

# Rules and Regulations

Federal Register

Vol. 76, No. 249

Wednesday, December 28, 2011

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

---

## DEPARTMENT OF DEFENSE

### OFFICE OF PERSONNEL MANAGEMENT

#### 5 CFR Chapter XCIX

RIN 3206-AM 53

#### National Security Personnel System

**AGENCY:** Department of Defense; Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** This final rule removes the Department of Defense and Office of Personnel Management regulations concerning the National Security Personnel System (NSPS). Section 1113 of the National Defense Authorization Act for Fiscal Year 2010 repealed the legal authority for NSPS and provided that any existing NSPS regulations would cease to be effective on January 1, 2012.

**DATES:** Effective January 1, 2012.

**FOR FURTHER INFORMATION CONTACT:** Paula Shipe, (703) 696-5376.

**SUPPLEMENTARY INFORMATION:** Section 1101 of Public Law 108-36 (November 24, 2003) codified at 5 U.S.C. 9902, gave the Department of Defense (DOD) authority to establish a National Security Personnel System (NSPS) in regulations jointly prescribed by DOD and OPM (Office of Personnel Management). The original regulations were issued on November 1, 2005 (70 FR 66116).

The NSPS law was subsequently amended by section 1106 of Public Law 110-181 (January 28, 2008) and section 1106 of Public Law 110-417 (October 14, 2008). These amendments resulted in revised DOD/OPM regulations, which were issued on September 26, 2008 (73 FR 56344) and January 16, 2009 (74 FR 2757).

Section 1113 of the National Defense Authorization Act for Fiscal Year 2010,

Public Law 111-84, October 28, 2009, repealed the legal authority for NSPS and provided that any existing NSPS regulations would cease to be effective on January 1, 2012. Accordingly, we are removing the NSPS regulations found in chapter XCIX of title 5 of the Code of Federal Regulations effective on January 1, 2012.

Office of Personnel Management.

**John Berry,**

*Director, Office of Personnel Management,*  
Department of Defense.

**Jo Ann Rooney,**

*Under Secretary of Defense for Personnel and Readiness.*

#### CHAPTER XCIX—[REMOVED]

Accordingly, by the authority of section 1113(b) of Public Law 111-84, the Department of Defense and the Office of Personnel Management are amending title 5 of the Code of Federal Regulations by removing chapter XCIX (consisting of part 9901).

[FR Doc. 2011-33235 Filed 12-27-11; 8:45 am]

**BILLING CODE** 6325-39-P

---

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 301

[Docket No. APHIS-2011-0029]

#### European Larch Canker; Expansion of Regulated Areas

**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 domestic quarantine regulations by expanding the regulated area for European larch canker to include additional areas in Maine and by correcting some misidentifications of previously listed regulated areas. The interim rule was necessary to prevent human-assisted transmission of European larch canker from infested areas to noninfested areas.

**DATES:** Effective on December 28, 2011, we are adopting as a final rule the interim rule published at 76 FR 52543-52544 on August 23, 2011.

**FOR FURTHER INFORMATION CONTACT:** Mr. Paul Chaloux, National Program Manager, Emergency and Domestic Programs, PPQ, APHIS, 4700 River Road, Unit 26, Riverdale, MD 20737; (301) 734-0917.

#### SUPPLEMENTARY INFORMATION:

##### Background

European larch canker (ELC), *Lachnellula willkommii* (Dasyscypha), is a serious plant disease caused by a fungus that can kill mature and immature species of the genus *Larix* (larch) and *Pseudolarix* (Golden larch).

Under the regulations in “Subpart—European Larch Canker” (7 CFR 301.91 through 301.91-9, referred to below as the regulations), we restrict the interstate movement of certain regulated articles from regulated areas to prevent the spread of ELC. These regulations, which were established in May 1984, list parts of several counties in Maine as regulated areas.

In an interim rule<sup>1</sup> effective and published in the **Federal Register** on August 23, 2011 (76 FR 52543-52544, Docket No. APHIS-2011-0029), we amended the regulations to expand the regulated area for ELC to include additional areas in Maine. We also corrected some misidentifications of previously listed regulated areas.

Comments on the interim rule were required to be received on or before October 24, 2011.

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.

<sup>1</sup>To view the interim rule, go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2011-0029>.