

Rules and Regulations

Federal Register

Vol. 65, No. 186

Monday, September 25, 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. 99-097-3]

Melon Fruit Fly Regulations; Regulated Areas, Regulated Articles, and Removal of Quarantined Area

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rules as final rule.

SUMMARY: We are adopting as a final rule, without change, two interim rules that amended the melon fruit fly regulations. In one interim rule published in the **Federal Register** on February 22, 2000, we established the melon fruit fly regulations and quarantined a portion of Los Angeles County, CA. The establishment of the melon fruit fly regulations and quarantine of a portion of Los Angeles County, CA, were necessary on an emergency basis to prevent the spread of the melon fruit fly into noninfested areas of the United States. In another interim rule published in the **Federal Register** on June 28, 2000, we removed the quarantined portion of Los Angeles County, CA. The removal of the quarantined portion of Los Angeles County, CA, was necessary to relieve restrictions that were no longer needed to prevent the spread of the melon fruit fly because we determined that the melon fruit fly was eradicated from this portion of Los Angeles County, CA. This portion of Los Angeles County, CA, was the only area in California quarantined for the melon fruit fly. Therefore, as a result of the interim rule that removed the quarantine on a portion of Los Angeles County, CA, there are no longer any areas in the continental United

States quarantined because of the melon fruit fly.

EFFECTIVE DATE: September 25, 2000.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen A. Knight, Operations Officer, Invasive Species and Pest Management Staff, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737-1236; (301) 734-8039.

SUPPLEMENTARY INFORMATION:

Background

The melon fruit fly, *Bactrocera cucurbitae* (Coquillett), is a very destructive pest of fruits and vegetables, including melons, mangoes, peppers, squash, cucumbers, beans, oranges, and peaches. This pest can cause serious economic losses by lowering the yield and quality of these fruits and vegetables and by damaging the seedlings and young plants of squash, melons, and cucumbers. Heavy infestations can result in complete loss of these crops.

In an interim rule effective February 22, 2000, and published in the **Federal Register** on February 22, 2000 (65 FR 8633-8640, Docket No. 99-097-1), we established Federal regulations for the melon fruit fly in 7 CFR 301.97 through 301.97-10 and quarantined a portion of Los Angeles County, CA. In an interim rule effective June 23, 2000, and published in the **Federal Register** on June 28, 2000 (65 FR 39779-39780, Docket No. 99-097-2), we amended the melon fruit fly regulations by removing Los Angeles County, CA, from the list of quarantined areas in § 301.97-3(c). That action relieved unnecessary restrictions on the interstate movement of regulated articles from this area.

Comments on the interim rules were required to be received on or before 60 days after the date of publication in the **Federal Register**. We did not receive any comments. Therefore, for the reasons given in the interim rules, we are adopting the interim rules as a final rule.

This action also affirms the information contained in the interim rules concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, 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 rules that amended 7 CFR part 301 and that were published at 65 FR 8633-8640 on February 22, 2000, and 65 FR 39779-39780 on June 28, 2000.

Authority: Title IV, Pub. L. 106-224, 114 Stat. 438, 7 U.S.C. 7701-7772; 7 U.S.C. 166; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 19th day of September 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00-24545 Filed 9-22-00; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

7 CFR Part 657

Prime and Unique Farmlands—Important Farmlands Inventory

AGENCY: Natural Resources Conservation Service, Agriculture.

ACTION: Final rule.

SUMMARY: The Natural Resources Conservation Service is amending its regulations regarding responsibilities for conducting important farmland inventories under the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (the 1994 Act). The amendments reflect changes to individual and organizational titles made since the regulations were originally drafted.

EFFECTIVE DATE: September 25, 2000.

FOR FURTHER INFORMATION CONTACT: Horace Smith, Division Director, Soil Survey Division, Natural Resources Conservation Service, P.O. Box 2890, Washington, D.C. 20013; 202-720-1820.

SUPPLEMENTARY INFORMATION: This final rule makes corrections to nomenclature in the regulations for conducting important farmland inventories (7 CFR

Part 657, Subpart A.) Since the implementing legislation was passed, the names of the offices and titles of officials charged with conducting important farmland inventories have changed. This amendment reflects those changes. In addition, this rule amends the authority citation to clarify the list of statutory authorities for the inventories.

These rules are not expected to have significant economic impact under the criteria of the Regulatory Flexibility Act. They will not impose information collection requirements under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35.

List of Subjects in 7 CFR Part 657

Farmlands.

For the reasons set forth above, Subpart A, Part 657 of Chapter VI of Title 7 of the Code of Federal Regulations is amended as follows:

PART 657—PRIME AND UNIQUE FARMLAND

Subpart A—Important Farmlands Inventory

1. The authority citation for Subpart A, Part 657 is revised to read as follows:

Authority: 7 U.S.C. 1010a; 16 U.S.C. 590a–590f; 42 U.S.C. 3271–3274.

§ 657.4 [Amended]

2. Section 657.4(a)(3)(iii) is amended by revising “NRCS Technical Service Centers (TSC’s). (See 7 600.3, 600.6)” to read “National Soil Survey Center. (see 7 CFR 600.2(c), 600.6)”.

3. Section 657.4(a)(4) is amended by revising the first sentence to read as follows: “Coordinate soil mapping units that qualify as prime farmlands with adjacent States, including Major Land Resource Area Offices (see 7 CFR 600.4, 600.7) responsible for the soil series.”

4. Section 657.4(a)(6) is amended by revising “Administrator” to read “Chief”.

5. Section 657.4(b) is amended by revising the heading and the first sentence to read as follows: “*National Soil Survey Center*. The National Soil Survey Center is to provide requested technical assistance to State Conservationists and Major Land Resource Area Offices in inventorying prime and unique farmlands (see 7 CFR 600.2(c)(1), 600.4, 600.7).”

6. Section 657.4(c) is amended by revising “Assistant Administrator for Field Services (See 7 CFR 600.2)” to read “Deputy Chief for Soil Survey and Resource Assessment (see 7 CFR 600.2(b)(3))”.

Signed in Washington, D.C. on September 14, 2000.

Pearlie S. Reed,
Chief.

[FR Doc. 00–24525 Filed 9–22–00; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

[Docket No. FV00–905–3 FR]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Increase in the Minimum Size Requirements for Dancy, Robinson, and Sunburst Tangerines

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule increases the minimum size requirements for Dancy, Robinson, and Sunburst tangerines grown in Florida. The minimum size requirements increase to 2⁵/₁₆ inches diameter for both domestic and export shipments. The marketing order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is administered locally by the Citrus Administrative Committee (Committee). This rule will help the Florida tangerine industry meet market demands for larger fruit and should help increase returns to producers.

EFFECTIVE DATE: This final rule becomes effective September 26, 2000.

FOR FURTHER INFORMATION CONTACT: William G. Pimental, Marketing Specialist, Southeast Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 2276, Winter Haven, Florida 33883–2276; telephone: (863) 299–4770, Fax: (863) 299–5169; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698, or E-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement No. 84 and Marketing Order No. 905, both as amended (7 CFR part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, hereinafter referred to as the “order.” The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the “Act.”

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary’s ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

The order for Florida citrus provides for the establishment of minimum grade and size requirements with the concurrence of the Secretary. The minimum grade and size requirements are designed to provide fresh markets with fruit of acceptable quality and size, thereby maintaining consumer confidence for fresh Florida citrus. This contributes to stable marketing conditions in the interest of growers, handlers, and consumers, and helps increase returns to Florida citrus growers. The current minimum grade standard for domestic and export shipments of Dancy, Robinson, and Sunburst tangerines is U.S. No. 1. The current minimum size requirement for domestic shipments is 2⁴/₁₆ inches in diameter (size 210), and the minimum size for export shipments is 2⁵/₁₆ inches