

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.

#### 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, 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. 147a, 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

2. In § 301.45–3, paragraph (a) is amended by adding entries for Ohio and Wisconsin, in alphabetical order, to read as follows:

#### § 301.45–3 Generally infested areas.

(a) \* \* \*

* * *	* * *
Ohio	
* * *	* * *
<i>Lorain County.</i>	The entire county.
* * *	* * *
<i>Medina County.</i>	The entire county.
* * *	* * *
<i>Wayne County.</i>	The entire county.
* * *	* * *
Wisconsin	
* * *	* * *
<i>Calumet County.</i>	The entire county.
* * *	* * *
<i>Kenosha County.</i>	The entire county.
* * *	* * *
<i>Marinette County.</i>	The entire county.
<i>Menominee County.</i>	The entire county.
<i>Milwaukee County.</i>	The entire county.
<i>Oconto County.</i>	The entire county.
<i>Outagamie County.</i>	The entire county.

*Ozaukee County.* The entire county.  
*Racine County.* The entire county.  
*Shawano County.* The entire county.  
*Sheboygan County.* The entire county.  
*Washington County.* The entire county.  
*Waukesha County.* The entire county.  
*Winnebago County.* The entire county.

Done in Washington, DC, this 5th day of May 1998.

**Charles P. Schwalbe,**

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

[FR Doc. 98–12396 Filed 5–8–98; 8:45 am]

BILLING CODE 3410–34–P

#### DEPARTMENT OF AGRICULTURE

#### Animal and Plant Health Inspection Service

#### 7 CFR Part 301

[Docket No. 97–056–11]

#### Mediterranean Fruit Fly; Addition to the Quarantined Area

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

**ACTION:** Interim rule and request for comments.

**SUMMARY:** We are amending the Mediterranean fruit fly regulations by expanding the current quarantined area in Dade County, FL. The regulations restrict the interstate movement of regulated articles from the quarantined area. This action is necessary on an emergency basis to prevent the spread of the Mediterranean fruit fly into noninfested areas of the continental United States.

**DATES:** Interim rule effective May 5, 1998. Consideration will be given only to comments received on or before July 10, 1998.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 97–056–11, 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. 97–056–11. 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: mstefan@aphis.usda.gov.

#### 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.

The Mediterranean fruit fly regulations (7 CFR 301.78 through 301.78–10; referred to below as the regulations) restrict the interstate movement of regulated articles from quarantined areas to prevent the spread of Medfly to noninfested areas of the United States.

In an interim rule effective on June 16, 1997, and published in the **Federal Register** on June 20, 1997 (62 FR 33537–33539, Docket No. 97–056–2), we added a portion of Hillsborough County, FL, to the list of quarantined areas and restricted the interstate movement of regulated articles from that quarantined area. In a second interim rule effective on July 3, 1997, and published in the **Federal Register** on July 10, 1997 (62 FR 36976–36978, Docket No. 97–056–3), we expanded the quarantined area in Hillsborough County, FL, and added areas in Manatee and Polk Counties, FL, to the list of quarantined areas. In a third interim rule effective on August 7, 1997, and published in the **Federal Register** on August 13, 1997 (62 FR 43269–43272, Docket No. 97–056–4), we further expanded the quarantined area by adding new areas in Hillsborough County, FL, and an area in Orange County, FL, to the list of quarantined areas. In that third interim rule, we also revised the entry for Manatee County, FL, to make the boundary lines of the quarantined area more accurate. In a fourth interim rule effective on September 4, 1997, and published in the **Federal Register** on September 10, 1997 (62 FR 47553–47558, Docket No. 97–056–5), we quarantined a new area in Polk County, FL, and an area in Sarasota County, FL. In a fifth interim rule effective on October 15, 1997, and published in the **Federal Register** on October 21, 1997 (62 FR 54571–54572, Docket No. 97–056–7), we removed all or portions of the quarantined areas in Hillsborough, Manatee, Orange, Polk, and Sarasota Counties, FL, from the list of quarantined areas. In a sixth interim rule effective on November 14, 1997, and published in the **Federal Register**

on November 20, 1997 (62 FR 61897–61898, Docket No. 97–056–8), we removed all of the quarantined areas in Polk County, FL, from the list of quarantined areas. In a seventh interim rule effective April 17, 1998, and published in the **Federal Register** on April 22, 1998 (63 FR 19797–19798, Docket No. 97–056–9), we removed the quarantined area in Hillsborough County, FL, from the list of quarantined areas. In an eighth interim rule also effective on April 17, 1998, and published in the **Federal Register** on April 23, 1998 (63 FR 20053–20054, Docket No. 98–046–1), we added a portion of Dade County, FL, to the list of quarantined areas and restricted the interstate movement of regulated articles from the quarantined area.

Recent surveys by inspectors of Florida State and county agencies and by inspectors of the Animal and Plant Health Inspection Service (APHIS) have detected Medfly larvae in fruit in the currently quarantined area in Dade County, FL. This indicates a reproducing Medfly population in the area. For this reason, we are expanding the quarantined area in Dade County, FL, to prevent the spread of Medfly to noninfested areas.

The regulations in § 301.78–3 provide that the Administrator of APHIS will list as a quarantined area each State, or each portion of a State, in which the Medfly has been found by an inspector, in which the Administrator has reason to believe that the Medfly is present, or that the Administrator considers necessary to regulate because of its inseparability for quarantine enforcement purposes from localities in which the Medfly has been found.

Less than an entire State will be designated as a quarantined area only if the Administrator determines that the State has adopted and is enforcing restrictions on the intrastate movement of regulated articles that are equivalent to those imposed on the interstate movement of regulated articles, and the designation of less than the entire State as a quarantined area will prevent the interstate spread of the Medfly. The boundary lines for a portion of a State being designated as quarantined are set up approximately four-and-one-half-miles from the detection sites. The boundary lines may vary due to factors such as the location of Medfly host material, the location of transportation centers such as bus stations and airports, the pattern of persons moving in that State, the number and patterns of distribution of the Medfly, and the use of clearly identifiable lines for the boundaries.

In accordance with these criteria and the recent Medfly finding described above, we are amending 301.78–3 by expanding the current quarantined area in Dade County, FL. The resulting quarantined area is described in the rule portion of this document.

#### **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 Medfly 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 it effective upon signature. 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**. It 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 interim rule amends the Medfly regulations by expanding the current quarantined area in Dade County, FL. This action is necessary on an emergency basis to prevent the spread of the Medfly into noninfested areas of the United States.

This interim rule affects the interstate movement of regulated articles from the newly quarantined area of Dade County, FL. We estimate that there are 63 entities in this area of Dade County, FL, that sell, process, handle, or move regulated articles; this estimate includes 14 mobile vendors, 34 stores/markets, and 15 nurseries. The number of these entities that meet the U.S. Small Business Administration's (SBA) definition of a small entity is unknown, since the information needed to make that determination (i.e., each entity's gross receipts or number of employees) is not currently available. However, it is reasonable to assume that most of the 63 entities are small in size, since the overwhelming majority of businesses in Florida, as well as the rest of the United

States, are small entities by SBA standards.

We believe that few, if any, of the 63 entities will be significantly affected by the quarantine action taken in this interim rule because few of these types of entities move regulated articles outside the State of Florida during the normal course of their business. Nor do consumers of products purchased from these types of entities generally move those products interstate. The effect on the small entities that do move regulated articles interstate from the quarantined area will be minimized by the availability of various treatments that, in most cases, will allow those small entities to move regulated articles interstate with very little additional costs. Also, many of these types of small entities sell other items in addition to regulated articles, so the effect, if any, of the interim rule should 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 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 site specific environmental assessment and programmatic Medfly environmental impact statement provide a basis for our conclusion that implementation of integrated pest management to achieve eradication of the Medfly would 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 (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 Subject in 7 CFR Part 301

Agricultural commodities, Incorporation by reference, 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. 147a, 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

2. In § 301.78–3, paragraph (c), the entry for Florida is revised to read as follows:

##### § 301.78–3 Quarantined areas.

\* \* \* \* \*

(c) \* \* \*

#### FLORIDA

*Dade County.* That portion of Dade County beginning at the intersection of Northwest 87th Avenue and Northwest 103rd Street (State Highway 932); then east along Northwest 103rd Street (State Highway 932) (also known as 49th Street) to the section line dividing sections 4 and 5, T. 53 S., R. 41 E.; then south along the section line dividing sections 4 and 5, T. 53 S., R. 41 E., to Northwest 36th Street (State Highway 948); then west along Northwest 36th Street to Northwest 87th Avenue; then north along

Northwest 87th Avenue to the point of beginning.

Done in Washington, DC, this 5th day of May 1998.

**Charles P. Schwalbe,**

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

[FR Doc. 98–12395 Filed 5–8–98; 8:45 am]

BILLING CODE 3410–34–P

#### FEDERAL DEPOSIT INSURANCE CORPORATION

##### 12 CFR Part 330

RIN 3064–AB73

##### Simplification of Deposit Insurance Rules

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Final rule.

**SUMMARY:** The FDIC is revising its deposit insurance regulations by adopting three substantive amendments and numerous technical amendments. The purpose of these amendments is to increase the public's understanding of the regulations through simplification. The substantive amendments in the final rule will: Relax the FDIC's recordkeeping requirements for certain agency or fiduciary accounts; create a six-month "grace period" following the death of a depositor for the restructuring of accounts; and clarify the insurance coverage of revocable trust accounts when an account is held by the depositor pursuant to a formal "living trust" agreement.

**EFFECTIVE DATE:** July 1, 1998.

**FOR FURTHER INFORMATION CONTACT:** Christopher L. Hencke, Counsel, (202) 898–8839, or Joseph A. DiNuzzo, Senior Counsel, (202) 898–7349, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429.

##### SUPPLEMENTARY INFORMATION:

##### I. Background

Simplifying the deposit insurance regulations is one of the FDIC's corporate operating projects under its Strategic Plan. The purpose is to promote public understanding of deposit insurance and, particularly, to clarify and illustrate rules that have been misunderstood. The public's misunderstanding of certain of the rules has been reflected in the large volume of letters and phone calls received by the FDIC concerning deposit insurance. Also, this simplification effort is in furtherance of section 303(a) of the Riegle Community Development and

Regulatory Improvement Act of 1994, 12 U.S.C. 4803(a), requiring the federal banking agencies to reduce regulatory burden and improve efficiency.

The FDIC's insurance regulations are codified at 12 CFR part 330. In recent years, the FDIC has revised these regulations twice (not including a third revision that dealt only with certain disclosure requirements). In 1980, following the termination of the Federal Savings and Loan Insurance Corporation (FSLIC), the FDIC issued uniform regulations applicable to deposits in all insured depository institutions including those previously insured by the FSLIC. The issuance of uniform regulations was mandated by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) (Pub. L. 101–73 (1989)). In 1993, the FDIC revised the rules applicable to the deposits of employee benefit plans and retirement plans. This revision was mandated by the Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA) (Pub. L. 102–242 (1991)). Notwithstanding these relatively recent revisions, the Board of Directors (Board) believes that the final rule is necessary for the purpose of simplification.

All revisions to the insurance regulations must be consistent with section 11(a) of the Federal Deposit Insurance Act (FDI Act), 12 U.S.C. 1821(a). Section 11(a) provides that deposits maintained by a depositor in the same capacity and the same right at the same insured depository institution must be aggregated and insured up to \$100,000. The FDI Act does not define "depositor", "capacity" or "right". Through the insurance regulations, the FDIC has implemented these terms by recognizing different categories of accounts based on ownership. Each type of account is entitled to separate insurance up to the \$100,000 limit if it satisfies certain requirements. For example, single ownership accounts owned by a particular depositor are not added to qualifying joint accounts partly owned by the same depositor.

The final rule is the product of a process that began in May of 1996. At that time, the FDIC published an Advance Notice of Proposed Rulemaking (ANPR). See 61 FR 25596 (May 22, 1996). The ANPR was followed, in May of 1997, by the publication of a proposed rule. See 62 FR 26435 (May 14, 1997). The evolution of the final rule is discussed in greater detail below.

The final rule does not complete the FDIC's simplification efforts. As discussed below, the FDIC is still studying other possible revisions to its