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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket 91–155–18]

Mediterranean Fruit Fly

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rules as final rule.

SUMMARY: We are adopting as a final rule, without change, the Mediterranean fruit fly regulations, as established and amended by a series of interim rules published in the Federal Register between November 1991 and August 1995. The regulations quarantine portions of California and restrict the interstate movement of regulated articles for those areas to help prevent the spread of the Mediterranean fruit fly into noninfested areas of the United States.

EFFECTIVE DATE: April 3, 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) 734–8247.

SUPPLEMENTARY INFORMATION:

Background

The Mediterranean fruit fly, *Ceratitis capitata* (Wiedemann), is one of the world's most destructive pests of numerous fruits and vegetables. The Mediterranean fruit fly (Medfly) can cause serious economic losses. Heavy infestations can cause complete loss of crops, and losses of 25 to 50 percent are not uncommon. The short life cycle of this pest permits the rapid development of serious outbreaks.

In an interim rule effective November 5, 1991, and published in the Federal Register on November 13, 1991 (56 FR 57573–57579, Docket No. 91–155), we established the Mediterranean fruit fly (Medfly) regulations (7 CFR 301.78 through 301.78–10; referred to below as the regulations) and quarantined the Hancock Park area of Los Angeles County, CA. The regulations impose restrictions on the interstate movement of regulated articles from quarantined areas in order to prevent the spread of the Medfly to noninfested areas of the United States. We have published a series of interim rules amending these regulations by adding to or removing from the list of quarantined areas certain portions of Los Angeles, Santa Clara, Orange, Riverside, San Bernardino, San Diego, and Ventura Counties, CA, and by adding three treatments for fruit. Amendments affecting the quarantined areas in California were made effective on September 10 and November 12, 1992; and on January 19, July 16, August 3, September 15, October 8, November 22, and December 16, 1993; and on January 10, February 14, March 4, July 7, August 2, and October 12, 1994; and on August 1, 1995 (57 FR 42485–42486, Docket No. 91–155–2; 57 FR 54166–54169, Docket No. 91–155–3; 58 FR 6343–6346, Docket No. 91–155–4; 58 FR 39123–39124, Docket No. 91–155–5; 58 FR 42489–42491, Docket No. 91–155–6; 58 FR 49186–49190, Docket No. 91–155–7; 58 FR 53105–53109, Docket No. 91–155–8; 58 FR 63027–63031, Docket No. 91–155–9; 58 FR 67627–67630, Docket No. 91–155–10; 59 FR 2281–2283, Docket No. 91–155–11; 59 FR 7895–7896, Docket No. 91–155–12; 59 FR 11177–11180, Docket No. 91–155–13; 59 FR 35611–35612, Docket No. 91–155–14; 59 FR 40207–40209, Docket No. 91–155–15; and 59 FR 52405–52407, Docket No. 91–155–16; 60 FR 40053–40054, Docket No. 91–155–17).

Comments on these interim rules were required to be received on or before 60 days after the date of publication in the Federal Register. We did not receive any comments. The facts presented in the interim rules still provide a basis for these rules.

This action also affirms the information contained in the interim rules concerning Executive Orders 12291 and 12866 and Regulatory Flexibility Act, Executive Orders 12372 and 12778, 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 regulations at 7 CFR 301.78 through 301.78–10, as amended by interim rules that were published at 56 FR 57573–57579 on November 13, 1991; 57 FR 42485–42486 on September 15, 1992; 57 FR 54166–54169 on November 17, 1992; 58 FR 6343–6346 on January 28, 1993; 58 FR 39123–39124 on July 22, 1993; 58 FR 42489–42491 on August 10, 1993; 58 FR 49186–49190 on September 22, 1993; 58 FR 53105–53109 on October 14, 1993; 58 FR 63027–63031 on November 30, 1993; 58 FR 67627–67630 on December 22, 1993; 59 FR 2281–2283 on January 14, 1994; 59 FR 7895–7896 on February 17, 1994; 59 FR 11177–11180 on March 10, 1994; 59 FR 35611–35612 on July 13, 1994; 59 FR 40207–40208 on August 8, 1994; and 59 FR 52405–52407 on October 18, 1994; 60 FR 40053–40054 on August 7, 1995.

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

Done in Washington, DC, this 26th day of February 1996.

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–4951 Filed 3–1–96; 8:45 am]

BILLING CODE 3410–34–P

7 CFR Part 319

[Docket No. 93–119–2]

Importation of Citrus Fruits From Australia

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the Fruits and Vegetables regulations to allow oranges, lemons, limes, mandarins, and grapefruit from the Riverina and

Sunraysia districts of Australia to be imported into the United States. We are taking this action because we have determined that the citrus may be imported without presenting a significant risk of introducing injurious plant pests into the United States. This rule provides importers and consumers in the United States with an additional source of citrus fruit.

EFFECTIVE DATE: March 4, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Peter M. Grosser, Senior Operations Officer, Port Operations, PPQ, APHIS, 4700 River Road Unit 139, Riverdale, MD 20737–1236, (301) 734–8891.

SUPPLEMENTARY INFORMATION:

Background

The Fruits and Vegetables regulations in 7 CFR 319.56 through 319.56–8 (referred to below as ''the regulations'') prohibit or restrict the importation of fruits and vegetables to prevent the introduction and dissemination of injurious insects, including fruit flies, that are new to or not widely distributed in the United States. Paragraphs (e) and (f) of § 319.56–2 contain requirements for the importation of certain fruits and vegetables based on their origin in a definite area or district. The definite area or district must meet certain criteria, including criteria designed to ensure that the area or district is free from all or certain injurious insects. Section 319.56–2v contains provisions for importing citrus fruit from Australia.

On September 11, 1995, we published in the Federal Register (60 FR 47101–47103, Docket No. 93–119–1) a proposal to amend the regulations to allow oranges, lemons, limes, mandarins, and grapefruit from the Riverina and Sunraysia districts of Australia to be imported into the United States. We proposed to allow importation of the citrus fruit without cold treatment for fruit flies, provided that the districts remain free of fruit flies that attack citrus. If any such fruit flies were detected in the districts, we proposed to allow importation of the citrus fruit subject to the completion of an Animal and Plant Health Inspection Service authorized cold treatment and subject to all other applicable requirements of the regulations.

We solicited comments concerning our proposal for 30 days ending October 11, 1995. We received 12 comments by that date. They were from growers, packers, producers, shippers, grocery chains, and an independent distributor. Nine of the commenters completely supported the proposed rule. The remarks of the three remaining commenters are discussed below by topic. Two of the comments were on reciprocal trade agreements and were nearly identical.

Disease Risk

Comment: The proposed importation into the United States of citrus fruits from the Riverina and Sunraysia districts of Australia could introduce several serious citrus diseases, including Australian scab, citrus black spot, and diseases of the species *Guignardia,* into the United States. Disease surveys for these pathogens should be performed in the Riverina and Sunraysia districts of Australia prior to allowing citrus fruits from these districts to be imported into the United States. Additionally, provisions should be made for ongoing disease surveys in these districts before the proposed importation is allowed.

Response: We do not believe that citrus fruits from the Riverina and Sunraysia districts of Australia are likely to introduce serious diseases into the United States. Citrus black spot, *Guignardia citricarpa,* and Australian citrus scab, *Sphaceloma fawcetti* var. *scabiosa,* occur where abundant rainfall and a suitable temperature range favor development of infection, not in inland areas such as the arid, hot Riverina and Sunraysia districts. We do not believe that these pathogens could survive in the irrigated horticultural areas of the Riverina and Sunraysia districts. Additionally, no other species of *Guignardia* has been reported as the cause for a disease on citrus. These facts, plus the pest and disease monitoring system continuously maintained by the plant pest authorities in the Riverina and Sunraysia districts, convince us that the disease risk posed by citrus fruits from the Riverina and Sunraysia districts of Australia is insignificant. If either *Guignardia citricarpa* or *Sphaceloma fawcetti* var. *scabiosa* were detected in citrus fruits from the Riverina and Sunraysia districts of Australia, our importation program would cease immediately.

Reciprocal Trade Agreements

Comment: More than 3 years ago, Florida's citrus industry petitioned the Australian Quarantine and Inspection Service (AQIS) to allow Florida citrus fruits to be imported into Australia. AQIS should respond to Florida's petition before a decision is reached regarding the importation into the United States of citrus fruits from the Riverina and Sunraysia districts of Australia.

Response: Our proposal and decision to allow importation of citrus fruits from the Riverina and Sunraysia districts of Australia are based solely on whether these importations can be made without significant risk of pest introduction. We have no authority to base these decisions on the presence or absence of reciprocal arrangements.

Therefore, based on the rationale set forth in the proposed rule and in this document, we are adopting the provisions of the proposal as a final rule with a minor editorial change for clarity.

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. Immediate implementation of this rule is necessary to provide relief to those persons who are adversely affected by restrictions we no longer find warranted. 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.

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.

We are amending the Fruits and Vegetables regulations by allowing the importation of oranges, lemons, limes, mandarins, and grapefruit from the Riverina and Sunraysia districts of Australia.

According to a U.S. Department of Agriculture estimate, the total U.S. production of citrus fruits was approximately 11.172 million metric tons in 1992. Approximately 1.1 million metric tons of citrus fruits were exported from the United States in 1992, with about 9,741 metric tons exported to Australia.

According to an estimate offered by the Australian Office of the Counsellor, Australia produced approximately 592,000 metric tons of citrus fruits in 1992. Citrus production in Australia is oriented primarily to domestic consumption, with exports accounting for approximately 79,000 metric tons, or only about 13 percent of the total production, in 1992. Of the total quantity exported, 2,517 metric tons (about 3 percent) went to the United States.

The U.S. entities who will be most affected by this rule include citrus fruit producers, exporters, and importers. It is estimated that 93 percent of the U.S. farms that produce citrus fruit,

approximately 21,225 farms in all, qualify as small businesses. While this rule provides an additional supply of citrus fruit in the United States, domestic citrus fruit producers, including small entities, can expect a very insignificant decline in the price of citrus fruits. Due to the seasonal difference in availability, U.S. and Australian producers will not be in direct competition for the domestic citrus market. Both exporters and importers are expected to benefit from the rule. The projected benefit to exporters may accrue from the expanded export opportunities that may result from a favorable reciprocal trade treatment given by Australia. Importers may also benefit from the increased availability of citrus fruit, especially navel oranges, during the time of year when U.S. production is lowest. However, the economic benefits to importers and exporters are not expected to be significant.

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 12778

This rule allows oranges, lemons, limes, mandarins, and grapefruit to be imported into the United States from the Riverina and Sunraysia districts of Australia. State and local laws and regulations regarding citrus fruit imported under this rule will be preempted while the fruit is in foreign commerce. Fresh citrus fruits are generally imported for immediate distribution and sale to the consuming public, and will remain in foreign commerce until sold to the ultimate consumer. The question of when foreign commerce ceases in other cases must be addressed on a case-by-case basis. No retroactive effect will be given to this rule, and this rule will 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 319

Bees, Coffee, Cotton, Fruits, Honey, Imports, Incorporation by reference, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, 7 CFR part 319 is amended as follows:

PART 319—FOREIGN QUARANTINE NOTICES

1. The authority citation for part 319 continues to read as follows:

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151–167, 450, 2803, and 2809; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.2(c).

2. Section 319.56–2v is revised to read as follows:

§ 319.56–2v Conditions governing the entry of citrus from Australia.

(a) The Administrator has determined that the irrigated horticultural areas within the following districts of Australia meet the criteria of § 319.56–2 (e) and (f) with regard to the Mediterranean fruit fly (*Ceratitis capitata* [Wiedemann]), the Queensland fruit fly (*Dacus tryoni* [Frogg]), and other fruit flies destructive of citrus:

(1) The Riverland district of South Australia, defined as the county of Hamley and the geographical subdivisions, called ''hundreds,'' of Bookpurnong, Cadell, Gordon, Holder, Katarapko, Loveday, Markaranka, Morook, Murtho, Parcoola, Paringa, Pooginook, Pyap, Stuart, and Waikerie;

(2) The Riverina district of New South Wales, defined as:

(i) The shire of Carrathool; and

(ii) The Murrumbidgee Irrigation Area, which is within the administrative boundaries of the city of Griffith and the shires of Leeton, Narrendera, and Murrumbidgee; and

(3) The Sunraysia district, defined as the shires of Wentworth and Balranald in New South Wales and the shires of Mildura, Swan Hill, Wakool, and Kerang, the cities of Mildura and Swan Hill, and the borough of Kerang in Victoria.

(b) Oranges (*Citrus sinensis* [Osbeck]); lemons (*C. limonia* [Osbeck] and *meyeri* [Tanaka]); limes (*C. aurantiifolia* [Swingle] and *latifolia* [Tanaka]); mandarins, including satsumas, tangerines, tangors, and other fruits grown from this species or its hybrids (*C. reticulata* [Blanco]); and grapefruit (*C. paradisi* [MacFad.]) may be imported from the Riverland, Riverina, and Sunraysia districts without treatment for fruit flies, subject to paragraph (c) of this section and all other applicable requirements of this subpart.

(c) If surveys conducted in accordance with § 319.56–2d(f) detect, in a district listed in paragraph (a) of this section, the Mediterranean fruit fly (*Ceratitis capitata* [Wiedemann]), the Queensland fruit fly (*Dacus tryoni* [Frogg]), or other fruit flies that attack citrus and for which a treatment is listed in the Plant Protection and Quarantine (PPQ) Treatment Manual, citrus fruit from that district will remain eligible for importation into the United States in accordance with § 319.56–2(e)(2), provided the fruit undergoes cold treatment in accordance with the PPQ Treatment Manual, which is incorporated by reference at § 300.1 of this chapter, and provided the fruit meets all other applicable requirements of this subpart. Entry is limited to ports listed in § 319.56–2d(b)(1) of this subpart if the treatment is to be completed in the United States. Entry may be through any port if the treatment has been completed in Australia or in transit to the United States. If no approved treatment for the detected fruit fly appears in the PPQ Treatment Manual, importation of citrus from the affected district or districts is prohibited.

Done in Washington, DC, this 28th day of February 1996.

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–4952 Filed 3–1–96; 8:45 am]

BILLING CODE 3410–34–P

Commodity Credit Corporation

7 CFR Parts 1487, 1491, 1492 and 1495

Regulatory Reform Initiative

AGENCY: Commodity Credit Corporation (CCC), USDA.

ACTION: Final rule.

SUMMARY: In response to the President's Regulatory Reform Initiative, the Commodity Credit Corporation is issuing this final rule to amend its regulations to eliminate the following programs: Noncommercial Risk Assurance Program (GSM–101); CCC Intermediate Credit Export Sales Program for Breeding Animals (GSM–201); CCC Intermediate Credit Export Sales Program for Foreign Market Development Facilities (GSM–301); and Disposition of Agricultural Commodities under the CCC Barter Program (Barter Program). These programs are inactive or obsolete and have not been used in 15 years or more.

EFFECTIVE DATE: April 3, 1996.

FOR FURTHER INFORMATION CONTACT: L.T. McElvain, Director, CCC Operations Division, Foreign Agricultural Service, U.S. Department of Agriculture, AG Box 1035, Washington D.C., 20250–1035; Fax (202) 720–2949; Telephone (202) 720–6211. The U.S. Department of Agriculture (USDA) prohibits