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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 98-082-3]

Mexican Fruit Fly Regulations; Addition 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 expanding the regulated area in San Diego County, CA. This action is necessary on an emergency basis to prevent the spread of the Mexican fruit fly to noninfested areas of the United States. This action restricts the interstate movement of regulated articles from the newly regulated area in San Diego County, CA. **DATES:** Interim rule effective November 16, 1998. Consideration will be given only to comments received on or before January 19, 1999.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 98-082-3, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 98-082-3. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. Michael B. Stefan, Operations Officer, Domestic and Emergency Programs, 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 many 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 and referred to below as the regulations) were established to prevent the spread of the Mexican fruit fly to noninfested areas of the United States. The regulations impose restrictions on the interstate movement of regulated articles from the regulated areas.

Section 301.64-3 provides that the Deputy Administrator for Plant Protection and Quarantine (PPQ), Animal and Plant Health Inspection Service (APHIS), shall list as a regulated area each quarantined State, or each portion of a quarantined State, in which the Mexican fruit fly has been found by an inspector, in which the Deputy Administrator has reason to believe the Mexican fruit fly is present, or that the Deputy Administrator considers necessary to regulate because of its proximity to the Mexican fruit fly or its inseparability for quarantine enforcement purposes from localities in which the Mexican fruit fly occurs.

Less than an entire quarantined State will be designated as a regulated area only if the Deputy Administrator determines that the State has adopted and is enforcing a quarantine or regulation that imposes restrictions on the intrastate movement of the regulated articles that are substantially the same as those that are imposed with respect to the interstate movement of the articles and the designation of less than the entire State as a regulated area will otherwise be adequate to prevent the artificial interstate spread of the Mexican fruit fly.

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 designated a portion of the El Cajon area in San Diego County, CA, as a regulated area. In another 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 in San Diego County, CA, as a regulated area.

Recent trapping surveys by inspectors of California State and county agencies and by inspectors of PPQ reveal that an additional portion of San Diego County, CA, is infested with the Mexican fruit fly. Specifically, since October 16, 1998, inspectors have detected Mexican fruit flies near the boundaries of the previously regulated San Diego area of San Diego County, CA.

Accordingly, to prevent the spread of the Mexican fruit fly to noninfested areas of the United States, we are amending the regulations in § 301.64-3(c) by expanding the regulated area in the San Diego area of San Diego County, CA. The regulated area is described in the rule portion of this document.

There does not appear to be any reason to designate any other portions of the quarantined State of California as a regulated area. Officials of State agencies of California are conducting an intensive Mexican fruit fly eradication program in the regulated areas in California. Also, California has adopted and is enforcing regulations imposing restrictions on the intrastate movement of certain articles from the regulated areas that are substantially the same as those imposed with respect to the interstate movement of regulated articles.

The Mexican fruit fly is not known to occur anywhere else in the continental United States except in portions of Texas.

Emergency Action

The Administrator of the Animal and Plant Health Inspection Service has determined that an emergency exists that warrants publication of this interim rule without prior opportunity for public comment. Immediate action is necessary to prevent the Mexican fruit fly from spreading to noninfested areas of the United States.

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 upon signature. We will consider comments that are received with 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 restricts the interstate movement of regulated articles from an additional area in San Diego County, CA. Within the regulated area there are approximately 109 small entities that may be affected by this rule. These include 86 fruit sellers, 6 nurseries, 16 wholesale distributors, and 1 grower. These 109 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, 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 costs.

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 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 rule. The assessment provides a basis for the conclusion that the methods employed to eradicate the Mexican fruit fly will not present a risk of introducing or disseminating plant pests and will not have a significant impact on the quality of the human 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 a.m. 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 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, Incorporation by reference, 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 § 301.64–3, paragraph (c), the entry for California is revised to read as follows:

§ 301.64–3 Regulated areas.

* * * * *

(c) * * *

CALIFORNIA

San Diego County.

El Cajon area—That portion of San Diego County bounded by a line drawn as follows: Beginning at the intersection of State Highway 67 and Maplevue Street; then east along Maplevue Street to Lake Jennings Park Road; then southeast along Lake Jennings Park Road to El Monte Road; then east along an imaginary line to the intersection of Blossom Valley Road and Flinn Springs Road; then southeast along Flinn Springs Road to Olde Highway 80; then east along Olde Highway 80 to Dunbar Lane; then south along Dunbar Lane to Alpine Boulevard; then southeast along Alpine Boulevard to Arnold Way; then south along Arnold Way to Harblson Canyon Road; then southwest along Harblson Canyon Road to Dehesa Road; then southwest along Dehesa Road to Sloane Canyon Road; then west along an imaginary line to the intersection of Willow Glenn Drive and Hillsdale Road; then northwest and west along Hillsdale Road to State Highway 54; then north along State Highway 54 to Chase Avenue; then west along Chase Avenue to Rolling Hills Drive; then west along Rolling Hills Drive to Fuerte Drive; then southwest, west, and northwest along Fuerte Drive to Severin Drive; then north along Severin Drive to Interstate Highway 8; then northeast along Interstate Highway 8 to Russell Road; then west along Russell Road to Cuyamaca Street; then north along Cuyamaca Street to Mission Gorge Road; then east along Mission Gorge Road to Woodside Avenue; then northeast along Woodside Avenue to State Highway 67; then northeast along State Highway 67 to the point of beginning.

San Diego area—That portion of San Diego County bounded by a line drawn as follows: Beginning at the intersection of Mission Gorge Road and Jackson Drive; then southeast along Jackson Drive to Grossmont Boulevard; then east along Grossmont Boulevard to State Highway 125; then south along State Highway 125 to Spring Street; then southeast along Spring Street to Broadway; then southwest along Broadway to Sweetwater Road; then south along Sweetwater Road to South Bay Parkway; then southwest along South Bay Parkway to State Highway 54; then southwest along State Highway 54 to Interstate Highway 5; then southwest along an imaginary line to the intersection of the northern boundary of Silver Strand State Beach and the Pacific Ocean coastline, on the west side of the Coronado Peninsula; then northwest and northeast along the Pacific Ocean coastline to the Wright Avenue Pier; then northwest along an imaginary line to the intersection of Harbor Drive and Nimitz Boulevard; then northwest along Nimitz Boulevard to Rosecrans Street; then northeast along Rosecrans Street to Interstate Highway 5; then north along Interstate Highway 5 to Interstate Highway 8; then northeast along Interstate Highway 8 to Interstate Highway 15; then north along Interstate Highway 15 to Friars Road; then northeast along Friars Road

to Mission Gorge Road; then northeast along Mission Gorge Road to the point of beginning.

* * * * *

Done in Washington, DC, this 16th day of November 1998.

Joan M. Arnoldi,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98-31061 Filed 11-19-98; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98-AGL-54]

Modification of Class E Airspace; Owatonna, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace at Owatonna, MN. A VHF Omnidirectional Range/Distance Measuring Equipment (VOR/DME) Standard Instrument Approach Procedure (SIAP) to Runway (Rwy) 30, Amendment 4, has been developed for Owatonna Municipal Airport. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. This action increases the radius of, and adds a southeast extension to, the existing controlled airspace for this airport.

EFFECTIVE DATE: 0901 UTC, January 28, 1999.

FOR FURTHER INFORMATION CONTACT: Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL-520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294-7568.

SUPPLEMENTARY INFORMATION:

History

On Wednesday, September 9, 1998, the FAA proposed to amend 14 CFR part 71 to modify Class E airspace at Owatonna, MN (63 FR 48143). The proposal was to add controlled airspace extending upward from 700 to 1200 feet AGL to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No comments objecting to the proposal were received. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 modifies Class E airspace at Owatonna, MN, to accommodate aircraft executing the proposed VOR/DME Rwy 30 SIAP, Amendment 4, at Owatonna Municipal Airport by increasing the radius of, and adding a southeast extension to, the existing controlled airspace for the airport. The area will be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR 1959-1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation

Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AGL MN E5 Owatonna, MN [Revised]

Owatonna Municipal Airport, MN
(lat. 44° 07' 18"N., long. 93° 15' 27"W.)
Halfway VOR/DME
(lat. 44° 12' 16"N., long. 93° 22' 14"W.)

That airspace extending upward from 700 feet above the surface within an 6.7-mile radius of the Owatonna Municipal Airport, and within 1.7 miles each side of the Halfway VOR/DME 135° radial extending from the 6.7-mile radius of the airport to 14.0 miles southeast of the halfway VOR/DME, excluding that airspace within the Waseca, MN, Class E airspace area.

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Issued in Des Plaines, Illinois on November 6, 1998.

Maureen Woods,

Manager, Air Traffic Division.

[FR Doc. 98-31026 Filed 11-19-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

15 CFR Part 295

[Docket No. 980717184-8277-02]

RIN 0693-AB48

Advanced Technology Program

AGENCY: National Institute of Standards and Technology, Technology Administration, Commerce.

ACTION: Final rule.

SUMMARY: The National Institute of Standards and Technology is today issuing a final rule which amends the implementing regulations for the Advanced Technology Program (ATP). Changes include modification of the ATP evaluation criteria and weights for project selection and clarification of other sections of the rule.

EFFECTIVE DATE: This rule is effective November 20, 1998.

FOR FURTHER INFORMATION CONTACT: To receive additional program information, contact Barbara Lambis at 301-975-4447.

SUPPLEMENTARY INFORMATION: The National Institute of Standards and Technology is today issuing a final rule which amends regulations found at Part 295 of Title 15 of the Code of Federal