

circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this rule effective less than 30 days after publication in the **Federal Register**.

We will consider comments we receive during the comment period for this interim rule (see **DATES** above). After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule.

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 under Executive Order 12866.

This rule amends the Mexican fruit fly regulations by designating an additional portion of San Diego County, CA, as a regulated area and restricting the interstate movement of regulated articles from that area. This action is necessary to prevent the spread of the Mexican fruit fly into noninfested areas of the United States.

This emergency situation makes timely compliance with section 604 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) impracticable. We are currently assessing the potential economic effects of this action on small entities. Based on that assessment, we will either certify that the rule will not have a significant economic impact on a substantial number of small entities or publish a final regulatory flexibility analysis.

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 interim rule. The site-specific environmental assessment provides a basis for the conclusion that the implementation of integrated pest management to eradicate the Mexican fruit fly will 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), as amended (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 in our reading room (information on the location and hours of the reading room is provided under the heading **ADDRESSES** at the beginning of this document). In addition, copies may be obtained from the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Paperwork Reduction Act

This interim 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, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we are amending 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

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

Authority: 7 U.S.C. 7711, 7712, 7714, 7731, 7735, 7751, 7752, 7753, 7754, and 7760; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 also issued under Sec. 204, Title II, Pub. L. 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 also issued under Sec.

203, Title II, Pub. L. 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

§ 301.64 [Amended]

2. In § 301.64, paragraph (a) is amended by removing the words “State of” and adding the words “States of California and” in their place.

3. In § 301.64–3, paragraph (c), under the heading “California”, the entry for San Diego County is revised to read as follows:

§ 301.64–3 Regulated areas.

* * * * *

(c) * * *

California

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San Diego County: That portion of San Diego County in the Valley Center area bounded by a line as follows: Beginning at the intersection of State Highway 76 and Rice Canyon Road; then north on Rice Canyon Road to Huntley Road; then northeast on Huntley Road to Alex Road; then northeast on Alex Road to Rainbow Crest Road; then north, northwest, and north on Rainbow Crest Road to Rainbow Heights Road; then north on Rainbow Heights Road to Arouba Road; then southeast on Arouba Road to Aruba Road; then northeast on Aruba Road to Pala Temecula Road; then north on Pala Temecula Road to the San Diego County boundary line; then east along the San Diego County boundary line to the Cleveland National Forest boundary line; then south, east, south, east, south, east, south, northeast, and southeast along the Cleveland National Forest boundary line to Nate Harrison Grade Road; then southwest, northwest, southeast, west, southeast, and southwest on Nate Harrison Grade Road to Mesa Drive North; then southeast, northeast, southwest, northeast, and southwest on Mesa Drive North to State Highway 76; then east on State Highway 76 to Valley Center Road; then south and west on Valley Center Road to North Lake Wohlford Road; then south on North Lake Wohlford Road to Woods Valley Road; then west on Woods Valley Road to Valley Center Road; then north on Valley Center Road to Mirar De Valle Road; then west on Mirar De Valle Road to Alps Way; then west on Alps Way to Cougar Pass Road; then northwest on Cougar Pass Road to Meadow Glen Way East; then west, north, west, and southwest on Meadow Glen Way East to Mountain Meadow Road; then north on Mountain Meadow Road to Glenmeade Way; then west and southwest on Glenmeade Way to Sage Hill Way; then west on Sage Hill Way to Meadow Glen Way West; then north, west, and