

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 301

[Docket No. APHIS–2012–0003]

#### Asian Longhorned Beetle; Quarantined Areas in Massachusetts, Ohio, and New York

**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 Asian longhorned beetle regulations by adding portions of Worcester County, MA, and Clermont County, OH, to the list of quarantined areas and by removing a portion of Suffolk County, NY, from the list of quarantined areas. The interim rule was necessary to prevent the artificial spread of Asian longhorned beetle to noninfested areas of the United States and to relieve restrictions on certain areas that were no longer necessary.

**DATES:** Effective on September 21, 2012, we are adopting as a final rule the interim rule published at 77 FR 31720–31722 on May 30, 2012.

**FOR FURTHER INFORMATION CONTACT:** Ms. Claudia Ferguson, Regulatory Policy Specialist, Regulations, Permits and Manuals, PPQ, APHIS, 4700 River Road Unit 26, Riverdale, MD 20737–1236; (301) 851–2352.

#### SUPPLEMENTARY INFORMATION:

##### Background

In an interim rule<sup>1</sup> effective and published on May 30, 2012, in the *Federal Register* (77 FR 31720–31722,

Docket No. APHIS–2012–0003), we amended the Asian longhorned beetle regulations in 7 CFR part 301 by adding portions of Worcester County, MA, and Clermont County, OH, to the list of quarantined areas in § 301.51–3(c). In addition, the interim rule removed the villages of Bayshore, East Islip, and Islip Terrace in the Town of Islip, Suffolk County, NY, from the list of quarantined areas in § 301.51–3(c) based on our determination that those areas meet our criteria for release from regulation. That action relieved restrictions that were no longer necessary on the interstate movement of regulated articles from that area.

Comments on the interim rule were required to be received on or before July 30, 2012. We received no comments by that date. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule without change.

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 77 FR 31720–31722 on May 30, 2012.

Done in Washington, DC, this 17th day of September 2012.

**Kevin Shea,**

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

[FR Doc. 2012–23353 Filed 9–20–12; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 301

[Docket No. APHIS–2011–0004]

RIN 0579–AD58

#### Plum Pox Compensation

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

**ACTION:** Affirmation of interim rule.

**SUMMARY:** We are adopting as a final rule, without change, an interim rule that amended the plum pox regulations to provide for the payment of compensation to eligible owners of non-fruit-bearing ornamental tree nurseries and to increase the amount of compensation that may be paid to eligible owners of commercial stone fruit orchards and fruit tree nurseries whose trees are required to be destroyed in order to prevent the spread of plum pox. The interim rule also provided updated instructions for the submission of claims for compensation. These changes were necessary to provide adequate compensation to persons who are economically affected by the plum pox quarantine and the associated State and Federal eradication efforts.

**DATES:** Effective on September 21, 2012, we are adopting as a final rule the interim rule published at 77 FR 5381–5385 on February 3, 2012.

**FOR FURTHER INFORMATION CONTACT:** Ms. Lynn Evans-Goldner, Plum Pox National Program Manager, PPQ, APHIS, 4700 River Road Unit 160, Riverdale, MD 20737–1231; (301) 851–2286.

#### SUPPLEMENTARY INFORMATION:

##### Background

The regulations in Subpart—Plum Pox (7 CFR 301.74 through 301.74–5), referred to below as the regulations, quarantine areas of the United States where plum pox has been detected and restrict the interstate movement of regulated articles (e.g., trees, seedlings, root stock, budwood, branches, twigs, and leaves of susceptible *Prunus* spp.) from quarantined areas to prevent the spread of plum pox virus (PPV) into uninfected areas of the United States.

In addition to the quarantine and interstate movement restrictions in the regulations, § 310.74–5 also provides for

<sup>1</sup> To view the interim rule, go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0003>.