

Appendix D to Subpart B of Part 532—
Nonappropriated Fund Wage and
Survey Areas

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Illinois Lake Survey Area

Illinois:
Lake

Area of application. Survey area plus:

Illinois:
Cook
Vermilion (Effective date December 13, 1996)

Michigan:
Dickinson
Marquette

Wisconsin:
Dane
Milwaukee

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Kentucky

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Hardin-Jefferson Survey Area

Kentucky:
Hardin
Jefferson

Area of application. Survey area plus:

Indiana:
Jefferson
Martin (Effective date December 13, 1996)

Kentucky:
Fayette
Madison
Warren

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Ohio

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Greene-Montgomery Survey Area

Ohio:
Greene
Montgomery

Area of application. Survey area plus:

Indiana:
Allen (Effective date December 13, 1996)
Grant (Effective date December 13, 1996)
Marion (Effective date December 13, 1996)
Miami (Effective date December 13, 1996)

Ohio:
Clinton
Franklin
Hamilton
Licking
Ross

West Virginia:
Raleigh
Wayne

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DEPARTMENT OF AGRICULTURE

**Animal and Plant Health Inspection
Service**

7 CFR Part 301

[Docket No. 96-001-2]

Corn Cyst Nematode

AGENCY: Animal and Plant Health
Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are removing the regulations that quarantine certain areas of the United States because of the corn cyst nematode and that restrict the interstate movement of certain articles, such as soil, from the quarantined areas. This action is warranted because this pest is present in only five counties in two States and appears to be adequately contained by the two States affected. This action will relieve restrictions on the interstate movement of regulated articles.

EFFECTIVE DATE: October 10, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. Coanne O'Hern, Assistant Operations Officer, Domestic and Emergency Operations, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737-1228, (301) 734-8247; or e-mail: cohern@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

Corn cyst nematode (*Heterodera zaeae*) is a cyst-forming nematode that attacks the roots of host plants such as corn, barley, oats, and sorghum. The nematode bores into the roots of the plants and feeds on the plant juices, resulting in poor root development and poor plant growth and potentially causing severe crop losses. The corn cyst nematode is spread through the movement of infested soil and equipment carrying infested soil.

The regulations in 7 CFR 301.90 through 301.90-10 designate areas that are quarantined because of the presence of corn cyst nematode. These regulations also restrict the interstate movement of soil and other articles from the quarantined areas to prevent the spread of corn cyst nematode.

On July 16, 1996, we published in the Federal Register (61 FR 37018-37019, Docket No. 96-001-1) a proposal to remove the regulations that quarantine certain areas of the United States because of the corn cyst nematode and that restrict the interstate movement of certain articles, such as soil, from the quarantined areas.

We solicited comments concerning our proposal for 30 days ending August

15, 1996. We received one comment by that date. It was from a State Department of Agriculture. The response was in favor of the provisions outlined in the proposed rule.

Therefore, based on the rationale set forth in the proposed rule, we are adopting the provisions of the proposal as a final rule without change.

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 rule change is not expected to have an effect on any small entities. This is because the States of Maryland and Virginia have restrictions in place to prevent the movement of potentially infested articles from the infested areas in Cecil, Harford, Kent and Queen Anne's Counties, MD, and Cumberland County, VA.

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 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. With the adoption of this rule: (1) State and local laws and regulations will not be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required 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 1995 (44 U.S.C. 3501 *et seq.*).

Regulatory Reform

This action is part of the President's Regulatory Reform Initiative, which, among other things, directs agencies to remove obsolete and unnecessary regulations and to find less burdensome ways to achieve regulatory goals.

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—[AMENDED]

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 2.22, 2.80, and 371.2(c).

**Subpart—Corn Cyst Nematode
[Removed and Reserved]**

2. Subpart—Corn Cyst Nematode, consisting of §§ 301.90 and 301.90–1 through 301.90–10, is removed and reserved.

Done in Washington, DC, this 3rd day of September 1996.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–22942 Filed 9–9–96; 8:45 am]

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7 CFR Part 301

[Docket No. 91–155–20]

**Mediterranean Fruit Fly; Removal of
Quarantined 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 Mediterranean fruit fly regulations by removing the quarantined areas in Los Angeles, Orange, and San Bernardino Counties, CA, from the list of quarantined areas. We have determined that the Mediterranean fruit fly has been eradicated from these areas and that restrictions on the interstate movement of regulated articles from these areas are no longer necessary. As a result of the interim rule, there are no longer any areas in the continental United States quarantined because of the Mediterranean fruit fly.

EFFECTIVE DATE: Interim rule was effective on June 14, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Michael B. Stefan, Operations Officer, Domestic and Emergency Operations, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236, (301) 734–8247; or e-mail: mstefan@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:**Background**

In an interim rule effective June 14, 1996, and published in the Federal Register on June 19, 1996 (61 FR 31003–31004, Docket No. 91–155–19), we amended the Mediterranean fruit fly regulations (contained in 7 CFR 301.78 through 301.78–10) by removing the quarantined areas in Los Angeles, Orange, and San Bernardino Counties, CA, from the list of quarantined areas in § 301.78–3(c). That action relieved unnecessary restrictions on the interstate movement of regulated articles from these areas. Also, as a result of that action, there are no longer any areas in the continental United States quarantined because of the Mediterranean fruit fly.

Comments on the interim rule were required to be received on or before August 19, 1996. We did not receive any comments by that date. 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 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 301 and that was published at 61 FR 31003–31004 on June 19, 1996.

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

Done in Washington, DC, this 3rd day of September 1996.

A. Strating,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–22940 Filed 9–9–96; 8:45 am]

BILLING CODE 3410–34–P

7 CFR Part 319

[Docket No. 95–068–2]

Importation of Fruits and Vegetables

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are allowing, under certain conditions, the cold treatment of imported fruit upon arrival at the ports of Seattle, WA, Atlanta, GA, and Gulfport, MS. We have determined that there are biological barriers at these ports that, along with certain safeguards, prevent the introduction of fruit flies and other insect pests into the United States in the unlikely event that they escape from shipments of fruit before undergoing cold treatment. We are also requiring that cold treatment facilities at the port of Wilmington, NC, remain locked during non-working hours. These actions will facilitate the importation of fruit requiring cold treatment while continuing to provide protection against the introduction of fruit flies and other insect pests into the United States.

EFFECTIVE DATE: October 10, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Peter M. Grosser, Senior Operations Officer, Port Operations, PPQ, APHIS, 4700 River Road Unit 139, Riverdale, MD 20737–1236, (301) 734–8891.

SUPPLEMENTARY INFORMATION:**Background**

The Fruits and Vegetables regulations, contained in 7 CFR 319.56 through 319.56–8 (referred to below as “the regulations”), prohibit or restrict the importation of fruits and vegetables to prevent the introduction and dissemination of injurious insects, including fruit flies, that are new to or not widely distributed in the United States. The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture administers these regulations.

Under the regulations, APHIS allows certain fruits to be imported into the United States if they undergo sustained refrigeration (cold treatment) sufficient to kill certain insect pests. Cold treatment temperature and time requirements vary according to the type of fruit and the pests involved. Detailed cold treatment procedures may be found in the Plant Protection and Quarantine (PPQ) Treatment Manual, which is incorporated by reference into the regulations at 7 CFR 300.1.

On April 29, 1996, we published in the Federal Register (61 FR 18690–18695, Docket No. 95–068–1) a proposal