

# Rules and Regulations

Federal Register

Vol. 72, No. 237

Tuesday, December 11, 2007

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 305

[Docket No. APHIS–2006–0050]

#### Cold Treatment Regulations; Correction

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

**ACTION:** Interim rule; correction.

**SUMMARY:** We are correcting an error in the cold treatment regulations that resulted from the publication of an interim rule on July 2, 2007, that was effective on August 31, 2007, and the publication of a separate final rule on July 18, 2007, that was effective on August 17, 2007. Because the July 18 final rule reorganized the cold treatment regulations, changes we made in the July 2 interim rule inadvertently removed provisions relating to places for cold treatment and ports of entry from the regulations when the interim rule became effective on August 31, 2007. This correction amends the regulations by reinstating those provisions.

**DATES:** *Effective Date:* December 11, 2007.

**FOR FURTHER INFORMATION CONTACT:** Dr. Inder P.S. Gadh, Senior Risk Manager—Treatments, Phytosanitary Issues Management, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1236; (301) 734–8758.

**SUPPLEMENTARY INFORMATION:** In an interim rule<sup>1</sup> titled “Cold Treatment Regulations” and published in the **Federal Register** on July 2, 2007, with an effective date of August 31, 2007 (72

FR 35909–35915, Docket No. APHIS–2006–0050), we amended 7 CFR 305.15 by making several changes to the requirements for cold treatment enclosures and the requirements for conducting cold treatment.

In a separate final rule<sup>2</sup> titled “Revision of Fruits and Vegetables Import Regulations” and published in the **Federal Register** on July 18, 2007 and effective August 17, 2007 (72 FR 39481–39528, Docket No. APHIS–2005–0106), we revised and reorganized the regulations pertaining to the importation of fruits and vegetables to consolidate requirements of general applicability and eliminate redundant requirements, update terms and remove outdated requirements and references, update the regulations that apply to importations into territories under U.S. administration, and make various editorial and nonsubstantive changes to regulations to make them easier to use.

As part of the July 18 final rule, we reorganized the cold treatment regulations in § 305.15 by moving requirements that had previously been found in the regulations governing the importation of fruits and vegetables, specifically in § 319.56–2d, to § 305.15. The final rule moved into § 305.15 all the provisions contained in § 319.56–2d that were not already present in § 305.15. The regulations were otherwise not amended. However, these changes necessitated a reorganization of the regulations in § 305.15.

In a technical amendment<sup>3</sup> that was effective and published in the **Federal Register** on August 31, 2007 (72 FR 50201–50204, Docket No. APHIS–2006–0050), we attempted to reconcile the July 2 interim rule and the July 18 final rule to ensure that the changes in the July 2 interim rule would appear correctly in the regulations as they had been reorganized by the July 18 final rule. However, we overlooked one aspect of their interaction. The July 2 interim rule amended paragraph (b) of § 305.15, which had included requirements for cold treatment enclosures. The July 18 final rule moved these requirements to paragraph (c) of the regulations, adding requirements for

places of treatment and ports of entry that had previously been contained in the fruits and vegetables regulations to the cold treatment regulations as a new paragraph (b).

While the August 31 technical amendment correctly amended paragraph (c) to be consistent with the provisions of the interim rule, it did not specify that paragraph (b) should continue to read as it was established by the July 18 final rule. Thus, the July 2 interim rule amended paragraph (b) by removing the requirements for places of treatment and ports of entry, adding in their place the cold treatment enclosure provisions that the August 31 technical amendment had also added in paragraph (c). This document corrects that error by reinstating the requirements for places of treatment and ports of entry that had been established in paragraph (b) by the July 18 final rule.

#### List of Subjects in 7 CFR Part 305

Irradiation, Phytosanitary treatment, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements.

■ Accordingly, 7 CFR part 305 is corrected by making the following correcting amendments:

#### PART 305—PHYTOSANITARY TREATMENTS

■ 1. The authority citation for 7 CFR part 305 continues 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.

■ 2. In § 305.15, revise paragraph (b) to read as follows:

#### § 305.15 Treatment requirements.

\* \* \* \* \*

(b) *Places of treatment; ports of entry.* Precooling and refrigeration may be performed prior to, or upon arrival of fruits and vegetables in the United States, provided treatments are performed in accordance with applicable requirements of this section. Fruits and vegetables that are not treated prior to arrival in the United States must be treated after arrival only in cold storage warehouses approved by the Administrator and located in the area north of 39° longitude and east of 104° latitude or at one of the following ports: The maritime ports of Wilmington, NC;

<sup>1</sup> To view the interim rule, go to <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2006-0050>.

<sup>2</sup> To view the final rule, go to <http://www.regulations.gov/fdmspublic/component/main?main=DocumentDetail&d=APHIS-2005-0106-0060>.

<sup>3</sup> To view the technical amendment, go to <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2006-0050>.

Seattle, WA; Corpus Christi, TX; and Gulfport, MS; Seattle-Tacoma International Airport, Seattle, WA; and Hartsfield-Atlanta International Airport, Atlanta, GA.

\* \* \* \* \*

Done in Washington, DC, this 5th day of December 2007.

**Kevin Shea,**

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

[FR Doc. E7-23944 Filed 12-10-07; 8:45 am]

BILLING CODE 3410-34-P

## DEPARTMENT OF AGRICULTURE

### Rural Housing Service

### Rural Business—Cooperative Service

### Rural Utilities Service

### Farm Service Agency

### 7 CFR Parts 1924 and 1944

### Rural Housing Service

### 7 CFR Part 3550

RIN 0575-AC65

### Thermal Standards

**AGENCY:** Rural Housing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Rural Housing Service (Agency) is amending its regulations to be consistent with other Federal agencies. The current thermal standards for existing single family housing can impose an unnecessary financial burden on the borrower and are not always cost-effective. Removing the thermal standards for existing single family housing will provide consistency with HUD. This change will not affect the thermal standards for new construction; such requirements are generally prescribed by adopted building and model energy codes. Construction materials and building techniques have improved tremendously during the last thirty years, creating many alternatives to achieve thermally efficient homes. Removing the Agency's imposed thermal standards for existing single family housing will give a borrower the opportunity to allocate money towards other improvements which may result in higher cost savings. The rule will not result in any increase in costs or prices to consumers; non-profit organizations; businesses; Federal, State, or local government agencies; or geographic regions.

**DATES:** *Effective Date:* January 10, 2008.

### FOR FURTHER INFORMATION CONTACT:

Michel Mitias, Technical Support Branch, Program Support Staff, Rural Housing Service, U.S. Department of Agriculture, STOP 0761, 1400 Independence Avenue, SW., Washington, DC 20250-0761; Telephone: 202-720-9653; FAX: 202-690-4335; E-mail: [michel.mitias@wdc.usda.gov](mailto:michel.mitias@wdc.usda.gov).

### SUPPLEMENTARY INFORMATION:

#### Classification

This rule has been determined to be not significant for purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget (OMB).

#### Civil Justice Reform

In accordance with this rule: (1) All State and local laws and regulations that are in conflict with this rule will be preempted, (2) no retroactive effect will be given to this rule, and (3) administrative proceedings in accordance with 7 CFR part 11 must be exhausted before bringing suit in court challenging action taken under this rule, unless those regulations specifically allow bringing suit at an earlier time.

#### Regulatory Flexibility Act

The Administrator of the Agency has determined that this rule will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). New provisions included in this rule will not impact a substantial number of small entities to a greater extent than large entities. Therefore, a regulatory flexibility analysis was not performed.

#### Unfunded Mandates Reform Act

This rule contains no Federal mandates (under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995) for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the Unfunded Mandates Reform Act of 1995.

#### Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, "Environmental Program." The Agency has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment, and, in accordance with the National Environmental Policy Act of 1969, Public Law 91-190, an Environmental Impact Statement is not required.

### Programs Affected

The programs affected are listed in the Catalog of Federal Domestic Assistance under Number 10.410, Very Low to Moderate Income Housing Loans (Direct and Guaranteed/Insured).

### Federalism

The policies contained in this rule do not have any substantial direct effect on States, on the relationship between the National government and the States, or on the distribution of power and responsibilities among the various levels of government. Nor does this rule impose substantial direct compliance costs on State and local governments. Therefore, consultation with the States is not required.

### Intergovernmental Review

The Agency conducts intergovernmental consultation in the manner delineated in RD Instruction 1940-J, "Intergovernmental Review of Rural Development Programs and Activities," and in 7 CFR part 3015, subpart V. The Very Low to Moderate Income Housing Loans Program, Number 10.410, is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. An intergovernmental review for this revision is not required or applicable.

### Paperwork Reduction Act

There are no new reporting and recordkeeping requirements associated with this rule.

### E-Government Act Compliance

The Agency 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. For information pertinent to E-GOV compliance related to this final rule, please contact Michel Mitias, 202-720-9653.

### Background

The quality of construction, age, and condition of an existing dwelling financed through the Agency's single family housing programs may have a significant impact on the unit's thermal efficiency. The Agency should consider the thermal performance of a home as part of its overall condition, rather than a separate factor.

Newer residences, or older residences currently in average or good condition, generally can be accepted as being representative of their community, and