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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 95-048-1]

Witchweed; Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the list of suppressive areas under the witchweed quarantine and regulations by adding and removing areas in North Carolina and South Carolina. These changes affect 11 counties in North Carolina and 4 counties in South Carolina. These actions are necessary in order to impose certain restrictions and to relieve unnecessary restrictions on the interstate movement of regulated articles to help prevent the spread of witchweed.

DATES: Interim rule effective July 31, 1995. Consideration will be given only to comments received on or before October 3, 1995.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 95-048-1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 95-048-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. Mario Rodriguez, Operations Officer,

Domestic and Emergency Operations, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737-1236, (301) 734-8372.

SUPPLEMENTARY INFORMATION:

Background

Witchweed (*Striga* spp.), a parasitic plant that feeds off the roots of its host, causes degeneration of corn, sorghum, and other grassy crops. It is found in the United States only in parts of North Carolina and South Carolina.

The witchweed quarantine and regulations contained in 7 CFR 301.80 through 301.80-10 (referred to below as the regulations) quarantine the States of North Carolina and South Carolina and restrict the interstate movement of certain witchweed hosts in the quarantined States for the purpose of preventing the spread of witchweed.

Regulated areas for witchweed are designated as either suppressive areas or generally infested areas. Restrictions are imposed on the interstate movement of regulated articles from both types of areas in order to prevent the movement of witchweed into noninfested areas. However, the eradication of witchweed is undertaken as an objective only in areas designated as suppressive areas. Currently, there are no areas designated as generally infested areas.

Designation of Areas as Suppressive Areas

We are amending § 301.80-2a of the regulations, which lists generally infested and suppressive areas, by adding areas in Greene, Pender, Pitt, Sampson, and Wayne Counties, North Carolina, and areas in Dillon County, South Carolina to the list of suppressive areas.

The rule portion of this document lists the suppressive areas for each county. Nonfarm areas, if any, are listed first; farms are then listed alphabetically.

We are taking this action because surveys conducted by the United States Department of Agriculture (USDA) and State agencies of North Carolina and South Carolina have established that these areas meet one or more of the following conditions specified in § 301.80-2(a) of the regulations:

1. Witchweed has been found in these areas.
2. There is reason to believe that witchweed is present in these areas.

3. It is deemed necessary to regulate these areas because of their proximity to infestation.

4. These areas cannot be separated for quarantine enforcement purposes from infested localities.

Designation of these areas as regulated areas imposes controls on the movement of regulated articles from these areas and prevents the spread of witchweed to noninfested areas.

Copies of the surveys may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT.**

Removal of Areas From List of Regulated Areas

We are also amending § 301.80-2a by removing areas in Cumberland, Duplin, Greene, Harnett, Pender, and Wayne Counties, North Carolina, and Berkeley, Dillon, and Horry Counties, South Carolina from the list of suppressive areas. As a result of this action, there are no longer any regulated areas in Harnett County, North Carolina, or in Berkeley County, South Carolina.

We are taking this action because we have determined that witchweed no longer occurs in these areas; therefore, there is no longer a basis for listing these areas as suppressive areas for the purpose of preventing the spread of witchweed. This action relieves unnecessary restrictions on the interstate movement of regulated articles from these areas.

Emergency Action

The Administrator of the Animal and Plant Health Inspection Service has determined that an emergency exists that warrants publication of this interim rule without prior opportunity for public comment. Immediate action is necessary to control the spread of witchweed to noninfested areas of the United States by adding specified areas to the list of suppressive areas in North Carolina and South Carolina. Also, where witchweed no longer occurs, immediate action is necessary to relieve unnecessary restrictions on the interstate movement of regulated articles.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make it effective upon signature. We will consider comments that are received within 60 days of publication

of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. It will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

Witchweed (*Striga* spp.) is a parasitic plant that feeds off the roots of its host, causing degeneration of corn, sorghum, and other grassy crops. Witchweed is found only in the United States, in parts of North Carolina and South Carolina.

The witchweed regulations quarantine the States of North Carolina and South Carolina and restrict the interstate movement of certain witchweed hosts in the quarantined States for the purpose of preventing the spread of witchweed into noninfested areas of the United States. We are amending the regulations by adding and removing regulated areas in North Carolina and South Carolina.

This interim rule affects the interstate movement of regulated articles from specified areas in North Carolina and South Carolina. We have determined that approximately 280,900 small entities move regulated articles interstate from North Carolina and South Carolina. This rule affects only 51 of these entities, however, by removing 41 entities from regulation and by adding 10 new entities to the list of suppressive areas.

We have determined that the 41 deregulated entities will each realize an annual savings of \$60 to \$70 in regulatory and control costs. We estimate that the rule will cost each of the 10 newly-regulated entities about \$60 annually.

In the instances where this interim rule removes specified areas from the list of suppressive areas, this rule will enable freer movement of goods and services across State lines. Consumers will benefit from lower prices and better access to products from the list of suppressive areas that we removed. Overall, we expect that this rule will enhance the ability of small entities to market products interstate.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This document contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 7 CFR part 301 is amended as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.17, 2.51, and 371.2(c).

§ 301.80–2a [Amended]

2. In § 301.80–2a, the list of suppressive areas is amended by removing the following areas in Cumberland, Duplin, Greene, Harnett, Pender, and Wayne Counties, North Carolina.

a. In Cumberland County, North Carolina, The Elliott, W.H., farm; The Gerald, Rufus, farm; The Jackson, J.T., farm; The Lockamy, Earl, farm; The McLaurin, Greg, farm; The McMillan, Vander, farm; The Melvin, Edith, farm; The Pruitt, K.D., farm; The Roberts, Christine Dawson, farm; The Smith, Larry Don, farm; and The Vann, W.E., farm.

b. In Duplin County, North Carolina, The Hamilton, John, farm.

c. In Greene County, North Carolina, The Carmon, James E., farm; The Edwards, Joe E., farm; The Nethercutt, Lawrence, farm; and The Wilson, Sudie, farm.

d. Harnett County, North Carolina, the entire county.

e. In Pender County, North Carolina, The Flynn, B.S., farm; The Henry, Mary E., farm; The Malloy, Pete, No. 1 farm; The Malloy, Pete, No. 2 farm; The Marshall, Milvin, farm; The Salomon, Gwendolyn S., farm; The Taylor, Bill, farm.

f. In Wayne County, North Carolina, The Sasser, Rosa, farm.

3. In § 301.80–2a, the list of suppressive areas is amended by removing the following areas in Berkeley and Dillon Counties, South Carolina.

a. Berkeley County, South Carolina, the entire county.

b. In Dillon County, South Carolina, The Church, Emerson, farm; The Elvington, James C., farm; The Fore, Ernest, farm; The Fore, John, farm; and The Smith, A.C., farm.

4. In § 301.80–2a, the list of suppressive areas in Horry County, South Carolina, is amended as follows:

a. By revising the second undesignated paragraph of the current description of Horry County, South Carolina, to read as set forth below.

b. By removing the following areas: The Cox, Velma, farm; The Holmes, Marie T., farm; The Inman, Rosetta, farm; The Royals, Lathan, farm; The Stevens, Cora G., farm; The Thomas, James D., farm; The Todd, Mack, farm; and The Vaughn, Ruth, farm.

§ 301.80–2a Regulated areas; generally infested and suppressive areas.

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SOUTH CAROLINA

- (1) * * *
- (2) *Suppressive areas.*

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Horry County.

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That area bounded by a line beginning at the junction of U.S. Highway 19, State Primary Highway 91, and State Primary Highway 90, then east along highway 90 to its junction with State Secondary Highway 1029, then south along highway 1029 to its junction with a dirt road known as the Telephone Road, then extending northwest along a line to the beginning of the south branch of Jones Big Swamp, then northerly along Jones Big Swamp to its junction with State Primary Highway 90, then east along highway 90 to the south branch of Mills Swamp.

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5. In § 301.80–2a, the list of suppressive areas is amended as follows:

a. By adding, in alphabetical order, areas in Greene, Pender, Pitt, Sampson, and Wayne Counties, North Carolina,

and Dillon County, South Carolina, as set forth below.

b. By revising the entire descriptions of the infested areas for Sampson County, North Carolina, and Dillon County, South Carolina, as set forth below.

§ 301.80-2a Regulated areas; generally infested and suppressive areas.

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NORTH CAROLINA

(1) * * *

(2) *Suppressive areas.*

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Greene County.

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The Lane, Wilbert, farm located on the east side of State Secondary Road 1419 and 0.3 mile northeast of its junction with State Secondary Road 1418.

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Pender County.

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The Kea, Leo, farm located 0.3 mile east of State Secondary Road 1105 and 1.2 miles south of its intersection with State Secondary Road 1104.

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The McCallister, Mary, farm located 0.2 mile east of State Secondary Road 1105 and 1.1 miles south of its intersection with State Secondary Road 1104.

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The Squires, Nelson, farm located on the south side of State Secondary Road 1103 and 1.5 miles south, southeast of the junction of this road with State Secondary Road 1104.

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Pitt County.

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The Garris, Bruce, farm located 0.1 mile south of the intersection of State Secondary Road 1916 and State Highway 118 and 0.2 mile east of the intersection of State Secondary Road 118 with a field road.

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Sampson County. That area bounded by a line beginning at a point where State Secondary Road 1927 intersects the Sampson-Duplin County line, then southerly and easterly along this county line to its junction with the Sampson-Pender County line, then southwesterly along this county line to its junction with the Sampson-Bladen County line, then northwesterly along this county line to its junction with the Sampson-Cumberland County line, then northwesterly, north, and northeast along this county line to its junction with the Sampson-Harnett County line,

then easterly along this county line to its junction with the Sampson-Johnston County line, then southeast along this county line to its intersection with North Carolina Highway 242, then south along this highway to its junction with U.S. Highway 421, then southeast along this highway to its intersection with U.S. Highway 701, then north along this highway to its junction with North Carolina Highway 403, then east along this highway to its junction with State Secondary Road 1919, then east along this highway to its intersection with State Secondary Road 1909, then southeast along this road to its intersection with State Secondary Road 1004, then southeast along this road to its junction with State Secondary Road 1911, then southeasterly along this road to its junction with State Secondary Road 1927, then southerly along this road to the point of beginning.

The Hobbs, Ed, farm located 0.7 mile south of State Secondary Road 1736 and 1 mile south of its intersection with State Secondary Road 1731.

The Pate, Ray, farm located on the west side of State Secondary Road 1738 and 0.6 mile southeast of its intersection with State Secondary Road 1940.

The Strickland, Edgebert, farm located on the north side of State Highway 421 and 1 mile east of its intersection with State Secondary Road 1703.

Wayne County. The Dunn, Dale, farm located on the west side of State Secondary Road 1009 and 0.6 mile north of its intersection with State Secondary Road 1101.

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SOUTH CAROLINA

(1) * * *

(2) *Suppressive areas.*

Dillon County. That area bounded by a line beginning at a point where State Secondary Highway 22 intersects the South Carolina-North Carolina state line and extending south along said highway 22 to its junction with State Secondary Highway 45, then southwest along said Highway 45 to its intersection with the Little Pee Dee River, then northerly along said river to its intersection with Interstate 95, then southwest along said I-95 to its intersection with Reedy Creek, then northwest along Reedy Creek to its intersection with the Dillon-Marlboro County line, then northeast along said county line to its junction with the South Carolina-North Carolina state line, then southeast along said state line to the point of beginning.

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The Wise, Wilbur, farm located on the south side of a field road and 0.15 mile southeast of the junction of the road

with State Secondary Road 626 and 0.55 mile southwest of the intersection of State Secondary Road 625 with State Highway 38.

* * * * *

Done in Washington, DC, this 31st day of July 1995.

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-19180 Filed 8-3-95; 8:45 am]

BILLING CODE 3410-34-P

Agricultural Marketing Service

7 CFR Part 989

[Docket No. FV95-989-3FR]

Raisins Produced From Grapes Grown in California; Change of Desirable Carryout Used in Computing Trade Demand

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule changes the desirable carryout levels which are used in computing the yearly trade demand for California raisins. The trade demand is used to help determine the volume regulation percentages for each crop year, if necessary. The desirable carryout is being reduced from the current two and one-half months of shipments to two and one-fourth months of shipments during the 1995-96 crop year and to two months of shipments in subsequent crop years. The Raisin Administrative Committee (Committee), which is responsible for local administration of the Federal marketing order, believes that the current desirable carryout level has contributed to excessive supplies of marketable tonnage early in the crop year. This rule is expected to moderate the oversupply of California raisins early in the crop year, thus stabilizing the market conditions for producers and handlers.

EFFECTIVE DATE: August 4, 1995.

FOR FURTHER INFORMATION CONTACT: Mark Hessel, Marketing Specialist, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (209) 487-5901, or fax (209) 487-5906; or Valerie L. Emmer, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, room 2523-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 205-2829, or fax (202) 720-5698.