

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

#### 7 CFR Part 2

RIN 0560-AH58

#### Revisions of Delegations of Authority

**AGENCY:** Office of the Secretary, Department of Agriculture (USDA).

**ACTION:** Final rule.

**SUMMARY:** This document amends the delegations of authority from the Secretary of Agriculture to the Under Secretary for Farm and Foreign Agricultural Services (FFAS) and to the Administrator, Farm Service Agency (FSA), to implement cooperative agreements for Conservation Programs carried out by FSA and to implement the Grassroots Source Water Protection Programs as authorized by section 1240O of the Food Security Act of 1985 (1985 Act).

**DATES:** This rule is effective August 30, 2006.

**FOR FURTHER INFORMATION CONTACT:** John H. Carter III, Program Manager, Conservation and Environmental Programs Division, Farm Service Agency, USDA/FSA/STOP 0513, 1400 Independence Avenue, SW., Washington, DC 20250-0513, (202) 720-8774.

**SUPPLEMENTARY INFORMATION:** Section 1240O of the 1985 Act, 16 U.S.C. 3839bb-2, authorizes the Grassroots Source Water Protection Program. Fiscal Year 2006 funding for this program was appropriated to the Farm Service Agency of USDA; however, the authority to administer the program is delegated to another USDA agency. Therefore, the delegations of authority from the Secretary to the Under Secretary, FFAS, and from the Under Secretary, FFAS, to the Administrator, FSA, are revised to authorize those

entities to implement the Grassroots Source Water Protection Program.

Consistent with FSA's authority to implement the Grassroots Source Water Protection Program, this rule also includes a delegation of authority to FSA to enter into cooperative agreements to improve that program's coordination and effectiveness in meeting the program's goals. This rule further delegates authority to FSA to enter into cooperative agreements for other conservation programs to improve the coordination and effectiveness of those programs.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553(a)(2), notice of proposed rulemaking and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. Further, because this rule relates to internal agency management, it is exempt from the provisions of Executive Order Nos. 12291 and 12866. Finally, this action is not a rule as defined by the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and is, therefore, exempt from the provisions of that Act. Accordingly, as authorized by section 808 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 808, this rule may be made effective upon publication.

#### List of Subjects in 7 CFR Part 2

Administrative practice and procedure, Authority delegations (Government agencies).

■ Accordingly, Title 7 of the Code of Federal Regulations is amended as follows:

#### PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICES OF THE DEPARTMENT

■ 1. The authority citation for 7 CFR part 2 continues to read as follows:

**Authority:** 7 U.S.C. 6912(a)(1); 5 U.S.C. 301; Reorganization Plan No. 2 of 1953, 3 CFR parts 1949-1953 Comp., p. 1024.

#### Subpart C—Delegations of Authority to the Deputy Secretary and to the Under Secretaries and Assistant Secretaries

■ 2. Section 2.16 is amended by adding paragraphs (a)(1)(xxvii) and (xxviii) to read as follows:

#### § 2.16 Under Secretary for Farm and Foreign Agricultural Services.

(a) \* \* \*

(1) \* \* \*

(xxvii) Formulate and carry out the Grassroots Source Water Protection Program authorized by the Food Security Act of 1985, as amended (16 U.S.C. 3839bb-2).

(xxviii) Administer cooperative agreements authorized under 7 U.S.C. 2204b(b)(4) with respect to conservation programs.

\* \* \* \* \*

#### Subpart F—Delegations of Authority by the Under Secretary for Farm and Foreign Agricultural Services

■ 3. Section 2.42 is amended by adding paragraphs (a)(49) and (50) to read as follows:

#### § 2.42 Administrator, Farm Service Agency.

(a) \* \* \*

(49) Formulate and carry out the Grassroots Source Water Protection Program, authorized by the Food Security Act of 1985, as amended (16 U.S.C. 3839bb-2).

(50) Administer cooperative agreements under 7 U.S.C. 2204b(b)(4) with respect to conservation programs.

\* \* \* \* \*

For Part 2, Subpart C, Paragraph 2.16(a)(1):

Dated: August 23, 2006.

**Mike Johanns,**

*Secretary of Agriculture.*

For Part 2, Subpart C, Paragraph 2.42(a):

Dated: August 18, 2006.

**J.B. Penn,**

*Under Secretary for Farm and Foreign Agricultural Services.*

[FR Doc. E6-14365 Filed 8-29-06; 8:45 am]

BILLING CODE 3410-01-P

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 301

[Docket No. APHIS-2006-0046]

### Emerald Ash Borer; Quarantined Areas; Indiana, Michigan, and Ohio

**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 emerald ash borer regulations by adding areas in Indiana, Michigan, and Ohio to the list of areas quarantined because of emerald ash borer. As a result of the interim rule, the interstate movement of regulated articles from those areas is restricted. The interim rule was necessary to prevent the artificial spread of the emerald ash borer from infested areas in the States of Indiana, Michigan, and Ohio into noninfested areas of the United States.

**DATES:** Effective on August 30, 2006, we are adopting as a final rule the interim rule that became effective on May 18, 2006.

**FOR FURTHER INFORMATION CONTACT:** Ms. Deborah McPartlan, Operations Officer, Pest Detection and Management Programs, PPQ, APHIS, 4700 River Road, Unit 134, Riverdale, MD 20737-1236; (301) 734-4387.

**SUPPLEMENTARY INFORMATION:**

**Background**

In an interim rule<sup>1</sup> effective May 18, 2006, and published in the **Federal Register** on May 24, 2006 (71 FR 29762-29766, Docket No. APHIS-2006-0046), we amended the emerald ash borer regulations contained in 7 CFR 301.53-1 through 301.53-9 by adding all or portions of Adams, Hamilton, Huntington, LaGrange, Marion, Randolph, and Steuben Counties, IN; Alcona, Barry, Benzie, Berrien, Charlevoix, Cheboygan, Chippewa, Huron, Ionia, Iosco, Kalamazoo, Kent, Mason, Montcalm, Montmorency, Oceana, Ogemaw, Presque Isle, Roscommon, Sanilac, St. Joseph, and Van Buren Counties, MI; and Defiance, Delaware, Erie, Fulton, Hancock, Henry, Huron, Lorain, Ottawa, Sandusky, Williams, and Wood Counties, OH, to the list of quarantined areas in § 301.53-3(c). The interim rule restricted the interstate movement of regulated articles from these quarantined areas to prevent the artificial spread of emerald ash borer to noninfested areas of the United States.

Comments on the interim rule were required to be received on or before July 24, 2006. 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 71 FR 29762-29766 on May 24, 2006.

Done in Washington, DC, this 24th day of August 2006.

**Elizabeth E. Gaston,**

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

[FR Doc. E6-14480 Filed 8-29-06; 8:45 am]

**BILLING CODE 3410-34-P**

**DEPARTMENT OF AGRICULTURE**

**Commodity Credit Corporation**

**7 CFR Parts 1421, 1423 and 1427**

**RIN 0560-AH48**

**Storage, Handling, and Ginning Requirements for Cotton Marketing Assistance Loan Collateral**

**AGENCY:** Commodity Credit Corporation, USDA.

**ACTION:** Final rule.

**SUMMARY:** This rule amends regulations governing the cotton Marketing Assistance Loan Program of the Commodity Credit Corporation (CCC). The changes provide that bales of upland cotton pledged as collateral for CCC loans may be stored outside at warehouses approved by CCC subject to special storage, protection, receipting, and reporting requirements and loss of any applicable storage credits for the period stored outside. Second, the rule provides that producers or their agents may transfer cotton loan collateral to another approved location. Third, the rule provides limits on the amount of storage credits provided to producers when an upland cotton marketing assistance loan is repaid. Fourth, the

rule requires ginned cotton to meet the definition of good condition and not be wet cotton in order to be eligible for a CCC loan. Fifth, this rule requires any unpaid warehouse compression charges to be billed to producers on loan cotton collateral that is delivered to CCC in satisfaction of the loan obligation. Sixth, this rule defines a minimum acceptable shipping standard for cotton warehouses. This rule also corrects and clarifies the Marketing Assistance Loan (MAL) and Loan Deficiency Payment (LDP) Program regulations of CCC regarding loss of beneficial interest in commodities delivered to certain facilities engaged in storing and handling commodities under those programs.

**DATES:** This rule is effective August 30, 2006.

**FOR FURTHER INFORMATION CONTACT:**

Gene Rosera, Cotton Program Manager, Price Support Division, FSA/USDA, Stop 0512, 1400 Independence Ave., SW., Washington, DC 20250-0512; phone (202) 720-8481; *e-mail:* [gene.rosera@wdc.usda.gov](mailto:gene.rosera@wdc.usda.gov); or fax: (202) 690-1536. Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.) should contact the USDA Target Center at (202) 720-2600 (voice and TDD).

**SUPPLEMENTARY INFORMATION:**

**Discussion of the Final Rule**

**I. Background**

*A. Cotton Stored Outside*

The revisions established by this final rule to the cotton marketing assistance loan program generally result from changing industry practices and marketing needs over recent years. For both the 2004 and 2005 crops, west Texas cotton storage warehouse capacity has not kept pace with production increases. In response to those shortages, CCC granted authorization to some warehouses to temporarily store cotton loan collateral outside subject to special insurance and storage requirements. The use of such storage was significant for the 2005 crop, topping 435,000 bales. This shortage of traditional cotton storage capacity has occurred at a time when cotton usage is increasingly dependent on export sales. Export use represented about 37 percent of total use for the 1995 through 1999 crops, but is estimated at about 75 percent for the 2006 marketing year. This shift in use has raised merchant concerns about both the quality of U.S. cotton, especially cotton stored outside, and the timeliness of its delivery from storing warehouses to export customers.

<sup>1</sup> To view the interim rule, go to <http://www.regulations.gov>, click on the "Advanced Search" tab, and select "Docket Search." In the Docket ID field, enter APHIS-2006-0046, then click on "Submit." Clicking on the Docket ID link in the search results page will produce a list of all documents in the docket.