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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 301

[Docket No. APHIS–2011–0036]

#### Golden Nematode; Removal of Regulated Areas

**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 golden nematode regulations by removing the townships of Elba and Byron in Genesee County, NY, from the list of generally infested areas. Surveys have shown that the fields in these two townships are free of golden nematode, and we determined that regulation of these areas was no longer necessary. As a result of that action, all the areas in Genesee County, NY, that were listed as generally infested were removed from the list of areas regulated for golden nematode.

**DATES:** Effective on April 13, 2012, we are adopting as a final rule the interim rule published at 76 FR 60357–60358 on September 29, 2011.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jonathan M. Jones, National Program Manager, Emergency and Domestic Programs, Plant Protection and Quarantine, APHIS, 4700 River Road, Unit 137, Riverdale, MD 20737; (301) 851–2128.

#### SUPPLEMENTARY INFORMATION:

##### Background

In an interim rule<sup>1</sup> effective and published in the *Federal Register* on

<sup>1</sup> To view the interim rule and the comment we received, go to <http://www.regulations.gov/#/docketDetail;D=APHIS-2011-0036>.

September 29, 2011 (76 FR 60357–60358, Docket No. APHIS–2011–0036), we amended the golden nematode regulations in 7 CFR part 301 by removing the townships of Elba and Byron in Genesee County, NY, from the list of generally infested areas.

Comments on the interim rule were required to be received on or before November 28, 2011. We received one comment from a State agriculture department opposing the removal of the townships of Byron and Elba in Genesee County from the list of areas generally infested with golden nematode. The commenter stated that APHIS did not provide sufficient biological information to support the action.

As discussed in the September 2011 interim rule, the townships of Elba and Byron were regulated for nematode on the basis of their proximity to and association with three fields in Orleans County, NY, in which golden nematode was detected. Golden nematode had not been detected in these townships prior to them being regulated. Surveys conducted in the townships of Elba and Byron from 1977 to 2010 had negative laboratory results for the detection of golden nematode. Because golden nematode was not detected in these townships during the 33 years surveys were conducted and had not been detected prior to the surveys, we have concluded that this pest was not and is not present in these areas.

Therefore, for the reasons given in the interim rule and in this document, 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 final, without change, the interim rule that amended 7 CFR part 301 and that was

published at 76 FR 60357 on September 29, 2011.

Done in Washington, DC, this 9th day of April 2012.

**Kevin Shea,**

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

[FR Doc. 2012–8915 Filed 4–12–12; 8:45 am]

**BILLING CODE 3410–34–P**

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 301

[Docket No. APHIS–2011–0074]

#### Karnal Bunt; Regulated Areas in California

**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 Karnal bunt regulations to make changes to the list of areas or fields regulated because of Karnal bunt, a fungal disease of wheat. Specifically, we removed areas and fields in Riverside County, CA, from the list of regulated areas based on our determination that those fields or areas meet our criteria for release from regulation. The interim rule was necessary to relieve restrictions on certain areas that were no longer necessary.

**DATES:** Effective on April 13, 2012, we are adopting as a final rule the interim rule published at 76 FR 72081–72082 on November 22, 2011.

**FOR FURTHER INFORMATION CONTACT:** Ms. Lynn Evans-Goldner, Karnal Bunt Program Manager, Forest Pest and Plant Pathogen Programs, EDP, PPQ, APHIS, 4700 River Road, Unit 26, Riverdale, MD 20737–1236; (301) 851–2286.

#### SUPPLEMENTARY INFORMATION:

##### Background

In an interim rule<sup>1</sup> effective and published on November 22, 2011, in the

<sup>1</sup> To view the interim rule and the comment we received, go to <http://www.regulations.gov/#/docketDetail;D=APHIS-2011-0074>.

**Federal Register** (76 FR 72081–72082, Docket No. APHIS–2011–0074), we amended the Karnal bunt regulations in 7 CFR part 301 by removing areas and fields in Riverside County, CA, from the list of regulated areas in § 301.89–3(f). That action relieved restrictions that were no longer necessary on the interstate movement of regulated articles from this area.

Comments on the interim rule were required to be received on or before January 23, 2012. We received one comment by that date. The comment, from a private citizen, supported the interim rule. 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 final, without change, the interim rule that amended 7 CFR part 301 and that was published at 76 FR 72081 on November 22, 2011.

Done in Washington, DC, this 9th day of April 2012.

**Kevin Shea,**

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

[FR Doc. 2012–8914 Filed 4–12–12; 8:45 am]

**BILLING CODE 3410–34–P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 1

[Docket No. FAA–2012–0019; Amdt. No. 1–67]

RIN 2120–AK03

#### Removal of Category IIIa, IIIb, and IIIc Definitions; Delay of Effective Date and Reopening of Comment Period

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Direct final rule; delay of effective date and reopening of comment period.

**SUMMARY:** This action delays the effective date and reopens the comment period for a Direct Final Rule that was published on February 16, 2012 (77 FR 9163). In that document, the FAA published amendments to remove the definitions of Category IIIa, IIIb, and IIIc operations because the definitions are outdated and no longer used for aircraft certification or operational authorization. The International Aviation Civil Organization (ICAO) has requested additional time to adequately analyze the Direct Final Rule and prepare comments.

**DATES:** The effective date of the Direct Final Rule published on February 16, 2012 (77 FR 9163) is delayed from April 16, 2012, to June 12, 2012. If an adverse comment is received, the FAA will publish a timely withdrawal in the **Federal Register**.

The comment period of the Direct Final Rule published on February 16, 2012 (77 FR 9163) is reopened until May 14, 2012.

**ADDRESSES:** You may send comments identified by docket number (FAA–2012–0019) using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

**FOR FURTHER INFORMATION CONTACT:** Thuy H. Cooper, ARM–106, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 493–4415; email [thuy.cooper@faa.gov](mailto:thuy.cooper@faa.gov).

**SUPPLEMENTARY INFORMATION:** See the “Additional Information” section for information on how to comment on this rule and how the FAA will handle comments received. The “Additional Information” section also contains related information about privacy and the docket. In addition, there is

information on obtaining copies of related rulemaking documents.

#### Background

On February 7, 2012, the FAA issued Amendment No. 1–67, entitled “Removal of Category IIIa, IIIb, and IIIc Definitions” (77 FR 9163). The FAA requested that comments on that rule be received on or before March 19, 2012.

By letter dated March 16, 2012, ICAO requested that the FAA consider postponing the effective date of the rule until the rule is reviewed through an international process. ICAO stated that due to the short time frame, it was not in the position to understand the full implications of removing the Category IIIa, IIIb, and IIIc definitions. ICAO stated that additional time is necessary to adequately assess the impact of the Direct Final Rule and prepare comments.

#### Reopening of Comment Period

In accordance with § 11.47(c) of title 14, Code of Federal Regulations, the FAA has reviewed the request made by ICAO. The petitioner has shown a substantive interest in the rule and good cause for the reopening. The FAA has determined that reopening of the comment period is consistent with the public interest, and that good cause exists for taking this action.

Accordingly, the comment period for Amendment No. 1–67 is reopened until May 14, 2012.

#### Additional Information

##### A. Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. The agency also invites comments relating to the economic, environmental, energy, or federalism impacts that might result from implementing the rule. The most helpful comments reference a specific portion of the Direct Final Rule, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this rulemaking. Before acting on this rule, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the