

Instruction 918-RL, "Instruction for Resident Grading Quality Control Service Programs and Laboratory Analysis," Dairy Grading Branch, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC, 20090-6456, or the latest edition of "Standard Methods for the Examination of Dairy Products", available from the American Public Health Association, 1015 Fifteenth Street NW., Washington, DC 20005.

Dated: April 16, 1996.

Lon Hatamiya,  
Administrator.

[FR Doc. 96-9823 Filed 4-19-96; 8:45 am]

BILLING CODE 3410-02-P

## Animal and Plant Health Inspection Service

### 7 CFR Part 301

[Docket No. 95-063-2]

#### Imported Fire Ant Quarantined Areas

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

**ACTION:** Final rule.

**SUMMARY:** We are adopting as a final rule, with one change, an interim rule that amended the imported fire ant regulations by designating all or portions of the following as quarantined areas: The entire State of Mississippi; Mecklenburg County in North Carolina; Bradley, Hamilton, McMinn, and Wayne Counties in Tennessee; and Brooks, Cameron, Delta, Dimmit, Duval, Jack, Kenedy, Kinney, Lamar, Mason, McCulloch, Montague, San Saba, Webb, Young, and Zavala Counties in Texas. As amended by this document, the rule expands the quarantined areas and imposes certain restrictions on the interstate movement of quarantined articles from those areas. This action is necessary to prevent the artificial spread of the imported fire ant to noninfested areas of the United States.

**EFFECTIVE DATE:** April 22, 1996.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael B. Stefan, Operations Officer, Domestic and Emergency Operations, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737-1236, (301) 734-7338; or e-mail: mstefan@aphis.usda.gov.

#### SUPPLEMENTARY INFORMATION:

##### Background

The imported fire ant regulations (contained in 7 CFR 301.81 through 301.81-10, and referred to below as the regulations) quarantine infested States or infested areas within States and

impose restrictions on the interstate movement of certain regulated articles for the purpose of preventing the artificial spread of the imported fire ant.

Imported fire ants, *Solenopsis invicta* Buren and *Solenopsis richteri* Forel, are aggressive, stinging insects that, in large numbers, can seriously injure or even kill livestock, pets, and humans. The imported fire ant feeds on crops and builds large, hard mounds that damage farm and field machinery. The imported fire ant is not native to the United States. The regulations prevent the imported fire ant from spreading throughout its ecological range within this country.

The regulations in § 301.81-3 provide that the Administrator of the Animal and Plant Health Inspection Service (APHIS) will list as a quarantined area each State, or each portion of a State, that is infested with imported fire ants. The Administrator will designate less than an entire State only under the following conditions: (1) The State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles listed in § 301.81-2 that are equivalent to the interstate movement restrictions imposed by the regulations; and (2) designating less than the entire State will prevent the spread of the imported fire ant. The Administrator may include uninfested acreage within a quarantined area due to its proximity to an infestation or its inseparability from the infested locality for quarantine purposes.

In an interim rule effective and published in the Federal Register on October 11, 1995 (60 FR 52831-52833, Docket No. 95-063-1), we amended the imported fire ant regulations by designating all or portions of the following as quarantined areas: The entire State of Mississippi; Mecklenburg County in North Carolina; Bradley, Hamilton, McMinn, and Wayne Counties in Tennessee; and Brooks, Cameron, Delta, Dimmit, Duval, Jack, Kenedy, Kinney, Lamar, Mason, McCulloch, Montague, San Saba, Webb, Young, and Zavala Counties in Texas. This action expanded the quarantined areas and imposed certain restrictions on the interstate movement of quarantined articles from those areas. This action was necessary because recent surveys conducted by APHIS and State and county agencies revealed that the imported fire ant had spread to these areas.

We solicited comments concerning the interim rule for 60 days ending December 11, 1995. We received 1 comment by that date. The comment was from a State Department of Agriculture.

The commenter stated that our description of the new quarantined area in Wayne County, Tennessee, was not clear and could be misread to describe a smaller portion of the county than what the commenter believed we intended. We agree with the commenter and are, therefore, amending the interim rule by revising the description of the quarantined area in Wayne County, Tennessee, to make it clear that it includes that portion of the county south of Highway 64 and that portion of the county west of Longitude 87° 55'.

Therefore, based on the rationale set forth in the interim rule and in this document, we are adopting the provisions of the interim rule as a final rule, with the changes discussed in this document.

This final rule also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12778, the National Environmental Policy Act, 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.

#### Effective Date

Pursuant to the administrative procedure provisions in 5 U.S.C. 553, we find good cause for making this rule effective less than 30 days after publication in the Federal Register. The interim rule adopted as final by this rule was effective on October 11, 1995. This rule revises the description of the quarantined area in the interim rule. Immediate action is necessary in order to prevent the artificial spread of imported fire ant to noninfested areas of the United States. Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule should be effective upon publication in the Federal Register.

#### List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 7 CFR part 301 is amended as follows:

#### PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff, 161, 162, and 164-167; 7 CFR 2.22, 2.80, and 371.2(c).

2. In § 301.81-3, paragraph (e), the list of quarantined areas is amended by revising the entry for Wayne County, Tennessee, to read as follows:

**§ 301.81-3 Quarantined areas.**

\* \* \* \* \*

(e) \* \* \*

\* \* \* \* \*

**TENNESSEE**

\* \* \* \* \*

*Wayne County.* That portion of the county lying south of U.S. Highway 64 and also that portion of the county lying west of Longitude 87° 55'.

\* \* \* \* \*

Done in Washington, DC, this 15th day of April 1996.

Terry L. Medley,

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

[FR Doc. 96-9833 Filed 4-19-96; 8:45 am]

**BILLING CODE 3410-34-P**

**Agricultural Marketing Service**

**7 CFR Parts 911 and 915**

[Docket No. FV95-911-2IFR]

**Limes and Avocados Grown in Florida; Suspension of Certain Volume Regulations and Reporting Requirements**

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Interim final rule with request for comments; suspension.

**SUMMARY:** This rule suspends indefinitely certain volume regulation provisions of the marketing order covering limes grown in Florida. This rule indefinitely suspends the pack-out reporting requirements for the marketing orders covering limes and avocados grown in Florida. The marketing orders regulate the handling of limes and avocados grown in Florida and are administered by the Florida Lime Administrative Committee and the Avocado Administrative Committee, respectively. These provisions are not needed due to reduced Florida lime and avocado production. This rule will also reduce handler reporting burdens for both marketing orders.

**DATES:** Effective April 1, 1996. Comments which are received prior to May 22, 1996, will be considered prior to issuance of any final action.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this action to: Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523-S, Washington, DC 20090-6456. Three

copies of all written material shall be submitted, and they will be made available for public inspection at the office of the Docket Clerk during regular business hours. All comments should reference the docket number, date, and page number of this issue of the Federal Register.

**FOR FURTHER INFORMATION CONTACT:**

Britthany E. Beadle and Caroline C. Thorpe, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2522-S, Washington, DC 20090-6456; telephone: 202-720-5127; or Aleck J. Jonas, Southeast Marketing Field Office, USDA/AMS, P.O. Box 2276, Winter Haven, Florida 33883; telephone: 813-299-4770.

**SUPPLEMENTARY INFORMATION:** This action is issued under the provisions of section 8c(16)(A) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act; and of Marketing Agreements and Marketing Orders No. 911 (7 CFR part 911) and No. 915 (7 CFR part 915) regulating the handling of limes grown in Florida and avocados grown in South Florida, respectively. These agreements and orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

The Department of Agriculture (Department) is issuing this action in conformance with Executive Order 12866.

This action has been reviewed under Executive Order 12778, Civil Justice Reform. It is intended that this action will be applicable for the entire 1996 fiscal year which began April 1, 1996, and will continue until amended, suspended, or terminated. This action will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this action.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 8c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal

place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are about 10 Florida lime handlers subject to regulation under the marketing order covering limes grown in Florida, and about 30 lime producers in Florida. Also, there are approximately 35 handlers of avocados and approximately 95 producers in the regulated area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$5,000,000. A majority of these handlers and producers may be classified as small entities.

The Florida Lime Administrative Committee (FLAC) met on December 13, 1995, and unanimously recommended a two year suspension of their lime volume regulations and pack-out requirements. However, the Department is revising the FLAC recommendation by suspending both of these requirements indefinitely. The Department has determined that since volume regulations have not been implemented for at least the past five years and lime production has been reduced to low levels these regulations should be suspended indefinitely. The Department does not anticipate that such regulations will be needed in the near future.

Also, the Avocado Administrative Committee (AAC) met on January 10, 1996, and recommended indefinite suspension of their pack-out reporting requirements.

The suspension of §§ 911.53-59 and 911.111 of the lime marketing order volume regulations and pack-out reporting requirements was published in the Federal Register (59 FR 13429, March 22, 1994) and is currently in