

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

[Docket No. APHIS-2010-0004]

Asian Longhorned Beetle; Quarantined Area and Regulated Articles**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 Asian longhorned beetle regulations by adding a portion of Worcester County, MA, to the list of quarantined areas and restricting the interstate movement of regulated articles from that area. The interim rule also updated the list of regulated articles in order to reflect new information concerning host plants. The interim rule was necessary to prevent the artificial spread of Asian longhorned beetle to noninfested areas of the United States. As a result of the interim rule, the interstate movement of regulated articles from the quarantined area is restricted.

DATES: Effective on December 29, 2010, we are adopting as a final rule the interim rule published at 75 FR 34320-34322 on June 17, 2010.

FOR FURTHER INFORMATION CONTACT: Ms. Claudia Ferguson, Regulatory Policy Specialist, Regulations, Permits, and Import Manuals, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737-1231; (301) 734-0754.

SUPPLEMENTARY INFORMATION:**Background**

The Asian longhorned beetle (ALB, *Anoplophora glabripennis*), an insect native to China, Japan, Korea, and the Isle of Hainan, is a destructive pest of hardwood trees. It attacks many healthy hardwood trees, including maple, horse chestnut, birch, poplar, willow, and elm. In addition, nursery stock, logs, green lumber, firewood, stumps, roots, branches, and wood debris of half an inch or more in diameter are subject to infestation. The beetle bores into the heartwood of a host tree, eventually killing the tree. Immature beetles bore into tree trunks and branches, causing heavy sap flow from wounds and sawdust accumulation at tree bases. They feed on, and over-winter in, the interiors of trees. Adult beetles emerge in the spring and summer months from round holes approximately three-

eighths of an inch in diameter (about the size of a dime) that they bore through branches and trunks of trees. After emerging, adult beetles feed for 2 to 3 days and then mate. Adult females then lay eggs in oviposition sites that they make on the branches of trees. A new generation of ALB is produced each year. If this pest moves into the hardwood forests of the United States, the nursery, maple syrup, and forest product industries could experience severe economic losses. In addition, urban and forest ALB infestations will result in environmental damage, aesthetic deterioration, and a reduction of public enjoyment of recreational spaces.

In an interim rule¹ effective and published in the **Federal Register** on June 17, 2010 (75 FR 34320-34322, Docket No. APHIS-2010-0004), we amended the Asian longhorned beetle regulations in 7 CFR part 301 by adding a portion of Worcester County, MA, to the list of quarantined areas, restricting the interstate movement of regulated articles from that area, and updating the list of regulated articles to include the Katsura tree (*Cercidiphyllum* spp).

Comments on the interim rule were required to be received on or before August 16, 2010. 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 without change.

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 75 FR 34320-34322 on June 17, 2010.

¹To view the interim rule, go to <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2010-0004>.

Done in Washington, DC on December 22, 2010.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2010-32768 Filed 12-28-10; 8:45 am]

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DEPARTMENT OF AGRICULTURE**Natural Resources Conservation Service****7 CFR Part 652****Technical Service Provider Assistance***CFR Correction*

In Title 7 of the Code of Federal Regulations, Parts 400 to 699, revised as of Jan. 1, 2010, on page 565, in § 652.2, the first definition for “Technical service” is removed.

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DEPARTMENT OF AGRICULTURE**Farm Service Agency****7 CFR Part 707**

RIN 0560-AH91

Prevention of Payments to Deceased Persons**AGENCY:** Farm Service Agency, USDA.**ACTION:** Final rule.

SUMMARY: The Farm Service Agency (FSA) is amending regulations as required by the Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill) to clarify the regulations governing payments earned by persons who die, disappear, or are declared incompetent before the payment is made. The payments must have been timely requested by that person themselves or by an authorized representative. These amendments are intended to clarify payment provisions and to prevent incorrect payments, particularly with respect to instances where persons have died. Payment eligibility where the payment was earned by persons who have since died is the subject of a specific 2008 Farm Bill requirement addressed in this rule.

DATES: *Effective Date:* December 29, 2010.

FOR FURTHER INFORMATION CONTACT:

Candace Thompson, Director, Production, Emergencies and Compliance Division, FSA, US Department of Agriculture (USDA), Mail Stop 0517, 1400 Independence Avenue,