agricultural commodities, Animal diseases, Authority delegations (Government agencies), Bees, Biotechnology, Coffee, Cotton, Cottonseeds, Customs duties and inspection, District of Columbia, Exports, Fruits, Genetic engineering, Government employees, Guam, Hawaii, Honey, Imports, Irradiation, Logs, Nursery stock, Organization and functions (Government agencies), Packaging and containers, Phytosanitary treatment, Plant diseases and pests, Plants (Agriculture), Postal Service, Puerto Rico, Quarantine, Reporting and recordkeeping requirements, Rice, Transportation, Travel and transportation expenses, Vegetables, Virgin Islands, Weeds.

#### 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

■ Accordingly, we are amending 7 CFR parts 300, 301, 302, 305, 318, 319, 322, 330, 340, 351, 352, 353, 354, 360, 371, and 380, and 9 CFR part 94 as follows:

### PART 300—INCORPORATION BY REFERENCE

■ 1. The authority citation for part 300 is revised to read as follows:

**Authority:** 7 U.S.C. 7701-7772 and 7781-7786; 7 CFR 2.22, 2.80, and 371.3.

### PART 301—DOMESTIC QUARANTINE NOTICES

■ 2. The authority citation for part 301 is revised to read as follows:

**Authority:** 7 U.S.C. 7701-7772 and 7781-7786; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75-15 also issued under Sec. 204, Title II, Pub. L. 106-113, 113 Stat. 1501A-293; sections 301.75-15 and 301.75-16 also issued under Sec. 203, Title II, Pub. L. 106-224, 114 Stat. 400 (7 U.S.C. 1421 note).

### PART 302—DISTRICT OF COLUMBIA; MOVEMENT OF PLANT AND PLANT PRODUCTS

■ 3. The authority citation for part 302 is revised to read as follows:

**Authority:** 7 U.S.C. 7701-7772 and 7781-7786; 7 CFR 2.22, 2.80, and 371.3.

### PART 305—PHYTOSANITARY TREATMENTS

■ 4. The authority citation for part 305 is revised to read as follows:

**Authority:** 7 U.S.C. 7701-7772 and 7781-7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

### PART 318—HAWAIIAN AND TERRITORIAL QUARANTINE NOTICES

■ 5. The authority citation for part 318 is revised to read as follows:

**Authority:** 7 U.S.C. 7701-7772 and 7781-7786; 7 CFR 2.22, 2.80, and 371.3.

### PART 319—FOREIGN QUARANTINE NOTICES

■ 6. The authority citation for part 319 is revised to read as follows:

**Authority:** 7 U.S.C. 450 and 7701-7772 and 7781-7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

### PART 322—BEES, BEEKEEPING BYPRODUCTS, AND BEEKEEPING EQUIPMENT

■ 7. The authority citation for part 322 is revised to read as follows:

**Authority:** 7 U.S.C. 281; 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

### **PART 330—FEDERAL PLANT PEST REGULATIONS; GENERAL; PLANT PESTS; SOIL, STONE, AND QUARRY PRODUCTS; GARBAGE**

■ 8. The authority citation for part 330 is revised to read as follows:

**Authority:** 7 U.S.C. 450, 7701–7772, 7781–7786, and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

### **PART 340—INTRODUCTION OF ORGANISMS AND PRODUCTS ALTERED OR PRODUCED THROUGH GENETIC ENGINEERING WHICH ARE PLANT PESTS OR WHICH THERE IS REASON TO BELIEVE ARE PLANT PESTS**

■ 9. The authority citation for part 340 is revised to read as follows:

**Authority:** 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

### **PART 351—IMPORTATION OF PLANTS OR PLANT PRODUCTS BY MAIL**

■ 10. The authority citation for part 351 is revised to read as follows:

**Authority:** 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

Cross Reference: For customs regulations governing importation of plants and plant products, see 19 CFR part 12.

**Authority:** 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

### **PART 352—PLANT QUARANTINE SAFEGUARD REGULATIONS**

■ 11. The authority citation for part 352 is revised to read as follows:

**Authority:** 7 U.S.C. 7701–7772 and 7781–7786; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

### **PART 353—EXPORT CERTIFICATION**

■ 12. The authority citation for part 353 is revised to read as follows:

**Authority:** 7 U.S.C. 7701–7772 and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

### **PART 354—OVERTIME SERVICES RELATED TO IMPORTS AND EXPORTS; AND USER FEES**

■ 13. The authority citation for part 354 is revised to read as follows:

**Authority:** 7 U.S.C. 7701–7772, 7781–7786, and 8301–8317; 21 U.S.C. 136 and 136a; 49 U.S.C. 80503; 7 CFR 2.22, 2.80, and 371.3.

### **PART 360—NOXIOUS WEED REGULATIONS**

■ 14. The authority citation for part 360 is revised to read as follows:

**Authority:** 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

### **PART 371—ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY**

■ 15. The authority citation for part 371 continues to read as follows:

**Authority:** 5 U.S.C. 301.

■ 16. In § 371.3, paragraph (b)(2)(x) is amended by removing the citation “7 U.S.C. 7701–7772” and adding the citation “7 U.S.C. 7701–7772 and 7781–7786” in its place.

### **PART 380—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER CERTAIN ACTS**

■ 17. The authority citation for part 380 is revised to read as follows:

**Authority:** 7 U.S.C. 7701–7772 and 7781–7786; 16 U.S.C. 1540(a), 3373(a) and (b); 7 CFR 2.22, 2.80, and 371.3.

### **PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, CLASSICAL SWINE FEVER, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS**

■ 18. The authority citation for part 94 is revised to read as follows:

**Authority:** 7 U.S.C. 450, 7701–7772, 7781–7786, and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 29th day of September 2005.

**Elizabeth E. Gaston,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 05–19945 Filed 10–4–05; 8:45 am]

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## **DEPARTMENT OF AGRICULTURE**

### **Animal and Plant Health Inspection Service**

#### **7 CFR Part 355**

[Docket No. 04–137–1]

#### **Protected Plant Permits**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** We are amending the endangered species regulations concerning terrestrial plants by replacing all references to “general permits” with references to “protected plant permits.” This final rule is necessary for the regulations to reflect the change in the name of the permit. We are also updating a mailing address in the regulations and making other nonsubstantive editorial changes.

**EFFECTIVE DATE:** October 5, 2005.

**FOR FURTHER INFORMATION CONTACT:** Ms. Gail Jennings, Regulatory Permit Specialist, Permit Services, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1231; (301) 734–7472.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The regulations in 7 CFR part 355, “Endangered Species Regulations Concerning Terrestrial Plants” (referred to below as the regulations), pertain to the importation, exportation, or reexportation of terrestrial plants that are listed as endangered or threatened in the Endangered Species Act (referred to below as the Act). Section 355.11 requires any person wishing to import, export, or reexport plants listed in the Act to obtain a general permit by following the application procedure described in that section.

The name of the general permit has been changed to “protected plant permit.” We are amending the regulations to reflect the new name. As part of that change, we are adding a definition of *protected plant permit* that provides the permit’s form number and complete name. This new definition serves the same purpose as footnote 3 in § 355.11, so we are removing that footnote and redesignating the remaining footnotes in part 355 accordingly.

We are also updating the address to which permit applications are submitted, adding an Internet address and telephone number that can be used to obtain a permit application, and correcting a misspelling.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity to comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Orders 12866 and 12988. Finally, this action is not a rule as defined by the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.