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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 95–086–3]

Citrus Canker; Addition to Quarantined Areas

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 citrus canker regulations by adding portions of Broward, Collier, Dade, and Manatee Counties, FL, to the list of quarantined areas. These actions imposed certain restrictions on the interstate movement of regulated articles from and through the quarantined areas. The interim rules were necessary to prevent the spread of citrus canker into noninfested areas of the United States.

EFFECTIVE DATE: The interim rule published at 61 FR 1519 became effective on January 16, 1996, and the interim rule published at 64 FR 4777 became effective January 26, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Poe, Operations Officer, Program Support Staff, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236; (301) 734–8247; or e-mail: Stephen.R.Poe@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective January 16, 1996, and published in the **Federal Register** on January 22, 1996 (61 FR 1519–1521, Docket No. 95–086–1), we amended the citrus canker regulations (contained in 7 CFR 301.75–1 through 301.75–14) by designating an area of approximately 140 square miles within Dade County, FL, as a quarantined area and by amending the definition of citrus canker. In a second interim rule effective January 26, 1999, and published in the **Federal Register** on February 1, 1999 (64 FR 4777–4780, Docket No. 95–086–2), we expanded the quarantined area in Dade County and quarantined additional areas in Broward, Collier, and Manatee Counties, FL. These actions restricted the interstate movement of regulated articles from and through the quarantined areas.

Comments on the first interim rule were required to be received on or before March 22, 1996. We received two comments, one from a State agricultural agency and one from an association representing citrus growers. Both comments fully supported the interim rule.

Comments on the second interim rule were required to be received on or before April 2, 1999. 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 Orders 12866, 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.

Regulatory Flexibility Act

This rule affirms two interim rules that amended the citrus canker regulations by adding portions of Broward, Collier, Dade, and Manatee Counties, FL, to the list of quarantined areas. These actions imposed certain restrictions on the interstate movement of regulated articles from and through the quarantined areas. The interim rules were necessary to prevent the spread of citrus canker into noninfested areas of the United States.

In accordance with 5 U.S.C. 604 of the Regulatory Flexibility Act, we have performed a final regulatory flexibility analysis, which is set out below, regarding the economic effects of the interim rules on small entities. In the interim rules, we requested comments with information on the number and kinds of small entities that may have incurred benefits or costs from the implementation of the interim rules. None of the comments we received addressed these issues. Therefore, we have based this analysis on the information available to us.

We have identified approximately 4,056 entities within the quarantined areas that could be affected by this interim rule. These entities consist of 81 nurseries, 6 nursery stock dealers, 224 fresh fruit retail stores, 13 fruit packers, 13 gift fruit shippers, 73 commercial groves, 33 grove maintenance services, 43 fruit harvesting contractors, 3,549 lawn maintenance businesses, 13 fruit transporters, 2 fruit processors, and 6 flea markets. The numbers provided for all entities except commercial groves include entities that are located within the quarantined area as well as entities located outside the quarantined area that could be affected.

The number of these entities that meet the Small Business Administration (SBA) definition of a small entity is unknown, since the information needed to make that determination (i.e., each entity's annual sales) is not currently available. However, it is reasonable to assume that most of these entities are small in size because the majority of the same or similar businesses in southern Florida, as well as in the rest of the United States, are small entities by SBA standards. In 1992, for example, the average sales per establishment for all metropolitan Miami area establishments primarily engaged in selling trees, shrubs, and seed to the general public (SIC 526, which includes retail nurseries) was $340,340, which is well below the SBA's current small entity size standard for such businesses of $5 million in sales. In 1992, the average sales per establishment for all metropolitan Miami area establishments primarily engaged in selling general food items for home consumption (SIC 541, which includes grocery stores) was $2.6 million, which is also well below the SBA's current small entity size standard for such businesses of $20 million in sales. Similarly, in 1992 the average sales per establishment for all metropolitan Miami area establishments primarily engaged in selling certain other food items for home consumption (SIC 543, 544, 545, and 549, which include fruit and vegetable markets) was $453,138, which is well below the SBA's current small entity size standard for such businesses of $5 million in sales. Finally, in 1993, the average sales

per firm for all 33,301 U.S. firms primarily engaged in providing lawn and garden services (SIC 0782, which includes lawn maintenance businesses) was $222,571, which is well below the SBA's current small entity size standard for such businesses of $5 million in sales.

Fresh fruit retail stores, nurseries, and lawn maintenance companies comprise, on a combined basis, 3,860 (approximately 95 percent) of the total 4,056 entities potentially affected by this interim rule. The operations of those entities are, for the most part, local in nature; they do not typically move regulated articles outside of the State of Florida during the normal course of their business, and consumers do not generally move products purchased from those entities out of the State. The fruit sold by grocery stores and other retail food outlets is generally sold for local consumption. Retail nurseries also market their products for local consumption. Lawn maintenance businesses collect yard debris, but they do not normally transport that debris outside the State for disposal.

The fresh fruit retailers affected by this interim rule will be required to abide by restrictions on the interstate movement of regulated articles. They may be affected by this interim rule because fruit sold within the quarantined areas in retail stores cannot be moved outside of the quarantined areas. However, we expect any direct costs of compliance for fresh fruit retailers to be minimal.

The lawn maintenance companies affected by this interim rule will be required to perform additional sanitation measures when maintaining an area inside the quarantined areas. Lawn maintenance companies will have to clean and disinfect their equipment after grooming an area within the quarantined areas, and they must properly dispose of any clippings from plants or trees within the quarantined areas. These requirements will slightly increase costs for lawn maintenance companies affected by this interim rule.

Commercial citrus growers, processors, packers, and shippers within the quarantined areas will still be able to move their fruit interstate, provided the fruit is treated and not shipped to another citrus-producing State. Growers will have to bear the cost of treatment, but that cost is expected to be minimal. The prohibition on moving the fruit to other citrus-producing States is not expected to negatively affect entities within the quarantined areas because most States do not produce citrus and growers are expected to be able to find a ready market in non-citrus-producing States.

The nurseries and commercial groves affected by this interim rule will be required to undergo periodic inspections. These inspections may be inconvenient, but the inspections will not result in any additional costs for the nurseries or growers because APHIS or the State of Florida will provide the services of the inspector without cost to the nursery or grower.

The alternative to the interim rules was to make no changes in the citrus canker regulations. We rejected this alternative because failure to quarantine portions of Broward, Collier, Dade, and Manatee Counties, FL, could result in great economic losses for domestic citrus producers.

The interim rules contained no new information collection or recordkeeping requirements.

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, two interim rules that amended 7 CFR part 301 and that were published at 61 FR 1519–1521 on January 22, 1996, and 64 FR 4777–4780 on February 1, 1999.

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).

Done in Washington, DC, this 13th day of July 1999.

Charles P. Schwalbe,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–18438 Filed 7–19–99; 8:45 am]

BILLING CODE 3410–34–P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 170 and 171

RIN 3150–AG08

Revision of Fee Schedules; 100% Fee Recovery, FY 1999; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule appearing in the **Federal Register** on June 10, 1999 (64 FR 31448), concerning the licensing, inspection, and annual fees charged to its applicants and licensees in compliance with the Omnibus Budget Reconciliation Act of 1990. This action is necessary to correct typographical and printing errors.

EFFECTIVE DATE: August 9, 1999.

FOR FURTHER INFORMATION CONTACT: Glenda Jackson, Office of the Chief Financial Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Telephone 301–415–6057.

SUPPLEMENTARY INFORMATION:

In rule FR Doc. 99–14697 published on June 10, 1999 (64 FR 31448), make the following corrections:

1. On page 31458, in the second column, in the first complete paragraph, in lines 17 and 18, the words ''the NRC reviewer's title'' are removed and replaced with ''a brief description of the work being performed'.

2. On page 31466, in the second column, under 5c(2), in the sixth line, the word ''no'' is removed.

3. On page 31470, in the first column, paragraphs (a)(7)(ii) and (a)(7)(iii) are redesignated as paragraphs (a)(7)(ii)(B) and (a)(7)(ii)(C), respectively, and a new paragraph (a)(7)(ii)(A) is added to read as follows:

§ 170.12 Payment of fees.

(a) * * *

(7) * * *

(ii)(A) In the case of a design which has been approved but not certified and for which no application for certification is pending, if the design is not referenced, or if all costs are not recovered within five years after the date of the preliminary design approval (PDA), or the final design approval (FDA), the applicant shall pay the costs, or remainder of those costs, at that time.

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§ 171.15 [Corrected]

4. On page 31475, in the second column, the heading for § 171.15 is corrected to read: ''§ 171.15 Annual Fees: Reactor licenses and independent spent fuel storage licenses.''

§ 171.16 [Corrected]

5. We are correcting the table in § 171.16(d), ''Schedule of Materials Annual Fees and Fees for Government Agencies Licensed by NRC,'' in the following manner:

a. On pages 31477 through 31479, insert ''$'' before each amount listed under the heading ''Annual fees [123].''

b. On page 31477, under 1.B, remove the sentence ''See 10 CFR part 171.15(c),'' and under the heading ''Annual fees [123],'' insert '' [11]N/A.''