

restrict the interstate movement of regulated articles from the quarantined areas.

Within the quarantined portion of Hillsborough County, there are approximately 125 entities that will be affected by this rule. All would be considered small entities. These include 1 transportation terminal, 75 fruit stands, 15 mobile vendors, 20 food stores, 1 common carrier, and 13 nurseries. These small entities comprise less than 1 percent of the total number of similar small entities operating in the State of Florida. In addition, these small entities sell regulated articles primarily for local intrastate, not interstate, movement so the effect, if any, of this regulation on these entities appears to be minimal.

The effect on those few entities that do move regulated articles interstate will be minimized by the availability of various treatments that, in most cases, will allow these small entities to move regulated articles interstate with very little additional cost.

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 interim 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.

National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for this interim rule. The site specific environmental assessment provides a basis for the conclusion that implementation of integrated pest management to achieve eradication of the Oriental fruit fly will not have a significant impact on human health and the natural environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has

determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact were prepared in accordance with: (1) The National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8 am. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect copies are requested to call ahead on (202) 690–2817 to facilitate entry into the reading room. In addition, copies may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT.**

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).

2. In § 301.93–3, paragraph (c) is revised to read as follows:

§ 301.93–3 Quarantined areas.

* * * * *

(c) The areas described below are designated as quarantined areas:

Florida

Hillsborough County. That portion of the county beginning at the point where the Hillsborough River meets Hillsborough Bay; then north along the Hillsborough River to Interstate Highway 275; then west along Interstate Highway 275 to the point where the

Howard Franklin Bridge meets the shoreline of Old Tampa Bay; then south along the shoreline of Old Tampa Bay to the shoreline of Hillsborough Bay; then north along the shoreline of Hillsborough Bay, including Davis Islands and the Seddon Channel, to the point of beginning.

Done in Washington, DC, this 9th day of June 1999.

Joan M. Arnoldi,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–15109 Filed 6–14–99; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 98–082–4]

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 Mexican fruit fly regulations by removing the quarantined portion of the El Cajon area in San Diego County, CA, from the list of regulated areas. We have determined that the Mexican fruit fly has been eradicated from the El Cajon area of San Diego County, CA, and that restrictions on the interstate movement of regulated articles from the El Cajon area of San Diego County, CA, 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 9, 1999. We invite you to comment on this docket. We will consider all comments that we receive by August 16, 1999.

ADDRESSES: Please send your comment and three copies to: Docket No. 98–082–4, 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. 98–082–4.

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 rules, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

FOR FURTHER INFORMATION CONTACT: Mr. Michael B. Stefan, Operations Officer, Invasive Species and Pest Management Staff, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737-1236; (301) 734-8247; or e-mail: michael.b.stefan@usda.gov.

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. Quarantined States are listed in—301.64(a) and regulated areas are listed in—301.64-3(c).

In an interim rule effective August 10, 1998, and published in the **Federal Register** on August 14, 1998 (63 FR 43603-43604, Docket No. 98-082-1), we amended the Mexican fruit fly regulations by designating a portion of the El Cajon area of San Diego County, CA, as a regulated area. In a second interim rule effective October 16, 1998, and published in the **Federal Register** on October 22, 1998 (63 FR 56537-56539, Docket No. 98-082-2), we designated a portion of the San Diego area of San Diego County, CA, as a regulated area. In a third interim rule effective November 16, 1998, and published in the **Federal Register** on November 20, 1998 (63 FR 64409-64411, Docket No. 98-082-3), we expanded the regulated area in the San Diego area of San Diego County, CA.

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 the El Cajon area of San Diego County, CA. The last finding of Mexican fruit fly thought to be associated with the infestation in this area was made on September 8, 1998.

Since then no evidence of Mexican fruit fly infestations has been found in this area. Therefore, we are removing this area from the list of areas in § 301.64-3(c) that are regulated 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 on June 9, 1999. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document 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.

This rule removes restrictions on the interstate movement of regulated articles from the El Cajon area of San Diego County, CA. Within this regulated area, there are approximately 183 small entities that may be affected by this rule. These include 67 fruit sellers, 1 swapmeet, 71 nurseries, 43 growers, and 1 farmer's market. These 183 entities comprise less than 1 percent of the total number of similar entities operating in the State of California. Additionally, these small entities sell regulated

articles primarily for local intrastate, not interstate, movement, and the distribution of these articles was not affected by the regulatory provisions we are removing. Many of these entities also handle other items in addition to the previously regulated articles. The effect on those few entities that move regulated articles interstate was minimized by the availability of various treatments that, in most cases, allowed these small entities to move regulated articles interstate with very little additional cost. Therefore, the effect, if any, of this rule on these entities appears to be minimal.

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 interim 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), the entry for California is amended by

removing the entry for the El Cajon area of San Diego County.

Done in Washington, DC, this 9th day of June 1999.

Joan M. Arnoldi,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99-15108 Filed 6-14-99; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 93

[Docket No. 98-069-2]

Horses From Australia and New Zealand; Quarantine Requirements

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations regarding the importation of horses to exempt horses imported from Australia and New Zealand from testing for dourine and glanders during the quarantine period. This action is warranted because neither country has ever had a reported case of dourine, New Zealand has never had a reported case of glanders, and Australia has not had a reported case of glanders since 1891. It appears that horses imported from Australia and New Zealand will pose a negligible risk of introducing dourine and glanders into the United States.

EFFECTIVE DATE: June 30, 1999.

FOR FURTHER INFORMATION CONTACT: Dr. Glen I. Garriss, Supervisory Staff Officer, Regionalization Evaluation Services Staff, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD, 20737-1231; (301)734-8364.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 93 (referred to below as the regulations) govern the importation into the United States of specified animals and animal products to prevent the introduction into the United States of various animal diseases, including dourine and glanders. Dourine and glanders are potentially fatal equine diseases that are not known to exist in the United States.

Under § 93.308(a)(3) of the regulations, horses imported from any part of the world must, in order to qualify for release from quarantine, test negative to official tests for dourine,

glanders, equine piroplasmiasis, equine infectious anemia, and any other tests and procedures that may be required by the Administrator of the Animal and Plant Health Inspection Service (APHIS) to determine their freedom from communicable diseases.

On November 30, 1998, we published in the **Federal Register** (63 FR 65712-65714, Docket No. 98-069-1) a proposal to amend the regulations to exempt horses imported from Australia and New Zealand from testing for dourine and glanders during the quarantine period. This proposed action was based on information received from the Governments of Australia and New Zealand.

We solicited comments concerning our proposal for 60 days ending January 29, 1999. We did not receive any comments. Therefore, for the reasons given in the proposed rule, we are adopting the proposed rule as a final rule without change.

Effective Date

This is a substantive rule that relieves restrictions and, pursuant to the provisions of 5 U.S.C. 553, may be made effective less than 30 days after publication in the **Federal Register**. This rule relieves restrictions that require the testing of horses imported from Australia and New Zealand for dourine and glanders. Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule should be effective 15 days after the date of publication in the **Federal Register**.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

This final rule will exempt horses imported into the United States from Australia and New Zealand from the requirement for testing for dourine and glanders during the quarantine period. We believe that there is a negligible risk of horses imported from Australia and New Zealand introducing dourine and glanders into the United States.

U.S. importers of horses from Australia and New Zealand will be affected by this rule. These importers will no longer be required to have horses that are imported from Australia and New Zealand tested for dourine and glanders during the quarantine period. As a consequence, U.S. importers will save \$18 for the cost of both tests. However, horses imported from

Australia and New Zealand will still have to be tested for equine piroplasmiasis, equine infectious anemia, and undergo any other tests and procedures that may be required by APHIS to determine their freedom from communicable diseases.

According to the 1992 Census of Agriculture, the United States had a total population of at least 2,049,522 horses. The United States is a net exporter of horses. In 1997, the United States exported 56,953 horses valued at \$271 million, and imported 23,794 horses valued at \$134 million. However, only 45 of the horses were imported from Australia, and 130 of the horses were imported from New Zealand. The total number of horses imported into the United States from Australia and New Zealand is small due to the distances the horses must travel and the high transportation costs, which are reflected in the prices of the horses. For example, horses imported from Canada have an average price of \$1,490, while horses imported from Australia and New Zealand have an average price of \$20,682, and \$13,781, respectively. Given these relatively high prices and the rather small expected savings of \$18 per horse imported, we do not expect this action will result in an increase in the number of horses imported into the United States from Australia and New Zealand, nor do we expect this action will have a significant economic impact on U.S. importers of horses from Australia and New Zealand, regardless of their size.

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 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 information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 93

Animal diseases, Imports, Livestock, Poultry and poultry products,