

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 301

[Docket No. APHIS–2010–0037]

#### South American Cactus Moth Quarantine; Addition of the State of Louisiana

**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 South American cactus moth regulations by adding the entire State of Louisiana to the list of quarantined areas. The interim rule restricted the interstate movement of regulated articles from areas in the State of Louisiana. This interim rule was necessary to prevent the artificial spread of the South American cactus moth to noninfested areas of the United States.

**DATES:** Effective on December 27, 2010, we are adopting as a final rule the interim rule published at 75 FR 41073–41074 on July 15, 2010.

**FOR FURTHER INFORMATION CONTACT:** Dr. Robyn Rose, South American Cactus Moth National Program Manager, Emergency and Domestic Programs, PPQ, APHIS, 4700 River Road Unit 26, Riverdale, MD 20737–1236; (301) 734–7121.

#### SUPPLEMENTARY INFORMATION:

##### Background

The South American cactus moth (*Cactoblastis cactorum*) is a grayish-brown moth with a wingspan of 22 to 35 millimeters (approximately 0.86 to 1.4 inches) that is indigenous to Argentina, southern Brazil, Paraguay, and Uruguay. It is a serious quarantine

pest of *Opuntia* spp., and an occasional pest of *Nopalea* spp., *Cylindropuntia* spp., and *Consolea* spp., four closely related genera of the family *Cactaceae*. After an incubation period following mating, the female South American cactus moth deposits an egg stick resembling a cactus spine on the host plant. The egg stick, which consists of 70 to 90 eggs, hatches in 25 to 30 days and the larvae bore into the cactus pad to feed, eventually hollowing it out and killing the plant. Within a short period of time, the South American cactus moth can destroy whole stands of cactus.

The South American cactus moth regulations in 7 CFR 301.55 through 301.55–9 (referred to below as the regulations) restrict the interstate movement of regulated articles from quarantined areas to prevent the artificial spread of South American cactus moth to noninfested areas of the United States.

In an interim rule<sup>1</sup> effective and published in the **Federal Register** on July 15, 2010 (75 FR 41073–41074, Docket No. APHIS–2010–0037), we amended the regulations by adding the State of Louisiana to the list of quarantined areas.

Comments on the interim rule were required to be received on or before September 13, 2010. 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 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 75 FR 41073–41074 on July 15, 2010.

Done in Washington, DC, this 16th day of December 2010.

**Kevin Shea,**

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

[FR Doc. 2010–32261 Filed 12–23–10; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 301

[Docket No. APHIS–2010–0089]

#### Plum Pox Virus; Update of Quarantined Areas

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

**ACTION:** Interim rule and request for comments.

**SUMMARY:** We are amending the plum pox virus (PPV) regulations by adding portions of Niagara, Orleans, and Wayne Counties, NY, to the list of quarantined areas and restricting the interstate movement of regulated articles from these quarantined areas. We are also amending the regulations by removing the townships of Latimore and Huntington in Adams County, PA, from the list of quarantined areas. These actions are necessary to prevent the spread of PPV from the quarantined areas of New York to uninfested areas of the United States and to relieve restrictions in Pennsylvania that are no longer necessary.

**DATES:** This interim rule is effective December 27, 2010. We will consider all comments that we receive on or before February 25, 2011.

**ADDRESSES:** You may submit comments by either of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2010-0089> to submit or view comments and to view supporting and related materials available electronically.

- **Postal Mail/Commercial Delivery:** Please send one copy of your comment to Docket No. APHIS–2010–0089, Regulatory Analysis and Development,

<sup>1</sup>To view the interim rule, go to <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2010-0037>.