

### Executive Order 12866 and Regulatory Flexibility Act

This interim rule is subject to Executive Order 12866. However, for this action, the Office of Management and Budget has waived its review under Executive Order 12866.

In accordance with the Regulatory Flexibility Act, we have analyzed the potential economic effects of this action on small entities. The analysis is summarized below. The full analysis may be viewed on the Regulations.gov Web site (see **ADDRESSES** above for instructions for accessing Regulations.gov) or obtained from the person listed under **FOR FURTHER INFORMATION CONTACT**.

The State of Wisconsin has expanded the intrastate quarantine to include Ashland, Bayfield, Clark, Jackson, and Price Counties. This rule similarly expands the federally regulated area. Regulated articles moved from gypsy moth quarantined areas are subject to inspection and certification to prevent spread of this pest.

Fifty-eight entities will be directly affected by this expansion of the quarantine area: 4 mills, 21 logger/hauler/yard operations, 31 Christmas tree growers, and 2 nurseries. We expect that most if not all of these businesses are small according to Small Business Administration size standards. The impact of this interim rule will not be significant. Businesses with compliance agreements can self-inspect regulated articles moved from quarantined areas. Many of the entities are already operating under compliance agreements. Businesses without compliance agreements can have inspection and certification services provided by State or Federal officials at no cost.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

### Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

### Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings

before parties may file suit in court challenging this rule.

### Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

### List of Subjects in 7 CFR Part 301

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

Accordingly, we are amending 7 CFR part 301 as follows:

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

- 2. Section 301.45–1 is amended by revising the definition of *OHA document* and footnote 2 in the definition of *Treatment manual* to read as follows:

#### § 301.45–1 Definitions.

\* \* \* \* \*

*OHA document.* The self-inspection checklist portion of USDA-APHIS Program Aid Number 2065, “Don’t Move Gypsy Moth,” completed and signed by the owner of an outdoor household article (OHA) affirming that the owner has inspected the OHA for life stages of gypsy moth in accordance with the procedures in the program aid.

\* \* \* \* \*  
*Treatment manual.* \* \* \* 2  
\* \* \* \* \*

<sup>2</sup> The Gypsy Moth Program Manual may be viewed on the Internet at [http://www.aphis.usda.gov/import\\_export/plants/manuals/domestic/downloads/gypsy\\_moth.pdf](http://www.aphis.usda.gov/import_export/plants/manuals/domestic/downloads/gypsy_moth.pdf).

- 3. In § 301.45–3, paragraph (a), under the heading Wisconsin, the entry for Ashland County is revised and new entries for Bayfield County, Clark County, Jackson County, and Price County are added in alphabetical order to read as follows:

#### § 301.45–3 Generally infested areas.

(a) \* \* \*

Wisconsin

\* \* \* \* \*

*Ashland County.* The entire county.

*Bayfield County.* The entire county.

\* \* \* \* \*

*Clark County.* The entire county.

\* \* \* \* \*

*Jackson County.* The entire county.

\* \* \* \* \*

*Price County.* The entire county.

\* \* \* \* \*

Done in Washington, DC, this 18th day of April 2013.

**Kevin Shea,**

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

[FR Doc. 2013–09804 Filed 4–25–13; 8:45 am]

**BILLING CODE 3410–34–P**

### DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

### 7 CFR Part 319

[Docket No. APHIS–2012–0099]

### Updates to the List of Plant Inspection Stations

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

**ACTION:** Final rule.

**SUMMARY:** We are amending the regulations governing the importation of plants for planting to remove the entries for the United States Department of Agriculture (USDA) plant inspection stations in New Orleans, LA, and Baltimore, MD, and to add an entry for the USDA plant inspection station in Beltsville, MD. We are also updating the addresses provided for the USDA plant inspection stations in Florida, Guam, and Hawaii. This final rule is necessary for the regulations to reflect the most current information regarding USDA plant inspection stations.

**DATES:** Effective April 26, 2013.

**FOR FURTHER INFORMATION CONTACT:** Mr. Alan V. Tasker, Senior Regulatory Policy Specialist, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1231; (301) 851–2224.

### SUPPLEMENTARY INFORMATION:

#### Background

The regulations in 7 CFR part 319 prohibit or restrict the importation of certain plants and plant products into the United States to prevent the introduction and dissemination of plant pests. The regulations contained in Subpart—Plants for Planting, §§ 319.37–1 through 319.37–14 (referred to below as the regulations), restrict or prohibit the importation of living plants, seeds,

or plant parts intended for propagation. The regulations also describe requirements for the importation of these articles.

Section 319.37–14 of the regulations contains a list of United States Department of Agriculture (USDA) plant inspection stations and the corresponding ports of entry through which certain articles must pass in order to be imported into the United States. In order to be designated as a USDA plant inspection station, a building must have adequate space for inspection areas to be set up, laboratory facilities for pest and disease identification, and in some cases, provide facilities for treatment of imported living plants, seeds, or plant parts intended for propagation. Currently there are 16 USDA plant inspection stations listed in the regulations. USDA plant inspection stations are staffed by personnel from the Animal and Plant Health Inspection Service's (APHIS) Plant Protection and Quarantine (PPQ) division who inspect articles to ensure they are free of plant pests and diseases and otherwise comply with APHIS import requirements.

PPQ has operated a specialized facility for several years, known as the Plant Germplasm Inspection Station, in Beltsville, MD, that is uniquely designed for handling germplasm and

other plant material imported for plant breeding and research programs. The Plant Germplasm Inspection Station satisfies the criteria for being designated as a USDA plant inspection station, therefore, we are adding it to the list in § 319.37–14.

The existing list of ports of entry and plant inspection stations in § 319.37–14 is in need of several updates. Therefore, we are amending the regulations by removing the entries for the USDA plant inspection stations in New Orleans, LA, which has been closed, and Baltimore, MD, which had been listed in error, and by updating the addresses for the USDA plant inspection stations in Florida, Guam, and Hawaii.

We are publishing this rule without prior proposal because it relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity to comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Orders 12866 and 12988. Finally, this action is not a rule as defined by the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

#### Paperwork Reduction Act

This rule contains no new information collection or recordkeeping

requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*)

#### List of Subjects in 7 CFR Part 319

Coffee, Cotton, Fruits, Imports, Logs, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, 7 CFR part 319 is amended as follows:

#### PART 319—FOREIGN QUARANTINE NOTICES

■ 1. The authority citation for part 319 continues to read as follows:

**Authority:** 7 U.S.C. 450, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

■ 2. In § 319.37–14, in the table, the list of USDA plant inspection stations is amended as follows:

- a. By removing the entries for Louisiana and Maryland;
- b. By adding, in alphabetical order, a new entry for Maryland; and
- c. By revising the entries for Florida, Guam, and Hawaii.

The addition and revisions read as follows:

#### § 319.37–14 Ports of entry.

\* \* \* \* \*

#### LIST OF USDA PLANT INSPECTION STATIONS

State	Port of entry	Federal plant inspection stations
* * *	* * *	* * *
Florida .....	Miami (Note: Restricted articles may be moved from Fort Lauderdale to Miami under U.S. Customs bond). Orlando .....	Plant Inspection Station, 6302 NW 36th Street, Miami, FL 33122. Plant Inspection Station, 3951 Centerport St., Orlando, FL 32827.
* * *	* * *	* * *
Guam .....	Agana .....	Plant Inspection Station, 17–3306 Neptune Avenue, Tiyan, Barrigada, GU 96913.
Hawaii .....	Honolulu (Airport) .....	Honolulu Inspection Station, Honolulu International Airport, 300 Rodgers Boulevard, #58, Honolulu, HI 96819–1897.
Maryland .....	Beltsville (Note: Plant germplasm only) .....	National Plant Germplasm Inspection Station, Building 580, BARC East, Beltsville, MD 20705.
* * *	* * *	* * *

Done in Washington, DC, this 18th day of April 2013.

**Kevin Shea,**

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

[FR Doc. 2013-09801 Filed 4-25-13; 8:45 am]

**BILLING CODE 3410-34-P**

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Parts 1000, 1001, 1005, 1006, 1007, 1030, 1032, 1033, 1124, 1126, and 1131

[Docket No. AMS-DA-13-0016; AO-14-A74, et al.; DA-06-01]

#### Milk in the Northeast and Other Marketing Areas; Termination of Proceeding on Proposed Amendments to Tentative Marketing Agreements and Orders

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Termination of proceeding.

**SUMMARY:** This action terminates a proceeding that amended manufacturing allowances of the Class III and Class IV price formulas applicable to all Federal milk marketing orders on an interim basis. However, subsequent formal rulemaking proceedings have superseded these amendments and therefore, action on this proceeding is terminated.

**DATES:** April 29, 2013.

**FOR FURTHER INFORMATION CONTACT:** Erin C Taylor, Marketing Specialist, USDA/AMS/Dairy Programs, Order Formulation and Enforcement, Stop 0231-Room 2971-S, 1400 Independence Avenue SW., Washington, DC 20250-0231, (202) 720-7311, email address: [erin.taylor@ams.usda.gov](mailto:erin.taylor@ams.usda.gov).

**SUPPLEMENTARY INFORMATION:** This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12866.

#### Regulatory Flexibility Act and Paperwork Reduction Act

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601-612), the Agricultural Marketing Service has considered the economic impact of this action on small entities and has certified that this rule will not have a significant economic impact on a substantial number of small entities. For the purpose of the Regulatory Flexibility Act, a dairy farm is considered a small business if it has an annual gross

revenue of less than \$750,000, and a dairy products manufacturer is a small business if it has fewer than 500 employees.

For the purposes of determining which dairy farms are small businesses, the \$750,000 per year criterion was used to establish a production guideline of 500,000 pounds per month. Although this guideline does not factor in additional monies that may be received by dairy farms, it should be an inclusive standard for most small dairy farms. For purposes of determining a handler's size, if the plant is part of a larger company operating multiple plants that collectively exceed the 500-employee limit, the plant will be considered a large business even if the local plant has fewer than 500 employees.

For the month of January 2006, the month the initial public hearing was held, the milk of 52,570 dairy farms was pooled on the Federal order system. Of the total, 49,153 dairy farms, or 94 percent, were considered small businesses. During the same month, 536 plants were regulated by or reported their milk receipts to be pooled and price on a Federal order. Of the total, 286 plants, or 53 percent, were considered small businesses.

Because this action terminates this rulemaking proceeding without amending the present rules, the economic conditions of small entities are not changed as a result of this action. Also, this action does not change reporting, record keeping, or other compliance requirements.

*Prior documents in this proceeding:*  
*Notice of Hearing:* Issued December 30, 2005; published January 5, 2006 (71 FR 545).

*Notice of Intent to Reconvene Hearing:* Issued June 23, 2006; published June 28, 2006 (71 FR 36715).

*Notice to Reconvene Hearing:* Issued August 31, 2006; published September 6, 2006 (71 FR 52502).

*Tentative Final Decision:* Issued November 20, 2006, Published November 22, 2006 (71 FR 67467).

*Interim Final Rule:* Issued December 26, 2006, Published December 29, 2006 (71 FR 78333).

#### Preliminary Statement

A national public hearing was held in this proceeding to consider a proposal to amend the Class III and Class IV milk price formula manufacturing allowances applicable to all Federal milk marketing orders. The interim amendments adopted as a result of this proceeding were based on the record of the first session of a public hearing held in Alexandria, Virginia, on January 24-27, 2006, pursuant to a notice of hearing

issued December 30, 2005; published January 5, 2006, (71 FR 545) and a second session of a public hearing held in Strongsville, Ohio, on September 14-15, 2006, pursuant to a reconvened hearing notice issued August 31, 2006; published September 6, 2006, (71 FR 52502). The hearings were held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure governing the formulation of marketing agreements (7 CFR part 900).

#### Make Allowances

The make allowances adopted by the interim final rule in this proceeding—cheese: \$0.1682 per pound; butter: \$0.1202 per pound; nonfat dry milk (NFDm): \$0.1570 per pound; and dry whey: \$0.1956 per pound—amended section 1000.50, were approved by producers and became effective February 1, 2007 (71 FR 78333). These manufacturing allowances were subsequently amended through a separate rulemaking proceeding (72 FR 6179). An interim final rule published on July 31, 2008, (73 FR 44617), effective October 1, 2008, changed the make allowances to: cheese: \$0.2003 per pound; NFDm: \$0.1678 per pound; butter: \$0.1715 per pound; and dry whey: \$0.1991 per pound. Further, a request was received from proponents of the 2007 amendments requesting termination of this proceeding. Accordingly, it is determined that this proceeding should be terminated.

#### Termination of Proceeding

In view of the forgoing, it is hereby determined that the proceeding that resulted in make allowances adopted by the interim final rule issued December 26, 2006 and published in the December 29, 2006, **Federal Register** (71 FR 78333) should be and is hereby terminated.

#### List of Subjects in 7 CFR Parts 1000, 1001, 1005, 1006, 1007, 1030, 1032, 1033, 1124, 1126, and 1131

Milk marketing orders.

**Authority:** 7 U.S.C. 601-674, and 7253.

Dated: April 22, 2013.

**David R. Shipman,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 2013-09818 Filed 4-25-13; 8:45 am]

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