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DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

7 CFR Part 613

Plant Materials Centers

AGENCY: Natural Resources Conservation Service (NRCS), USDA.

ACTION: Final rule.

SUMMARY: Minor editorial changes are being made to clarify and update the existing regulation on plant materials centers. Although the changes are minor, the entire part is published in this final rule for the convenience of the reader.

DATES: Effective December 6, 2007.

FOR FURTHER INFORMATION CONTACT: Questions and comments should be directed at Diane E. Gelburd, Director, Ecological Sciences Division. Ms. Gelburd may be contacted at USDA, Natural Resources Conservation Service, Post Office Box 2890, Room 6160—South, Washington, DC 20013; telephone: (202) 720-2587; e-mail: Diane.Gelburd@wdc.usda.gov.

SUPPLEMENTARY INFORMATION: Since Part 613 became effective (49 FR 12188, March 29, 1989), several changes have occurred—requiring the need to update it. These changes include an expanded mission for the Plant Materials Program, such as working with threatened and endangered and pollinator species; selecting plants that will mitigate odor, PM-10, and PM-2.5; testing plants for biofuels and other energy-related activities; and evaluating plants and technologies to combat invasive plant species. Three additional plant materials centers have been added. These plant materials centers are located in Booneville, Arkansas; Alderson, West Virginia; and Fallon, Nevada. These changes are minor and do not significantly affect Part 613.

This rule sets forth general statements of Agency policy and internal Agency organization and management. Therefore, pursuant to 5 U.S.C. 553, it is found that notice and public comment is not required. Further, in light of the minor changes, good cause is found for making this rule effective on publication in the **Federal Register**. Since this rule relates to internal Agency management, it is exempt from Executive Order 12291. Finally, this action is not a rule as defined by Public Law 96-354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

List of Subjects in 7 CFR Part 613

Plants (agriculture), Soil conservation. ■ Accordingly, 7 CFR part 613 is revised to read as follows:

PART 613—PLANT MATERIALS CENTERS

Sec.

613.1 Purpose.

613.2 Policy and objectives.

613.3 NRCS responsibilities in plant materials.

613.4 Special production of plant materials.

613.5 Plant materials centers.

Authority: 16 U.S.C. 590a–f 590f, 5908; 7 U.S.C. 1010–1011.

§ 613.1 Purpose.

This part provides NRCS policy on the operation of plant materials centers. The centers have responsibilities for assembling, testing, releasing, and providing for the commercial production and use of plant materials and plant materials technology for programs of soil, water, and related resource conservation and development.

§ 613.2 Policy and objectives.

(a) It is NRCS policy to assemble, comparatively evaluate, release, and distribute for commercial increase new or improved plant materials and plant materials technology needed for broad programs of resource conservation and development for agriculture, wildlife, urban, recreation, and other land uses and environmental needs. Also, it is NRCS policy to conduct plant materials work in cooperation with other agencies of the Department of Agriculture, such as the Agricultural Research Service, and with other Federal and State research agencies including State agricultural experiment stations. The emphasis of the NRCS plant materials

work is to find suitable plants to address conservation needs. In contrast, the emphasis of research agencies and organizations in plant development is to improve economically important crops. The NRCS program of testing and releasing new seed-propagated plant materials follows the guidelines in “Statement of Responsibilities and Policies Relating to the Development, Release, and Multiplication of Publicly Developed Varieties of Seed-Propagated Crops,” which was adopted in June 1972 by land grant colleges and interested Federal agencies. NRCS releases improved conservation plant materials requiring vegetative multiplication in ways appropriate for particular States and particular species by working with experiment stations, crop improvement associations, and other State and Federal agencies.

(b) The objective of the plant materials activity is to select or develop special and improved plants, and techniques for their successful establishment and maintenance to solve conservation problems and needs related to:

- (1) Controlling soil erosion on all lands;
- (2) Conserving water;
- (3) Protecting upstream watersheds;
- (4) Reducing sediment movement into waterways and reservoirs through the stabilization of critical sediment sources such as surface mined lands, highway slopes, recreation sites, and urban and industrial development areas;
- (5) Stabilizing disposal areas for liquid and solid wastes;
- (6) Improving plant diversity and lengthening the grazing season on dryland pastures and rangelands;
- (7) Managing brush on mountain slopes with fire-retarding plant cover to reduce the possibility of fires that threaten life and property or result in serious sediment sources;
- (8) Improving the effectiveness of windbreaks and shelterbelts for reducing airborne sediment, controlling snow drifting, and preventing crop damage from wind erosion;
- (9) Protecting streambank, pond, and lake waterlines from erosion by scouring and wave action;
- (10) Improving wildlife food and cover, including threatened and endangered and pollinator species;
- (11) Selecting special purpose plants to meet specific needs for environment protection and enhancement;

(12) Selecting plants that tolerate air pollution agents and toxic soil chemicals;

(13) Selecting plants that mitigate odor, PM-10, and PM-2.5;

(14) Testing plants for biofuels and other energy-related activities; and

(15) Evaluating plants and techniques to combat invasive plant species and for reestablishment of desirable species after eradication.

§ 613.3 NRCS responsibilities in plant materials.

NRCS operates or enters into agreements with State universities or other State organizations to operate plant materials centers. Also, NRCS cooperates, both formally and informally, with other Federal, State, county, and nonprofit agencies or organizations on the selection of plants and evaluation of plant technology to increase the capabilities of plant materials centers. NRCS employs specialists for testing and selecting plant materials for conservation uses and the development of plant materials technology. NRCS responsibilities are to:

(a) Identify the resource conservation needs and cultural management methods for environmental protection and enhancement.

(b) Assemble and comparatively evaluate plant materials at plant materials centers and on sites where soil, climate, or other conditions differ significantly from those at the centers.

(c) Make comparative field plantings for final testing of promising plants and techniques in cooperation with conservation districts and other interested cooperators.

(d) Release cooperatively improved conservation plants and maintain the breeder or foundation stocks in ways appropriate for particular State and plant species by working with experiment stations, crop improvement associations, and other State and Federal agencies.

(e) Produce limited amounts of foundation or foundation-quality seed and plants available by grant to or by exchange with conservation districts, experiment stations, other Federal and State research agencies, and State seed certifying organizations that will use the material to establish seed fields, seed orchards, or plantings for vegetative increase.

(f) Encourage and assist conservation districts, commercial seed producers, and commercial and State nurseries to produce needed plant materials for conservation uses.

(g) Encourage the use of improved plant materials and plant materials

technology in resource conservation and environmental improvement programs.

§ 613.4 Special production of plant materials.

NRCS can produce plant materials in the quantity required to do a specific conservation job if this production will serve the public welfare and only if the plant materials are not available commercially. This function will be performed only until the plant materials are available commercially. Specific production of plant materials by NRCS requires the approval of the Chief.

§ 613.5 Plant materials centers.

(a) *The National Plant Materials Center.* The National Plant Materials Center at Beltsville, Maryland focuses on national initiatives and provides coordination for plant materials work across all 50 States. In addition, the center provides plants and plant technology to address resource concerns in the mid-Atlantic region.

(b) *Other Plant Materials Centers.* There are 26 other plant materials centers; each serves several major land resource areas. Twenty-four of these centers are operated by NRCS and two by cooperating agencies as follows:

(1) Operated by NRCS: Tucson, Arizona; Booneville, Arkansas; Lockeford, California; Brooksville, Florida; Americus, Georgia; Molokai, Hawaii; Aberdeen, Idaho; Manhattan, Kansas; Golden Meadows, Louisiana; East Lansing, Michigan; Coffeerville, Mississippi; Elsberry, Missouri; Bridger, Montana; Fallon, Nevada; Cape May Courthouse, New Jersey; Los Lunas, New Mexico; Big Flats, New York; Bismarck, North Dakota; Corvallis, Oregon; Kingsville, Texas; Knox City, Texas; Nacogdoches, Texas; Pullman, Washington; and Alderson, West Virginia.

(2) Operated by cooperating agencies with financial and technical assistance from NRCS: Meeker, Colorado—White River and Douglas Creek Soil Conservation Districts with partial funding from NRCS.

(3) Operated by cooperating agencies with technical assistance from NRCS: Palmer, Alaska—State of Alaska, Department of Natural Resources.

Signed in Washington, DC, on November 20, 2007.

Arlen L. Lancaster,
Chief.

[FR Doc. E7-23525 Filed 12-5-07; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 174

[EPA-HQ-OPP-2007-0575; FRL-8340-4]

Bacillus Thuringiensis Vip3Aa19 Protein in Cotton; Extension of a Temporary Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation extends the temporary exemption from the requirement of a tolerance for residues of the *Bacillus thuringiensis* Vip3Aa19 protein in cotton when applied or used as a plant-incorporated protectant (PIP). Syngenta Seeds, Inc., submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA), requesting the temporary tolerance exemption be extended. This regulation eliminates the need to establish a maximum permissible level for residues of *Bacillus thuringiensis* Vip3Aa19 protein in cotton when applied or used as a PIP on cotton. The temporary tolerance exemption expires on May 1, 2009.

DATES: This regulation is effective December 6, 2007. Objections and requests for hearings must be received on or before February 4, 2008 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2007-0575. To access the electronic docket, go to <http://www.regulations.gov>, select "Advanced Search," then "Docket Search." Insert the docket ID number where indicated and select the "Submit" button. Follow the instructions on the regulations.gov website to view the docket index or access available documents. All documents in the docket are listed in the docket index available in regulations.gov. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in the electronic docket at <http://www.regulations.gov>, or, if only