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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:** Final rule.

**SUMMARY:** We are adopting as a final rule, with one change, an interim rule that amended the plum pox virus (PPV) regulations by removing portions of Adams County, PA, from the list of quarantined areas and by adding portions of Niagara, Orleans, and Wayne Counties, NY, to the list of quarantined areas and restricted the interstate movement of regulated articles from these quarantined areas. The interim rule was necessary to prevent the spread of PPV from the quarantined areas of New York to uninfected areas of the United States and to relieve restrictions in Pennsylvania that are no longer necessary.

**DATES:** *Effective Date:* May 11, 2011.

**FOR FURTHER INFORMATION CONTACT:** Dr. S. Anwar Rizvi, Senior Plant Pathologist/National Program Manager, Plant Pathogen and Weed Programs, EDP, PPQ, APHIS, 4700 River Road Unit 160, Riverdale, MD 20737; (301) 734-4313.

#### SUPPLEMENTARY INFORMATION:

##### Background

The plum pox virus (PPV) is an extremely serious viral disease of plants that can affect many *Prunus* (stone fruit) species, including plum, peach, apricot, almond, nectarine, and sweet and tart cherry. Infection eventually results in severely reduced fruit production, and

the fruit that is produced is often misshapen and blemished. PPV is transmitted under natural conditions by several species of aphids. The long-distance spread of PPV occurs by budding and grafting with infected plant material and through movement of farm tools, equipment, and infected budwood, nursery stock, and other plant parts.

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 PPV has been detected and restrict the interstate movement of regulated articles from quarantined areas to prevent the spread of PPV into uninfected areas of the United States.

In an interim rule<sup>1</sup> that became effective upon publication in the **Federal Register** on December 27, 2010 (75 FR 81087–81089, Docket No. APHIS-2010-0089), we amended the regulations by adding portions of Niagara, Orleans, and Wayne Counties, NY, to the list of quarantined areas and removing the townships of Latimore and Huntington in Adams County, PA, from that list.

Comments on the interim rule were required to be received on or before February 25, 2011. We did not receive any comments by that date.

In the interim rule, we incorrectly described one of the borders of the quarantined area in the Town of Sodus in Wayne County. Therefore, in this final rule, we are amending § 301.74-3(c), under New York for the entry Wayne County, paragraph (3), to correct the description of that quarantined area.

Therefore, for the reasons given in the interim rule and this document, we are adopting the interim rule as a final rule, with the change discussed in this document.

This final rule 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.

<sup>1</sup> To view the interim rule, go to <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2010-0089>.

#### Effective Date

Pursuant to the administrative procedure provisions in 5 U.S.C. 553, we find good cause for making this rule effective less than 30 days after publication in the **Federal Register**. The interim rule adopted as final by this rule became effective on December 27, 2010. This rule corrects the description of the quarantined area in the interim rule. Immediate action is necessary to ensure that the description of the quarantined area is accurate in order to prevent the artificial spread of PPV to uninfected areas of the United States. Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule should be effective upon publication in the **Federal Register**.

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

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

Accordingly, the interim rule amending 7 CFR part 301 that was published at 75 FR 81087–81089 on December 27, 2010, is adopted as a final rule with the following change:

#### PART 301—DOMESTIC QUARANTINE NOTICES

- 1. The authority citation for part 301 continues to read as follows:

**Authority:** 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 issued under Sec. 204, Title II, Pub. L. 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 issued under Sec. 203, Title II, Pub. L. 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

- 2. In § 301.74–3, paragraph (c), under the heading “New York,” in the entry for Wayne County, paragraph (3) is revised to read as follows:

#### § 301.74–3 Quarantined areas.

\* \* \* \* \*

New York

\* \* \* \* \*

(c) *Wayne County.* \* \* \*

(3) That area of Wayne County in the Town of Sodus beginning on the Sodus Bay shoreline at Ridge Road; then west on Ridge Road to Boyd Road; then north on Boyd Road to Sergeant Road; then north on Sergeant Road to Morley Road; then east on Morley Road to State Route

14; then north on State Route 14 to South Shore Road; then east on South Shore Road and continuing to the shoreline of Sodus Bay.

Done in Washington, DC, this 4th day of May 2011.

**Kevin Shea,**

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

[FR Doc. 2011-11489 Filed 5-10-11; 8:45 am]

**BILLING CODE 3410-34-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2010-1275; Directorate Identifier 2010-NM-091-AD; Amendment 39-16688; AD 2011-10-07]

**RIN 2120-AA64**

#### Airworthiness Directives; Airbus Model A310 Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

DGAC [Direction Générale de l'Aviation Civile] France Airworthiness Directive (AD) 1992-106-132(B) \* \* \* was issued to require a set of inspection- and modification tasks which addressed JAR/FAR [Joint Aviation Regulation/Federal Aviation Regulation] 25-571 requirements related to damage-tolerance and fatigue evaluation of structure.

\* \* \* \* \*

The unsafe condition is reduced structural integrity of the wings. We are issuing this AD to require actions to correct the unsafe condition on these products.

**DATES:** This AD becomes effective June 15, 2011.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of June 15, 2011.

**ADDRESSES:** You may examine the AD docket on the Internet at <http://www.regulations.gov> or in person at the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140,

1200 New Jersey Avenue, SE., Washington, DC.

#### FOR FURTHER INFORMATION CONTACT:

Dan Rodina, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-2125; fax (425) 227-1149.

#### SUPPLEMENTARY INFORMATION:

##### Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on January 3, 2011 (76 FR 34). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

DGAC [Direction Générale de l'Aviation Civile] France Airworthiness Directive (AD) 1992-106-132(B) original issue up to revision 7 was issued to require a set of inspection- and modification tasks which addressed JAR/FAR [Joint Aviation Regulation/Federal Aviation Regulation] 25-571 requirements related to damage-tolerance and fatigue evaluation of structure [FAA AD 98-26-01 corresponds to DGAC AD 1992-106-132(B)R4, dated June 5, 1996].

Following the Extended Design Service Goal activities as part of the Structure Task Group for the Airbus A310 program, EASA issued AD 2007-0053 which replaced DGAC France AD F-1992-106-132R7. Since the issuance of that AD, the thresholds and the intervals of some Airbus Service Bulletins (SBs which address structure fatigue related areas on the wing parts), until now part of the requirements of AD 2007-0053, have been updated.

For the reasons stated above, this new [EASA] AD requires the accomplishment of the structural fatigue-related corrective actions in accordance with the latest revision of these SBs which have been reviewed in the context of the A310 Extended Service Goal activities. Consequently, this new AD supersedes the requirements of paragraphs 1.8, 1.9, 1.10, 1.13, 1.18 of EASA AD 2007-0053, which has been revised accordingly.

The unsafe condition is reduced structural integrity of the wings. The required corrective actions are as follows, depending on airplane configuration:

- For certain Model A310-203 and A310-222 airplanes: Repetitive detailed inspections for cracking of the leading edge access panels around the bolt holes, and repair if necessary.

- For certain Model A310-203, A310-204, A310-222, A310-304, A310-322, A310-324, and A310-325 airplanes: Repetitive eddy current inspections to detect cracks in the holes around the overwing refueling aperture at ribs 13-14, and repair if necessary.

- For certain Model A310-203, A310-204, A310-222, A310-304, A310-322, A310-324, and A310-325 airplanes: Repetitive external detailed inspections for cracking of the top skin at ribs 13-14, repetitive internal detailed inspections for cracking of stringer 7 and stringer 8 of the overwing refuel aperture, and repair if necessary.

- For certain Model A310-203 and A310-222 airplanes: Repetitive detailed inspections for cracking around the bolts in the wing top skin upper surface of the front spar between rib 7 and rib 28, and repair if necessary.

- For certain Model A310-203 and A310-222 airplanes: Repetitive high frequency eddy current (HFEC) or X-ray inspections to detect cracking of the stringer runouts inboard and outboard of rib 14 at stringers 6, 7, 8, and 9, and repair if necessary.

- For certain Model A310-203, A310-204, A310-222, A310-304, A310-322, and A310-324 airplanes: Repetitive ultrasonic inspections for cracking in certain bolt holes where the main landing gear forward pick-up fitting is attached to the rear spar, and repair if necessary.

You may obtain further information by examining the MCAI in the AD docket.

#### Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

#### Explanation of Changes to This AD

We have moved the parenthetical information from paragraphs (g), (i), (j), (o), and (q)(1), (q)(2), and (q)(3) of this AD. Instead, we have provided that information in Note 1, Note 3, Note 4, Note 6, and Note 8 of this AD.

We have also revised tables 3 and 4 of this AD to refer to Model "A310-322" instead of "A310A-322." We inadvertently referred to "A310A-322" in the NPRM.

#### Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting the AD with the changes described previously. We determined that these change will not increase the economic burden on any operator or increase the scope of the AD.

#### Differences Between This AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But