

**Authority:** 7 U.S.C. 281; 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

### **PART 330—FEDERAL PLANT PEST REGULATIONS; GENERAL; PLANT PESTS; SOIL, STONE, AND QUARRY PRODUCTS; GARBAGE**

■ 8. The authority citation for part 330 is revised to read as follows:

**Authority:** 7 U.S.C. 450, 7701–7772, 7781–7786, and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

### **PART 340—INTRODUCTION OF ORGANISMS AND PRODUCTS ALTERED OR PRODUCED THROUGH GENETIC ENGINEERING WHICH ARE PLANT PESTS OR WHICH THERE IS REASON TO BELIEVE ARE PLANT PESTS**

■ 9. The authority citation for part 340 is revised to read as follows:

**Authority:** 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

### **PART 351—IMPORTATION OF PLANTS OR PLANT PRODUCTS BY MAIL**

■ 10. The authority citation for part 351 is revised to read as follows:

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

Cross Reference: For customs regulations governing importation of plants and plant products, see 19 CFR part 12.

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

### **PART 352—PLANT QUARANTINE SAFEGUARD REGULATIONS**

■ 11. The authority citation for part 352 is revised to read as follows:

**Authority:** 7 U.S.C. 7701–7772 and 7781–7786; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

### **PART 353—EXPORT CERTIFICATION**

■ 12. The authority citation for part 353 is revised to read as follows:

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

### **PART 354—OVERTIME SERVICES RELATED TO IMPORTS AND EXPORTS; AND USER FEES**

■ 13. The authority citation for part 354 is revised to read as follows:

**Authority:** 7 U.S.C. 7701–7772, 7781–7786, and 8301–8317; 21 U.S.C. 136 and 136a; 49 U.S.C. 80503; 7 CFR 2.22, 2.80, and 371.3.

### **PART 360—NOXIOUS WEED REGULATIONS**

■ 14. The authority citation for part 360 is revised to read as follows:

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

### **PART 371—ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY**

■ 15. The authority citation for part 371 continues to read as follows:

**Authority:** 5 U.S.C. 301.

■ 16. In § 371.3, paragraph (b)(2)(x) is amended by removing the citation “7 U.S.C. 7701–7772” and adding the citation “7 U.S.C. 7701–7772 and 7781–7786” in its place.

### **PART 380—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER CERTAIN ACTS**

■ 17. The authority citation for part 380 is revised to read as follows:

**Authority:** 7 U.S.C. 7701–7772 and 7781–7786; 16 U.S.C. 1540(a), 3373(a) and (b); 7 CFR 2.22, 2.80, and 371.3.

### **PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, CLASSICAL SWINE FEVER, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS**

■ 18. The authority citation for part 94 is revised to read as follows:

**Authority:** 7 U.S.C. 450, 7701–7772, 7781–7786, and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 29th day of September 2005.

**Elizabeth E. Gaston,**

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

[FR Doc. 05–19945 Filed 10–4–05; 8:45 am]

BILLING CODE 3410–34–P

## **DEPARTMENT OF AGRICULTURE**

### **Animal and Plant Health Inspection Service**

#### **7 CFR Part 355**

[Docket No. 04–137–1]

#### **Protected Plant Permits**

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

**ACTION:** Final rule.

**SUMMARY:** We are amending the endangered species regulations concerning terrestrial plants by replacing all references to “general permits” with references to “protected plant permits.” This final rule is necessary for the regulations to reflect the change in the name of the permit. We are also updating a mailing address in the regulations and making other nonsubstantive editorial changes.

**EFFECTIVE DATE:** October 5, 2005.

**FOR FURTHER INFORMATION CONTACT:** Ms. Gail Jennings, Regulatory Permit Specialist, Permit Services, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1231; (301) 734–7472.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The regulations in 7 CFR part 355, “Endangered Species Regulations Concerning Terrestrial Plants” (referred to below as the regulations), pertain to the importation, exportation, or reexportation of terrestrial plants that are listed as endangered or threatened in the Endangered Species Act (referred to below as the Act). Section 355.11 requires any person wishing to import, export, or reexport plants listed in the Act to obtain a general permit by following the application procedure described in that section.

The name of the general permit has been changed to “protected plant permit.” We are amending the regulations to reflect the new name. As part of that change, we are adding a definition of *protected plant permit* that provides the permit’s form number and complete name. This new definition serves the same purpose as footnote 3 in § 355.11, so we are removing that footnote and redesignating the remaining footnotes in part 355 accordingly.

We are also updating the address to which permit applications are submitted, adding an Internet address and telephone number that can be used to obtain a permit application, and correcting a misspelling.

This rule 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 355**

Endangered and threatened species, Exports, Imports, Law enforcement, Plants (Agriculture), Reporting and recordkeeping requirements.

■ Accordingly, 7 CFR part 355 is amended as follows:

**PART 355—ENDANGERED SPECIES REGULATIONS CONCERNING TERRESTRIAL PLANTS**

■ 1. The authority citation for part 355 continues to read as follows:

**Authority:** 16 U.S.C. 1532, 1538, and 1540; 7 CFR 2.22, 2.80, and 371.3.

■ 2. Section 355.2 is amended by adding, in alphabetical order, a definition of *protected plant permit* to read as follows.

**§ 355.2 Definitions.**

\* \* \* \* \*

*Protected plant permit.* PPQ Form 622, "Protected Plant Permit to Engage in the Business of Importing, Exporting, or Reexporting Terrestrial Plants Regulated by 50 CFR 17.12 and 23.23."

\* \* \* \* \*

**§ 355.10 [Amended]**

■ 3. Section 355.10 is amended by removing the word "general" and adding the words "protected plant" in its place.

■ 4. Section 355.11 is amended as follows:

■ a. By removing footnote 3 and revising the section heading and the introductory text of paragraph (b) to read as set forth below.

■ b. By removing the word "general" and adding in its place the words "protected plant" in the following places:

- i. Paragraph (a).
- ii. Paragraph (b).
- iii. Paragraph (c).
- iv. Paragraph (d), both times it appears.
- v. Paragraph (e), all three times it appears.
- vi. Paragraph (h), all three times it appears.
- vii. Paragraph (i)(1), first sentence, both times it appears.
- viii. Paragraph (i)(2), introductory text, both times it appears.
- c. In paragraph (b)(5), by correcting the word "similiar" to read "similar".

**§ 355.11 Protected plant permits.**

\* \* \* \* \*

(b) An application for a protected plant permit shall be submitted to the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Permit Services, 4700 River Road Unit 133, Riverdale, MD 20737–1236. The completed application shall include the following information:<sup>3</sup>

\* \* \* \* \*

**§ 355.20 [Amended]**

■ 5. In § 355.20, footnote 5 is redesignated as footnote 4.

**§ 355.22 [Amended]**

■ 5. In § 355.22, footnote 6 is redesignated as footnote 5.

Done in Washington, DC, this 29th day of September 2005.

**Elizabeth E. Gaston,**

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

[FR Doc. 05–19944 Filed 10–4–05; 8:45 am]

**BILLING CODE 3410–34–P**

**DEPARTMENT OF AGRICULTURE****Agricultural Marketing Service****7 CFR Part 979**

[Docket No. FV05–979–2 IFR]

**Melons Grown in South Texas; Continued Suspension of Handling and Assessment Collection Regulations**

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

**ACTION:** Interim final rule with request for comments.

**SUMMARY:** This rule continues in effect indefinitely a suspension of the minimum grade, quality, maturity, container, pack, inspection, assessment collection, and other related requirements prescribed under the South Texas melon (cantaloupes and honeydews) marketing order (order). It also continues in effect a suspension of reporting requirements under the order. These requirements were initially suspended for the 2004–05 fiscal period to allow the South Texas melon industry to evaluate the need for the marketing order. This action also suspends one remaining reporting

<sup>3</sup> Application forms are available on the Internet (<http://www.aphis.usda.gov/ppq/permits>), by calling (877) 770–5990, or by writing to the address in this paragraph. Application forms may also be obtained from local offices at any of the ports designated in 50 CFR part 24. Telephone numbers and addresses of local offices are listed in telephone directories.

requirement in effect. The order regulates the handling of melons grown in South Texas and is administered locally by the South Texas Melon Committee (Committee). On September 7, 2005, the Committee recommended termination of the order. This rule will relieve handlers of regulatory requirements while the Department of Agriculture (USDA) evaluates the Committee's recommendation to terminate the order.

**DATES:** Effective October 6, 2005.

Comments received by November 4, 2005 will be considered prior to issuance of a final rule.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; E-mail: [moab.docketclerk@usda.gov](mailto:moab.docketclerk@usda.gov); or Internet: <http://www.regulations.gov>. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: <http://www.ams.usda.gov/fv/moab.html>.

**FOR FURTHER INFORMATION CONTACT:**

Martin J. Engeler, Senior Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, Suite 102–B, Fresno, California 93721; telephone: (559) 487–5110, Fax: (559) 487–5906; or Kathleen M. Finn, Formal Rulemaking Team Leader, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; telephone: (202) 720–2491, Fax: (202) 720–8938.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; telephone: (202) 720–2491, Fax: (202) 720–8938, or E-mail: [Jay.Guerber@usda.gov](mailto:Jay.Guerber@usda.gov).

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Agreement No. 156 and Order No. 979 (7 CFR part 979), regulating the handling of melons grown in South Texas, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as