

Within the previously quarantined portion of Los Angeles County, there are approximately 143 entities that will be affected by this rule. All would be considered small entities. These include 2 farmers' markets, 1 community garden, 4 distributors, 93 fruit sellers, 7 vendors, 2 growers, 2 haulers, 27 nurseries, 2 packers, 2 processors, and 1 swap meet. These small entities comprise less than 1 percent of the total number of similar small entities operating in the State of California. In addition, 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 did move regulated articles interstate was minimized by the availability of various treatments, that, in most cases, allowed these small entities to move regulated articles interstate with very little additional cost.

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.

Paperwork Reduction Act

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

2. In § 301.93–3, paragraph (c) is revised to read as follows:

§ 301.93–3 Quarantined areas.

* * * * *

(c) * * *

California

Los Angeles County. That portion of Los Angeles County beginning at the intersection of Interstate Highway 10 and Gateway Boulevard; then east along Interstate Highway 10 to its second intersection with National Boulevard; then east along National Boulevard to Jefferson Boulevard; then east along Jefferson Boulevard to La Cienega Boulevard; then south along La Cienega Boulevard to Rodeo Road; then east along Rodeo Road to Martin Luther King, Jr. Boulevard; then southeast along Martin Luther King, Jr. Boulevard to Crenshaw Boulevard; then south along Crenshaw Boulevard to Slauson Avenue; then east along Slauson Avenue to Vermont Avenue; then south along Vermont Avenue to Florence Avenue; then east along Florence Avenue to Interstate Highway 110; then south along Interstate Highway 110 to Manchester Avenue; then east along Manchester Avenue to Avalon Boulevard; then south along Avalon Boulevard to Rosecrans Avenue; then west along Rosecrans Avenue to Interstate Highway 110; then south along Interstate Highway 110 to State Highway 91 (Artesia Boulevard); then west along State Highway 91 (Artesia Boulevard) to Western Avenue; then south along Western Avenue to 190th Street; then west along 190th Street to Anita Street; then southwest along Anita Street to Herondo Street; then southwest along Herondo Street to Hermosa Avenue; then west along an imaginary line to the Pacific Ocean coastline; then northwest along the Pacific Ocean coastline to a point due west of the west end of Ocean Park Boulevard; then east along an imaginary line drawn from that point to the west end of Ocean Park Boulevard; then northeast along Ocean Park Boulevard to Gateway Boulevard; then northeast along Gateway Boulevard to the point of beginning.

Done in Washington, DC, this 18th day of February 1998.

Craig A. Reed,

Acting Administrator, Animal and Plant Health Inspection Service.

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DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR PART 1499

RIN 0551–0035

Foreign Donation of Agricultural Commodities

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule amends regulations governing procedures for procuring ocean transportation for agricultural commodities provided under section 416(b) of the Agricultural Act of 1949 and the Food for Progress Act of 1985. These changes are consistent with the procedures applicable to title I of the Agricultural Trade Development and Assistance Act of 1954 (P.L. 480).

DATES: This interim rule is effective February 23, 1998. Comments must be received in writing by April 24, 1998 to be assured of consideration.

ADDRESSES: Send comments to the Director, Commodity Credit Corporation, Program Support Division, Foreign Agricultural Service, United States Department of Agriculture, 1400 Independence Avenue, S.W., Stop 1031, Washington, D.C. 20250–1031; telephone (202) 720–3573.

FOR FURTHER INFORMATION CONTACT: Ira Branson, Director, Commodity Credit Corporation Program Support Division, Foreign Agricultural Service, United States Department of Agriculture, 1400 Independence Avenue, S.W., Stop 1031, Washington, D.C. 20250–1031; telephone (202) 720–3573.

SUPPLEMENTARY INFORMATION: This interim rule is issued in conformance with Executive Order 12866. Based on information compiled by the Department, it has been determined that this interim rule:

- (1) Would have an annual effect on the economy of less than \$100 million;
- (2) Would not adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(3) Would not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(4) Would not materially alter the budgetary impact of entitlement, grants, user fees, or loan programs or rights and obligations of recipients thereof; and

(5) Would not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or principles set forth in Executive Order 12866.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this interim rule since CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of rulemaking with respect to the subject matter of this interim rule.

Paperwork Reduction Act

This interim rule does not contain any information collection requirements that require OMB approval under the provisions of the Paperwork Reduction Act.

Executive Order 12372

This interim rule is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with state and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 46 FR 29115 (June 24, 1983).

Executive Order 12988

This interim rule has been reviewed under the Executive Order 12988, Civil Justice Reform. The interim rule would have pre-emptive effect with respect to any state or local laws, regulations, or policies which conflict with such provisions or which otherwise impede their full implementation. The interim rule would not have retroactive effect. Administrative proceedings are not required before parties may seek judicial review.

In accordance with section 416(b) of the Agricultural Act of 1949, 7 U.S.C. 1431(b), ("section 416(b)") and the Food for Progress Act of 1985, 7 U.S.C. 1736o, ("FFP"), Commodity Credit Corporation ("CCC") donates agricultural commodities overseas to meet food needs and to support economic development efforts in foreign countries. The recipient of a donation, commonly referred to as a "cooperating sponsor," is required to contract for the ocean transportation of the donated commodities. Current regulations governing section 416(b) and FFP require cooperating sponsors to follow certain procedures when contracting for

ocean transportation of bulk cargoes and non-liner shipments of packaged commodities that parallel procedures required under title I of the Agricultural Trade Development and Assistance Act of 1954, (Pub. L. 480). The Pub. L. 480 Operations Division, Export Credits, Foreign Agricultural Service, has the responsibility of overseeing the contracting process for all these programs.

On October 10, 1997, CCC published a final rule applicable to title I, Pub. L. 480 at 7 CFR part 17 that changed certain requirements regarding the procedures for contracting for ocean transportation of bulk cargoes and non-liner shipments of packaged commodities and also reorganized part 17 (62 FR 52929). The purpose of this interim rule is to amend the regulations applicable to section 416(b) and FFP to be consistent with the new title I, P.L. 480 requirements. In particular, the interim rule deletes the prohibition in § 1499.8(b)(4) against "clarification or submission of additional information" under competitive freight invitations for bids and updates a cross reference to the title I, Pub. L. 480 regulations regarding information and certifications required from prospective shipping agents. Public participation in these rule changes is unnecessary because the changes were the subject of public comments during the title I, Pub. L. 480 rule-making process. Also, any delay in promulgating these changes may delay implementation of these foreign assistance programs this fiscal year. For these reasons, CCC is promulgating this rule as an interim rule, effective on publication. However, comments on the provisions of this regulation are invited. CCC will consider all comments received and may make changes based on the comments received.

List of Subjects in 7 CFR Part 1499

Agricultural commodities, Exports, Foreign aid.

Accordingly, CCC proposes to amend 7 CFR part 1499 as follows:

PART 1499—FOREIGN DONATION PROGRAMS

1. The authority citation for part 1499 continues to read as follows:

Authority: 7 U.S.C. 1431(b); 7 U.S.C. 1736o; E.O. 12752.

2. In § 1499.8, paragraph (b)(4) is amended by revising the first sentence to read as follows:

§ 1499.8 Ocean transportation.

* * * * *

(b) * * *

(4) In the case of shipments of bulk commodities and non-liner shipments of packaged commodities, the Cooperating Sponsor shall open offers in public in the United States at the time and place specified in the invitation for bids and consider only offers that are responsive to the invitation for bids without negotiation. * * *

* * * * *

§ 1499.8 [Amended]

3. In § 1499.8, paragraph (c)(2) is amended by removing "7 CFR 17.5" and adding, in its place, "7 CFR 17.4".

Signed at Washington, DC on November 20, 1997.

Christopher E. Goldthwait,

General Sales Manager, FAS, and Vice President, Commodity Credit Corporation.

[FR Doc. 98-4430 Filed 2-20-98; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 77

[Docket No. 97-062-1]

Tuberculosis Testing of Livestock Other Than Cattle and Bison

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the tuberculosis regulations to include species of livestock other than cattle and bison in the requirement for two annual herd tests for newly assembled herds on premises where a tuberculous herd has been depopulated. This requirement is necessary because, without testing, such livestock could become infected and spread tuberculosis to the cattle or bison in the herd before the disease was detected in the herd. Adding this requirement to the tuberculosis regulations will help ensure continued progress toward eradicating tuberculosis in the U.S. livestock population.

DATES: Interim rule effective February 23, 1998. Consideration will be given only to comments received on or before April 24, 1998.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 97-062-1, 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. 97-062-1. Comments