

# Rules and Regulations

Federal Register

Vol. 65, No. 114

Tuesday, June 13, 2000

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 AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 301

[Docket No. 99-075-4]

#### Mexican Fruit Fly Regulations; Removal of Regulated Area

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

**ACTION:** Interim rule and request for comments.

**SUMMARY:** We are amending the regulations to remove the regulated portion of San Diego and Riverside Counties, CA, from the list of areas regulated because of the Mexican fruit fly, and to remove California from the list of States quarantined because of the Mexican fruit fly. We have determined that the Mexican fruit fly has been eradicated from California and that restrictions on the interstate movement of regulated articles from California are no longer necessary to prevent the spread of the Mexican fruit fly into noninfested areas of the United States. This action relieves unnecessary restrictions on the interstate movement of regulated articles from the previously regulated area.

**DATES:** This interim rule was effective June 7, 2000. We invite you to comment on this docket we will consider all comments that we receive by August 14, 2000.

**ADDRESSES:** Please send your comment and three copies to: Docket No. 99-075-4, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. 99-075-4.

You may read any comments that we receive on this docket in our reading room. The reading room is located in

room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Wilmer E. Snell, Operations Officer, Invasive Species and Pest Management, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737-1236; (301) 734-8247.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Mexican fruit fly, *Anastrepha ludens* (Loew), is a destructive pest of citrus and other types of fruit. The short life cycle of the Mexican fruit fly allows rapid development of serious outbreaks that can cause severe economic losses in commercial citrus-producing areas. The Mexican fruit fly regulations, contained in 7 CFR 301.64 through 301.64-10 (referred to below as the regulations), quarantine infested States, designate regulated areas, and restrict the interstate movement of specified fruits and other regulated articles from regulated areas in order to prevent the spread of the Mexican fruit fly to noninfested areas of the United States. Regulated areas are listed in § 301.64-3(c).

In an interim rule effective September 22, 1999, and published in the **Federal Register** on September 28, 1999 (64 FR 52211-52212, Docket No. 99-075-1), we quarantined the State of California and designated a portion of San Bernardino and Riverside Counties as a regulated area because that area had been found to be infested with the Mexican fruit fly. In a second interim rule, effective December 14, 1999, and published in the **Federal Register** on December 21, 1999 (64 FR 71267-71270, Docket No. 99-075-2), we amended the Mexican fruit fly regulations by adding a portion of San Diego and Riverside Counties, CA, to the list of areas regulated because of the Mexican fruit fly. In a third

interim rule, effective April 12, 2000, and published in the **Federal Register** on April 18, 2000 (65 FR 20705-20706, Docket No. 99-075-3), we amended the Mexican fruit fly regulations by removing the regulated portion of San Bernardino and Riverside Counties, CA, from the list of areas regulated because of the Mexican fruit fly.

Based on insect trapping surveys by inspectors of California State and county agencies and by inspectors of the Animal and Plant Health Inspection Service, we have determined that the Mexican fruit fly has been eradicated from San Diego and Riverside Counties, CA. The last finding of Mexican fruit fly thought to be associated with the infestation in this area was made on October 28, 1999.

Since then, no evidence of Mexican fruit fly infestations has been found in this area, and we have determined that the Mexican fruit fly no longer exists in San Diego and Riverside Counties. Therefore, we are removing this area from the list of areas in § 301.64-3(c) regulated because of the Mexican fruit fly. Because we have determined that the Mexican fruit fly no longer exists in California, we are removing California from the list of States quarantined because of the Mexican fruit fly.

##### 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 remove unnecessary restrictions on the public. The area in California affected by this document was regulated due to the possibility that the Mexican fruit fly could be spread to noninfested areas of the United States. Since this situation no longer exists, the continued regulated status of this area would impose unnecessary restrictions.

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 this action effective less than 30 days after publication. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. The document 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.

We are amending the regulations to remove the regulated portion of San Diego and Riverside Counties, CA, from the list of areas regulated because of the Mexican fruit fly, and to remove California from the list of States quarantined because of the Mexican fruit fly. We have determined that the Mexican fruit fly has been eradicated from California and that restrictions on the interstate movement of regulated articles from California are no longer necessary to prevent the spread of the Mexican fruit fly into noninfested areas of the United States. This action relieves unnecessary restrictions on the interstate movement of regulated articles from the previously regulated area.

This emergency situation makes timely compliance with section 604 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) impracticable. We are currently assessing the potential economic effects of this action on small entities. Based on that assessment, we will either certify that the rule will not have a significant economic impact on a substantial number of small entities or publish a final regulatory flexibility analysis.

**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. 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 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 301**

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

Accordingly, we are amending 7 CFR part 301 as follows:

**PART 301—DOMESTIC QUARANTINE NOTICES**

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

**Authority:** 7 U.S.C. 147a, 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

**§ 301.64–3 [Amended]**

2. In § 301.64–3, paragraph (c) is amended by removing the entry for “California” and the description of the regulated area for San Diego and Riverside Counties, CA.

Done in Washington, DC, this 7th day of June 2000.

**Craig A. Reed,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 00–14845 Filed 6–12–00; 8:45 am]

**BILLING CODE 3410–34–U**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 23**

[Docket No. CE159; Special Conditions No. 23–103–SC]

**Special Conditions: Cessna Models; Diamond Model; Mooney Models; Piper Models; Raytheon Models; Airplanes Modified by Installation of Teledyne Continental Motors Full Authority Digital Engine Control (FADEC) System**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final special conditions.

**SUMMARY:** These special conditions are issued for the Cessna Models 172/K/L/M/N/P, 177/A/B/RG, 180/E/F/G/H/J/K, 182/E/F/G/H/J/K/L/M/N/P/Q/R, 185/A/C/D/E/F, 188/A/B/C, P206/A/B/C/D/E, U206/A/B/C/D/E/F/G, TU206/A/B/C/D/E/F/G, TP206/A/B/C/D/E, 207/A, T207/A, 210/K/L/M/N/R, T210/K/L/M/N/R, 310/A/B/C/D/E/F/G/H/I/J/J–1/K/L/N/P/Q/R, 320/A/B/C/D/E/F/–1, 337/A/B/C/D/E/F/G/H, 340/A, 401/A/B, 411/A, 414/A, 421/A/B/C; Diamond Model DA20–C1; Mooney Models M20/C/D/E/F/J/K/R; Piper Models PA–28–180/–201T, PA–28R–201T, PA–28RT–201T, PA–34–200/–200T/–220T, PA–46–310P/–350P/–350P;

and Raytheon Models F33, V35, A36, 95–C55, D55, E55, 58, 58P airplanes. These airplanes as modified by Teledyne Continental Motors will have a novel or unusual design feature associated with the installation of an engine that uses an electronic engine control system in place of the engine’s mechanical system. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

**EFFECTIVE DATE:** July 13, 2000.

**FOR FURTHER INFORMATION CONTACT:** Randy Griffith, Aerospace Engineer, Federal Aviation Administration, Aircraft Certification Service, Small Airplane Directorate, ACE–111, 901 Locust, Kansas City, Missouri 64106; 816–329–4126, fax 816–329–4090.

**SUPPLEMENTARY INFORMATION:**

**Background**

On January 7, 2000, Teledyne Continental Motors applied for supplemental type certificates for the installation of engines that use an electronic engine control system in place of the hydromechanical control system for the Cessna Models 172/K/L/M/N/P, 177/A/B/RG, 180/E/F/G/H/J/K, 182/E/F/G/H/J/K/L/M/N/P/Q/R, 185/A/C/D/E/F, 188/A/B/C, P206/A/B/C/D/E, U206/A/B/C/D/E/F/G, TU206/A/B/C/D/E/F/G, TP206/A/B/C/D/E, 207/A, T207/A, 210/K/L/M/N/R, T210/K/L/M/N/R, 310/A/B/C/D/E/F/G/H/I/J/J–1/K/L/N/P/Q/R, 320/A/B/C/D/E/F/–1, 337/A/B/C/D/E/F/G/H, 340/A, 401/A/B, 411/A, 414/A, 421/A/B/C; Diamond Model DA20–C1; Mooney Models M20/C/D/E/F/J/K/R; Piper Models PA–28–180/–201T, PA–28R–201T, PA–28RT–201T, PA–34–200/–200T/–220T, PA–46–310P/–350P; and Raytheon Models F33, V35, A36, 95–C55, D55, E55, 58, 58P airplanes. Affected airplane models are currently approved under the following Type Certificate Numbers:

Model	Type certificate No.
Cessna Models 172/K/L/M/N/P .....	3A12
Cessna Models 177/A/B .....	A13CE
Cessna Model 177RG .....	A20CE
Cessna Models 180/E/F/G/H/J/K ....	5A6
Cessna Models 182/E/F/G/H/J/K/L/M/N/P/Q/R.	3A13
Cessna Models 185/A/C/D/E/F .....	3A24
Cessna Models 188/A/B/C .....	A9CE
Cessna Models P206/A/B/C/D/E, U206/A/B/C/D/E/F/G, TU206/A/B/C/D/E/F/G, TP206/A/B/C/D/E.	A4CE