

**§ 689.9 Dispositions**

(c) \* \* \*

(1) In cases in which debarment is considered by OIG to be an appropriate disposition, the case will be referred to the debarment official pursuant to 2 CFR part 180 and the procedures of 2 CFR part 180 will be followed, but:

\* \* \* \* \*

**Lawrence Rudolph,***General Counsel.*

[FR Doc. E7-1419 Filed 2-1-07; 8:45 am]

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**DEPARTMENT OF AGRICULTURE****Animal and Plant Health Inspection Service****7 CFR Part 301**

[Docket No. APHIS-2006-0131]

**Emerald Ash Borer; Quarantined Areas; MI****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 Michigan to the list of areas quarantined because of emerald ash borer. As a result of that action, 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 State of Michigan into noninfested areas of the United States.

**DATES:** Effective on February 2, 2007, we are adopting as a final rule the interim rule published at 71 FR 57871-57873 on October 2, 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**

The emerald ash borer (EAB) (*Agrilus planipennis*) is a destructive wood-boring insect that attacks ash trees (*Fraxinus* spp., including green ash, white ash, black ash, and several horticultural varieties of ash). The insect, which is indigenous to Asia and known to occur in China, Korea, Japan, Mongolia, the Russian Far East, Taiwan, and Canada, eventually kills healthy ash

trees after it bores beneath their bark and disrupts their vascular tissues.

The EAB regulations in 7 CFR 301.53-1 through 301.53-9 (referred to below as the regulations) restrict the interstate movement of regulated articles from quarantined areas to prevent the artificial spread of EAB to noninfested areas of the United States. Portions of the States of Indiana, Michigan, and Ohio are already designated as quarantined areas.

In an interim rule<sup>1</sup> effective September 25, 2006, and published in the **Federal Register** on October 2, 2006 (71 FR 57871-57873, Docket No. APHIS-2006-0131), we amended the EAB regulations in § 301.53-3(c) by designating the entire Lower Peninsula of Michigan as a quarantined area. That action was necessary to prevent the artificial spread of the EAB from infested areas in the State of Michigan into noninfested areas of the United States.

Comments on the interim rule were required to be received on or before December 1, 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 57871-57873 on October 2, 2006.

Done in Washington, DC, this 29th day of January 2007.

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

[FR Doc. E7-1720 Filed 2-1-07; 8:45 am]

BILLING CODE 3410-34-P

<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-2006-0131, then click "Submit." Clicking on the Docket ID link in the search results page will produce a list of all documents in the docket.

**NUCLEAR REGULATORY COMMISSION****10 CFR Part 73**

RIN A104

**Relief From Fingerprinting and Criminal History Records Checks****AGENCY:** Nuclear Regulatory Commission.**ACTION:** Final rule.

**SUMMARY:** The Nuclear Regulatory Commission (NRC or Commission) is issuing new regulations to relieve certain categories of individuals from the requirement to undergo fingerprinting, identification, and criminal history records checks under section 149 of the Atomic Energy Act of 1954, as amended, (AEA) before being permitted unescorted access to radioactive materials or other property subject to regulation by the Commission that the Commission determines to be of such significance to the public health and safety or the common defense and security as to warrant such checks.

**DATES:** This final rule is effective on February 2, 2007.

**FOR FURTHER INFORMATION CONTACT:**

Jared K. Heck, Attorney, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-1623, e-mail [jkh3@nrc.gov](mailto:jkh3@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

- I. Background
- II. Need for Rule
- III. Analysis of Rule
- IV. Basis for Immediate Effectiveness and Dispensing With Notice and Comment
- V. Voluntary Consensus Standards
- VI. Finding of No Significant Impact: Availability
- VII. Paperwork Reduction Act Statement
- VIII. Regulatory Analysis
- IX. Backfit Analysis
- X. Congressional Review Act

**I. Background**

On August 8, 2005, Congress enacted legislation that authorized the Commission to impose new requirements governing unescorted access to certain radioactive material and other property subject to regulation by the Commission. Specifically, section 652 of the Energy Policy Act of 2005, Pub. L. 109-58, which amended AEA section 149, requires the Commission to ensure that "any individual" who is permitted unescorted access to "radioactive material or other property subject to regulation by the Commission that the Commission determines to be of such significance to the public health and safety or the common defense and