

Rules and Regulations

Federal Register

Vol. 60, No. 166

Monday, August 28, 1995

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 95-026-1]

Pink Bollworm Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the pink bollworm regulations by removing portions of Clay, Crittenden, and Mississippi Counties in Arkansas from the list of suppressive areas for pink bollworm. We are taking this action because trapping surveys show that the pink bollworm no longer exists in these areas. This action is necessary to relieve unnecessary restrictions on the interstate movement of regulated articles from these previously regulated areas.

DATES: Interim rule effective August 28, 1995. Consideration will be given only to comments received on or before October 27, 1995.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 95-026-1, 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. 95-026-1. 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. Sidney Cousins, Senior Operations

Officer, Domestic and Emergency Operations, PPQ, APHIS, Suite 4C03, 4700 River Road Unit 134, Riverdale, MD 20737-1236, (301) 734-8247.

SUPPLEMENTARY INFORMATION:

Background

The pink bollworm, *Pectinophora gossypiella* (Saunders), is one of the world's most destructive pests of cotton. This insect spread to the United States from Mexico in 1917 and now exists throughout most of the cotton-producing States west of the Mississippi River.

The pink bollworm regulations, contained in 7 CFR 301.52 through 301.52-10 (referred to below as the regulations), quarantine certain States and restrict the interstate movement of regulated articles from regulated areas in quarantined States for the purpose of preventing the interstate spread of pink bollworm.

Regulated areas for the pink bollworm 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 pink bollworm into noninfested areas.

Prior to the effective date of this document, Clay, Crittenden, and Mississippi Counties in Arkansas were designated as suppressive areas. Based on 2 years of negative trapping surveys conducted by inspectors of Arkansas State and county agencies, and by inspectors of the Animal and Plant Health Inspection Service (APHIS), we have determined that pink bollworm no longer exists in portions of these counties. We are, therefore, removing those portions of these counties from the list of suppressive areas in § 301.52-2a. The portions of the counties that remain listed as suppressive areas are described in the rule portion of this document.

Immediate Action

The Administrator of the Animal and Plant Health Inspection Service has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. Immediate action is warranted to relieve unnecessary restrictions on the interstate movement of regulated articles from areas where the pink bollworm no longer exists.

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 publication in the **Federal Register**. 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.

This regulation relieves restrictions on the interstate movement of regulated articles from certain previously regulated areas in Arkansas. There are 571 cotton related commercial activities in the three counties, including cotton producers, cotton gins, seed storage facilities, and cotton harvesting and equipment dealers. Approximately 90 percent are small entities according to standards set by the Small Business Administration. They will experience a modest economic benefit as a result of this rule, since they will no longer be required to comply with the treatment and handling requirements contained in the pink bollworm regulations. We estimate that affected entities will save between \$1.52 to \$2.28 per cotton bale for current treatments and about \$250 per piece of harvesting equipment for current fumigations.

Further, since the total production of cotton and cottonseed by the affected counties is less than 3 percent of the U.S. production of cotton, the effect on national prices is expected to be insignificant.

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 rule 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).

2. In § 301.52-2a the entry for Arkansas is revised to read as follows:

§ 301.52-2a Regulated areas; suppressive and generally infested areas.

* * * * *

Arkansas

(1) *Generally infested area.* None.
(2) *Suppressive area.*
Clay County. That portion of the county bounded by Highway 90 west from the Missouri State line to Highway 139, Highway 139 north to the junction of Highways 62 and 1, and Highway 1 east to the Missouri State line.

Crittenden County. T. 8 N., R. 8 E.
Mississippi County. That portion of the county bounded by Highway 120 west from the Mississippi River to Highway 61, Highway 61 south to Highway 158, Highway 158 west to Highway 77, Highway 77 north to Highway 119, and Highway 119 north to the Missouri State line.

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Done in Washington, DC, this 21st day of August 1995.

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.
[FR Doc. 95-21188 Filed 8-25-95; 8:45 am]
BILLING CODE 3410-34-P

9 CFR Part 77

[Docket No. 95-020-2]

Tuberculosis in Cattle and Bison; State Designation

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 tuberculosis regulations concerning the interstate movement of cattle and bison by raising the designation of North Carolina from a modified accredited State to an accredited-free State. We have determined that North Carolina meets the criteria for designation as an accredited-free State.

EFFECTIVE DATE: September 27, 1995.

FOR FURTHER INFORMATION CONTACT: Dr. Mitchell A. Essey, Senior Staff Veterinarian, Cattle Diseases and Surveillance, VS, APHIS, Suite 3B08, 4700 River Road Unit 36, Riverdale, MD, 20737-1231, (301) 734-7727.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective and published in the **Federal Register** on April 13, 1995 (60 FR 18728-18729, Docket No. 95-020-1), we amended the tuberculosis regulations in 9 CFR part 77 by removing North Carolina from the list of modified accredited States in § 77.1 and adding it to the list of accredited-free States in that section.

Comments on the interim rule were required to be received on or before June 12, 1995. We did not receive any comments. The facts presented in the interim rule still provide a basis for the rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12778, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

List of Subjects in 9 CFR Part 77

Animal diseases, Bison, Cattle, Reporting and recordkeeping requirements, Transportation, Tuberculosis.

PART 77—TUBERCULOSIS

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR 77.1 and that was published at 60 FR 18728-18729 on April 13, 1995.

Authority: 21 U.S.C. 111, 114, 114a, 115-117, 120, 121, 134b, and 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done in Washington, DC, this 18th day of August 1995.

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.
[FR Doc. 95-21186 Filed 8-25-95; 8:45 am]
BILLING CODE 3410-34-P

9 CFR Part 78

[Docket No. 95-033-2]

Brucellosis in Cattle; State and Area Classifications; Nebraska

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 brucellosis regulations concerning the interstate movement of cattle by changing the classification of Nebraska from Class A to Class Free. The interim rule was necessary to relieve certain restrictions on the interstate movement of cattle from Nebraska.

EFFECTIVE DATE: September 27, 1995.

FOR FURTHER INFORMATION CONTACT: Dr. Michael J. Gilsdorf, Senior Staff Veterinarian, Cattle Diseases and Surveillance Staff, vs, APHIS, USDA, Suite 3B08, 4700 River Road Unit 36, Riverdale, MD 20737-1236; (301) 734-4918.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective and published in the **Federal Register** on May 31, 1995 (60 FR 28322-28323, Docket No. 95-033-1), we amended the brucellosis regulations in 9 CFR part 78 by removing Nebraska from the list of Class A States in § 78.41(b) and adding it to the list of Class Free States in § 78.1(a).

Comments on the interim rule were required to be received on or before July 31, 1995. We did not receive any comments. The facts presented in the interim rule still provide a basis for the rule.

This action also affirms the information contained in the interim