

September 24, 1999. We did not receive any comments. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule.

This action also affirms the information contained in the interim rule 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 rule that amended 7 CFR part 301 and that was published at 64 FR 40281–40282 on July 26, 1999.

**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 18th day of August 2000.

**Bobby R. Acord,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 00–21646 Filed 8–23–00; 8:45 am]

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#### DEPARTMENT OF AGRICULTURE

#### Animal and Plant Health Inspection Service

#### 7 CFR Part 301

[Docket No. 00–007–2]

#### Imported Fire Ant; Quarantined Areas

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Affirmation of interim rule as final rule.

**SUMMARY:** We are adopting as a final rule, without change, an interim rule that amended the imported fire ant regulations by designating as quarantined areas all or portions of 2 counties in Arkansas, 14 counties in North Carolina, and 19 counties in Tennessee. As a result of that action, the interstate movement of regulated articles from those areas is restricted. That action was necessary to prevent the artificial spread of the imported fire ant to noninfested areas of the United

States. We also removed references to the Imported Fire Ant Program Manual in the appendix to the imported fire ant regulations.

**EFFECTIVE DATE:** The interim rule became effective on May 11, 2000.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ron Milberg, Operations Officer, Invasive Species and Pest Management, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236; (301) 734–5255.

#### SUPPLEMENTARY INFORMATION:

##### Background

In an interim rule effective and published in the **Federal Register** on May 11, 2000 (65 FR 30337–30341, Docket No. 00–007–1), we amended the imported fire ant regulations, contained in 7 CFR 301.81 through § 301.81–10, by adding 2 counties in Arkansas, 14 counties in North Carolina, and 19 counties in Tennessee to the list of quarantined areas in § 301–81–3(e). The two affected counties in Arkansas are Clark and Hot Springs. The 14 affected counties in North Carolina are Bertie, Camden, Chatham, Chowan, Currituck, Edgecomb, Gaston, Greene, Martin, Mecklenberg, Pasquotank, Perquimans, Wake, and Wayne. The 19 affected counties in Tennessee are Decatur, Fayette, Franklin, Giles, Haywood, Henderson, Lewis, Lawrence, Lincoln, Madison, Marion, Marshall, McMinn, Meigs, Monroe, Moore, Perry, Rhea, and Shelby. This action was necessary because surveys conducted by the Animal and Plant Health Inspection Service and State and county agencies revealed that the imported fire ant had spread to these areas.

Further, we amended the appendix to Subpart—Imported Fire Ant by removing the references to the Imported Fire Ant Program Manual because there is no relevant information in the Imported Fire Ant Program Manual that is not already available to inspectors in other materials.

Comments on the interim rule were required to be received on or before July 10, 2000.

We did not receive any comments. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule.

This action also affirms the information contained in the interim rule concerning Executive Orders 12866, 12372, and 12988, and the Paperwork Reduction Act. Further, the Office of Management and Budget has waived the review process required by Executive Order 12866.

#### Regulatory Flexibility Act

This action affirms an interim rule that amended the imported fire ant regulations by designating as quarantined areas portions of 35 counties in Arkansas, North Carolina, and Tennessee. As a result of that action, the interstate movement of regulated articles from those areas is restricted. The interim rule was necessary to prevent the artificial spread of the imported fire ant to noninfested areas of the United States.

The following analysis addresses the economic effect of this rule on small entities, as required by the Regulatory Flexibility Act.

Affected entities in the quarantined areas include nurseries and greenhouses, farm equipment dealers, construction companies, and all those who sell, process, or move regulated articles from and through quarantined areas. It is now necessary to treat and certify all regulated articles before moving them interstate from the newly quarantined areas.

The 1997 market value of agricultural products sold in the 35 affected counties was \$1.7 billion. Thus, this large agricultural economy is at risk due the injurious potential of the imported fire ants.

Within Arkansas' two affected counties, there are at least 15 entities that may be affected by the rule. All 15 entities are small, according to the Small Business Administration (SBA) definition. In terms of 1997 agricultural sales, Clark County received \$18.725 million from crop (including greenhouse and nursery) sales and livestock sales, and Hot Springs County received \$10.135 million in sales.

Within Tennessee's 19 affected counties, there are 272 entities that may be affected by the rule, and at least 72 of these entities are small, according to the SBA definition. These 19 counties received \$447.16 million from crop (including greenhouse and nursery) sales and livestock sales in 1997.

Within North Carolina's 14 affected counties, there are 264 entities that may be affected by the rule. At least 253 of these entities are small. These 14 counties received \$1.225 billion from crop (including greenhouse and nursery) sales and livestock sales in 1997.

The market value of sales of agricultural products in the 35 affected counties in the States of Arkansas, Tennessee, and North Carolina were \$18.9 million, \$477.2 million, and 1.24 billion, respectively, in 1997. According to the 1997 U.S. Agricultural Census, at least 340 of the 551 agricultural entities

found in the 35 affected counties are small. We do not know how many of these entities move regulated articles interstate; however, the availability of various treatments for imported fire ant, which permit the interstate movement of regulated articles with only a small additional cost, minimizes any adverse economic effects due to this rule. For example, the value of a standard shipment of nursery plants is between \$10,000 to \$250,000, and the cost of treating a standard shipment of plants is only around \$200. Entities that do not move regulated articles interstate remain unaffected by the rule.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant 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 65 FR 30337–30341 on May 11, 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 18th day of August 2000.

**Bobby R. Acord,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 00–21649 Filed 8–23–00; 8:45 am]

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#### DEPARTMENT OF AGRICULTURE

#### Animal and Plant Health Inspection Service

#### 7 CFR Part 301

[Docket No. 99–082–2]

#### Pine Shoot Beetle; Regulated Articles

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** We are amending the pine shoot beetle regulations by removing pine wreaths and garlands from the list of regulated articles. We believe that these commodities do not present a risk of spreading pine shoot beetle. This

action will eliminate restrictions on the movement of pine wreaths and garlands from areas quarantined because of pine shoot beetle.

**EFFECTIVE DATE:** August 24, 2000.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine Markham, Regional Program Manager, 920 Main Campus Drive, Suite 200, Raleigh, NC 27606–5202; (919) 716–5582; or Ms. Coanne E. O'Hern, National Survey Coordinator, 4700 River Road, Unit 134, Riverdale, MD 20737–1236; (301) 734–8247.

#### SUPPLEMENTARY INFORMATION:

##### Background

Pine shoot beetle is a pest of pine trees. Pine shoot beetle can cause damage in weak and dying trees, where reproduction and immature stages of pine shoot beetle occur, and in the new growth of healthy trees. During “maturation feeding,” young beetles tunnel into the center of pine shoots (usually of the current year's growth), causing stunted and distorted growth in host trees. Adults can fly at least 1 kilometer, and infested trees and pine products are often transported long distances; these factors may result in the establishment of pine shoot beetle populations far from the location of the original host tree. This pest damages urban ornamental trees and can cause economic losses to the timber, Christmas tree, and nursery industries.

The regulations at 7 CFR 301.50 through 301.50–10, “Subpart—Pine Shoot Beetle,” restrict the interstate movement of regulated articles from quarantined areas in order to prevent the spread of pine shoot beetle into noninfested areas of the United States.

On December 21, 1999, we published in the **Federal Register** (64 FR 71322–71323, Docket No. 99–082–1) a proposal to amend the regulations by removing pine wreaths and garlands from the list of regulated articles in § 301.50–2. We proposed this action to allow pine wreaths and garlands to move without restriction from a quarantined area.

We solicited comments on our proposal for 60 days, ending February 22, 2000. We received three comments by that date. They were from State departments of agriculture and a regional plant board. One commenter supported the proposed rule. The remaining commenters expressed concerns about the possible presence of pine shoot beetle in pine wreaths and garlands moving out of a quarantined area.

The commenters noted that the growing location of pine used to create wreaths and garlands, local temperature and weather patterns at time of harvest,

and storage conditions of pine materials affect when pine shoot beetles move from tree shoots to overwintering sites. This means that pine materials used to make wreaths and garlands could be harvested while pine shoot beetles are still present in tree shoots. The commenters asked that we maintain measures to mitigate the risk of spreading this pest when materials for pine wreaths and garlands are harvested while pine shoot beetles are in tree shoots.

We believe that the way in which pine wreaths and garlands are manufactured greatly reduces the risk that these commodities will carry pine shoot beetles. To increase the value and enhance the appearance of their products, producers of pine wreaths and garlands choose the freshest, healthiest, and most attractive pine material to create wreaths and garlands. First, this means that producers cut the pine material from the tree as close to the time of sale as possible. Therefore, because most pine wreaths and garlands are sold for the Christmas holiday, the material is removed from pine trees after pine shoot beetles have moved to the base of the tree for overwintering. Second, this means that producers do not include any brown, thinning, or damaged pine shoots in wreaths and garlands. Pine shoots that have been attacked by pine shoot beetles droop, are discolored, and break easily. Therefore, selection of the healthiest and most attractive pine material helps ensure that no matter the time of year, producers are excluding material that could be infested with pine shoot beetles.

In addition, most often “pine” wreaths produced in quarantined areas are actually made from balsam fir (*Abies balsamea*) adorned by minimal sprigs of pine and other species, such as arborvitae (*Thuja* spp.). Balsam fir is not a host of pine shoot beetle. Likewise, pine garlands produced in quarantined areas are generally made from eastern white pine (*Pinus strobus*), a pine species that is not a preferred host for pine shoot beetle. Although pine shoot beetles will feed on the shoots of, and breed in, eastern white pine and other pine species, pine shoot beetles prefer to feed on and breed in Scots pine (*Pinus sylvestris*) or jack pine (*Pinus banksiana*). However, even if pine wreaths and garlands were made of favored host pine material, we believe that the way these commodities are manufactured precludes the presence of pine shoot beetles.

Therefore, for the reasons given in the proposed rule and in this document, we