

# Rules and Regulations

Federal Register

Vol. 69, No. 196

Tuesday, October 12, 2004

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 301

[Docket No. 04–032–2]

#### Japanese Beetle; Domestic Quarantine and Regulations

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

**ACTION:** Affirmation of interim rule as final rule.

**SUMMARY:** We are adopting as a final rule, without change, an interim rule that amended the Japanese beetle regulations to add the State of Arkansas to the list of quarantined States. The interim rule was necessary to prevent the artificial spread of Japanese beetle into noninfested areas of the United States.

**DATES:** The interim rule became effective on July 6, 2004.

**FOR FURTHER INFORMATION CONTACT:** Dr. S. Anwar Rizvi, Program Manager, Invasive Species and Pest Management, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236; (301) 734–4313.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Japanese beetle (*Popillia japonica*) feeds on fruits, vegetables, and ornamental plants and is capable of causing damage to over 300 potential hosts. The Japanese beetle quarantine and regulations, contained in 7 CFR 301.48 through 301.48–8 (referred to below as the regulations), quarantine the States of Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio,

Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia and restrict the interstate movement of aircraft from regulated airports in these States in order to prevent the artificial spread of the Japanese beetle to noninfested States where the beetle could become established (referred to below as protected States). The list of quarantined States, as well as the list of protected States, can be found in § 301.48.

In an interim rule effective and published in the **Federal Register** on July 6, 2004 (69 FR 40533–40534, Docket No. 04–032–1), we amended the Japanese beetle regulations by adding Arkansas to the list of quarantined States in § 301.48.

Comments on the interim rule were required to be received on or before September 7, 2004. We did not receive any comments. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived its review under Executive Order 12866.

#### List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

#### PART 301—DOMESTIC QUARANTINE NOTICES

■ Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR part 301 and that was published at 69 FR 40533–40534 on July 6, 2004.

Done in Washington, DC, this 5th day of October 2004.

**Elizabeth E. Gaston,**

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

[FR Doc. 04–22791 Filed 10–8–04; 8:45 am]

**BILLING CODE 3410–34–P**

## DEPARTMENT OF AGRICULTURE

### Rural Utilities Service

#### 7 CFR Part 1730

RIN 0572–AB92

#### Electric System Emergency Restoration Plan

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

**ACTION:** Final rule.

**SUMMARY:** The Rural Utilities Service (RUS), an agency delivering the U.S. Department of Agriculture's Rural Development Utilities Programs, is amending its regulations on Electric System Operations and Maintenance to require electric program distribution, generation and transmission borrowers to expand a currently established Emergency Restoration Plan (ERP), or, if no ERP is currently established, to create an ERP. The ERP shall detail how the borrower will restore its system in the event of a system-wide outage resulting from a major natural or manmade disaster or other causes. The ERP shall include preventative measures and procedures for emergency recovery from physical and cyber attacks to the borrower's electric systems and core businesses, and shall also address Homeland Security concerns. This additional requirement is not entirely new to borrowers as RUS has recommended similar "plans" in the past. RUS Bulletin 1730–1, "Electric System Operation and Maintenance (O&M)," provides language addressing the security of RUS borrowers' electric systems.

**DATES:** This rule is effective October 12, 2004. Borrowers of RUS loan funds will have until July 12, 2005 to certify that they have performed a Vulnerability and Risk Assessment, and January 12, 2006 to certify that they have an ERP. The completion of the first Exercise of the ERP must occur on or before January 12, 2007.

**FOR FURTHER INFORMATION CONTACT:** John B. Pavsek, Chief, Distribution Branch, Rural Utilities Service, Electric Program, Room 1256 South Building, Stop 1569, 1400 Independence Ave., SW., Washington, DC 20250–1569, Telephone: 202–720–5082, Fax: 202–720–7491, E-mail: [John.Pavsek@usda.gov](mailto:John.Pavsek@usda.gov).

#### SUPPLEMENTARY INFORMATION: