

is often necessary. Treatment is done by qualified certified applicators, which are private businesses that charge, on the average, \$100 to \$150 to treat a shipment of articles. Most qualified certified applicators are small businesses. By declaring an area as a generally infested area, the regulations may increase business for qualified certified applicators located in generally infested areas. It is estimated that these businesses will average \$100 to \$150 per month in additional income per business. A few of the newly quarantined counties contain large urban areas that may have several hundred shipments annually containing OHA's that will require inspection to move interstate from the generally infested area. Thus, there will likely be a need to train additional qualified certified applicators in those areas.

There are approximately 268 entities in the newly quarantined areas that will incur costs from the interim rule. These entities include 118 nurseries, 28 loggers/sawmills, 35 Christmas tree growers, and 87 mobile home movers. All of these establishments are believed to be small entities. In 1992, there were approximately 4,020 shipments of shrubs and trees, nursery items, and Christmas trees that moved from the newly quarantined areas. Of these 4,020 shipments, only 1,080 shipments were to nonregulated areas. Establishments that do move shrubs and trees, nursery items, and Christmas trees from generally infested areas will need to be inspected, either by a State or APHIS inspector. If the inspection reveals signs of gypsy moth, the establishment will have to be treated in order to ship regulated articles outside the generally infested area. We estimate that, annually, approximately 8 percent of the shipments will require treatment, and that the average area to be treated will be 1,300 acres. At an average treatment cost of \$10 to \$20 per acre, we estimate the total annual cost to the establishments will be \$13,000 to \$26,000.

The Christmas tree industry and establishments that sell other forest products and that move their products interstate from the newly quarantined areas will also bear direct costs from the interim rule. There are approximately 268 farms that sell forest products and Christmas trees in the newly quarantined areas. These account for 3.8 percent of the total number of such farms in Ohio and Wisconsin. All of these establishments are believed to be small entities. Services of an inspector

will be available without charge to inspect these farms and issue certificates and permits. We estimate that less than four percent of all these farms will be found to contain gypsy moth and, therefore, require treatment in order to ship trees. It is expected that, in most cases, Christmas tree farms will be free of gypsy moth and Christmas tree growers will meet the requirements for certification by having inspectors certify that the tree farms are free from gypsy moth. This alternative is less costly than inspecting or treating each individual shipment of trees and thus will minimize the economic impact of the change to the regulations for the newly quarantined areas.

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.

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 part 301 and that was published at 63 FR 25747–25748 on May 11, 1998.

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 22nd day of December 1998.

Joan M. Arnoldi,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–34524 Filed 12–29–98; 8:45 am]

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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 217

[INS No. 1799–96]

RIN 1115–AB93

Finalizing Without Change the Interim Regulations that Added Visa Waiver Pilot Program Countries

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: The Visa Waiver Pilot Program (VWPP) permits nationals from designated countries who participate in the VWPP to apply for admission to the United States for ninety (90) days or less as nonimmigrant visitors for business or pleasure, without first obtaining a visa. During the past several years, the Immigration and Naturalization Service (Service) has published several interim regulations in the **Federal Register** adding countries to participate in the VWPP and eliminating probationary entry status. This final rule adopts without change those interim regulations.

DATES: This final rule is effective January 29, 1999.

FOR FURTHER INFORMATION CONTACT:

Dominica Gutierrez, Assistant Chief Inspector, Inspections Division, Immigration and Naturalization Service, 425 I Street NW, Room 4064, Washington, DC 20536, telephone number: (202) 514–3019.

SUPPLEMENTARY INFORMATION:

Public Law 99–603

Section 313 of the Immigration Reform and Control Act of 1986 (IRCA), Public Law 99–603, added section 217 to the Immigration and Nationality Act (Act), 8 U.S.C. 1187, which established the VWPP. That original provision authorized the participation of eight countries in the Pilot Program. Accordingly, the Service initially designated the United Kingdom, Japan, France, Switzerland, Germany, Sweden, Italy, and the Netherlands, as the eight (8) countries to participate in the VWPP.

Public Law 101–649

Section 210 of the Immigration Act of 1990 (IMMACT 90), Public Law 101–649, dated November 29, 1990, further amended the VWPP removing the eight-country cap and extending the provisions to all countries that met the qualifying provisions contained in section 217 of the Act. Accordingly, the Service, published six interim regulations in the **Federal Register** adding the following 18 countries:

Country	Effective date	Federal Register, citation
(1) Andorra	Oct. 1, 1991	56 FR 46716, Sept. 13, 1991.
(2) Austria	Oct. 1, 1991	56 FR 46716, Sept. 13, 1991.
(3) Belgium	Oct. 1, 1991	56 FR 46716, Sept. 13, 1991.
(4) Denmark	Oct. 1, 1991	56 FR 46716, Sept. 13, 1991.
(5) Finland	Oct. 1, 1991	56 FR 46716, Sept. 13, 1991.
(6) Iceland	Oct. 1, 1991	56 FR 46716, Sept. 13, 1991.
(7) Liechtenstein	Oct. 1, 1991	56 FR 46716, Sept. 13, 1991.
(8) Luxembourg	Oct. 1, 1991	56 FR 46716, Sept. 13, 1991.
(9) Monaco	Oct. 1, 1991	56 FR 46716, Sept. 13, 1991.
(10) New Zealand	Oct. 1, 1991	56 FR 46716, Sept. 13, 1991.
(11) Norway	Oct. 1, 1991	56 FR 46716, Sept. 13, 1991.
(12) San Marino	Oct. 1, 1991	56 FR 46716, Sept. 13, 1991.
(13) Spain	Oct. 1, 1991	56 FR 46716, Sept. 13, 1991.
(14) Brunei	July 29, 1993	58 FR 40581, July 29, 1993.
(15) Argentina	July 8, 1996	61 FR 35598, July 8, 1996.
(16) Australia	July 29, 1996	61 FR 39271, July 29, 1996.
(17) Slovenia	Sept. 30, 1997	62 FR 50998, Sept. 30, 1997.
(18) Ireland	Sept. 30, 1997	62 FR 50998, Sept. 30, 1997.

On March 28, 1995, the Service published and interim regulation in the **Federal Register** at 60 FR 15855 adding Ireland as a VWPP country on a probationary basis. The interim regulation published at 62 FR 50998 on September 30, 1997, removed this probationary status.

Public Comments

All six interim regulations invited interested persons to submit written comments concerning the VWPP and the addition of the 18 countries that were designated to participate. The Service did not receive comments for those interim regulations published in the **Federal Register** at 56 FR 46716, 58 FR 40581, 60 FR 15855, 61 FR 35598, and 62 FR 50998. However, the Service did receive one comment on the interim regulation published in the **Federal Register** at 61 FR 39271, which added Australia to the list of participating VWPP countries. The commenter questioned whether Australia met the reciprocity requirement in section 217 of the Act. The Service has determined that Australia does meet the reciprocity requirement in section 217 of the Act under the provisions of Australia's Electronic Travel Authority (ETA) system. Accordingly, Australia will still remain as a designated VWPP country.

This final rule is being promulgated in conjunction with the Department of State (DOS) in accordance with the requirements in section 217 of the Act, as amended. (See DOS rule published elsewhere in this issue of the **Federal Register**.)

Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has

reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities. The interim regulations that were previously published merely removed restrictions for both the traveling public and United States businesses. This final rule adopts without change those interim regulations.

Executive Order 12866

This rule is not considered by the Department of Justice, Immigration and Naturalization Service, to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

Executive Order 12612

The regulation adopted herein will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Unfunded Mandates Reform Act of 1995

This rule will not result in expenditure by State, local, and tribal governments in the aggregate, or by the private sector, of \$100 million or more in any 1 year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions

of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Executive Order 12988 Civil Justice Reform

This final rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988.

List of Subjects in 8 CFR Part 217

Administrative practice and procedures, Aliens, Nonimmigrants, Passports and visas.

Accordingly, the interim regulations amending 8 CFR part 217 which were published at 56 FR 46716 on September 13, 1991, 58 FR 40581 on July 29, 1993, 60 FR 15855 on March 28, 1995, 61 FR 35598 on July 8, 1996, 61 FR 39271 on July 29, 1996, and 62 FR 50998 on September 30, 1997, are adopted as a final rule without change.

Dated: December 14, 1998.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 98-34473 Filed 12-29-98; 8:45 am]

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