

expenditures are projected to be \$1,041,000 and \$1,189,000 respectively. We estimate this rule would yield an additional \$270,000 during FY 2003 that will offset increased program operating costs. The program will take additional cost cutting measures to eliminate the remaining deficit.

AMS used the fees currently charged as a base for calculating the new fee schedule for FY 2003. The fees set forth in Sec. 97.175 would be increased. The application fee will be increased from \$320 to \$432, the search fee from \$2,385 to \$3,220, and the issuance fee from \$320 to \$432. The fees for reviving an abandoned application, correcting or re-issuance of a certificate are increased from \$320 to \$432. The charge for granting an extension for responding to a request is increased from \$55 to \$74. The hourly charge for any other service not specified will increase from \$66 to \$89. The fee for appeal to the Secretary (refundable if appeal overturns the Commissioner's decision) is increased from \$3,050 to \$4,118. Reproduction of records, drawings, certificates, exhibits or printed materials, late payment, and replenish of seeds will increase by 35 percent. These fee increases are necessary to recover the costs of this fee-funded program.

The Plant Variety Protection Advisory Board has been informed of cost increases, including anticipated salary increases, and consulted on a fee increase in November 2001. The Board recommended that fees be increased. This rule makes the minimum changes in the regulations to implement the recommended increased fees to maintain the program as a fee-funded program.

Summary of Public Comment

A notice of the proposed rule was published in the **Federal Register** (67 FR 61545) on October 1, 2002. A 30-day comment period was provided to allow interested persons the opportunity to respond to the proposal, including any regulatory and informational impact of this action on small business.

The only comment received in response to the proposed revised regulatory text questioned whether the 35 percent increase of the existing fee schedule was truly warranted. Every year, AMS reviews its user fee financed programs to determine their fiscal condition. In the most recent review of the PVP program, the cost analysis indicated that the existing fee schedule will not generate sufficient revenues to cover program services and obligations while maintaining an adequate program reserve balance. We estimate the final rule would yield an additional \$270,000

during FY 2003, offsetting increased program operating costs, salaries and benefits, and technology improvements. From October 1, 2001 to September 30, 2002, the PVP program has reduced the backlog by 21 percent. With sufficient funds to cover overall operating costs, the program will continue to improve the efficiency and turnaround time in the processing of plant variety protection requests.

List of Subjects in 7 CFR Part 97

Plants, seeds.

For reasons set forth in the preamble, 7 CFR part 97 is amended as follows.

PART 97—PLANT VARIETY AND PROTECTION

1. The authority citation for part 97 continues to read as follows:

Authority: 7 U.S.C. 2321 *et seq.*

2. Section 97.175 is revised to read as follows:

§ 97.175 Fees and charges.

The following fees and charges apply to the services and actions specified in this section:

- (a) Filing the application and notifying the public of filing—\$432.00.
- (b) Search or examination—\$3,220.00.
- (c) Allowance and issuance of certificate and notifying public of issuance—\$432.00.
- (d) Revive an abandoned application—\$432.00.
- (e) Reproduction of records, drawings, certificates, exhibits, or pointed material (copy per page of material)—\$1.50.
- (f) Authentication (each page)—\$1.50.
- (g) Correcting or re-issuance of a certificate—\$432.00.
- (h) Recording assignments (per certificate/application)—\$38.00.
- (i) Copies of 8 x 10 photographs in color—\$38.00.
- (j) Additional fee for reconsideration—\$432.00.
- (k) Additional fee for late payment—\$38.00.
- (l) Additional fee for late replenishment of seed—\$38.00.
- (m) Appeal to Secretary (refundable if appeal overturns the Commissioner's decision)—\$4,118.00.
- (n) Granting of extensions for responding to a request—\$74.00.
- (o) Field inspections by a representative of the Plant Variety Protection Office, made at the request of the applicant, shall be reimbursable in full (including travel, per diem or subsistence, and salary) in accordance with Standardized Government Travel Regulation.
- (p) Any other service not covered in this section will be charged for at rates

prescribed by the Commissioner, but in no event shall they exceed \$89.00 per employee-hour.

Dated: January 6, 2003.

A.J. Yates,

Administrator.

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 02-130-1]

Oriental Fruit Fly; Designation of Quarantined Area

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the Oriental fruit fly regulations by quarantining a portion of Los Angeles and Orange Counties, CA, and restricting the interstate movement of regulated articles from the quarantined area. This action is necessary on an emergency basis to prevent the spread of Oriental fruit fly into noninfested areas of the United States.

DATES: This interim rule was effective January 6, 2003. We will consider all comments that we receive on or before March 11, 2003.

ADDRESSES: You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 02-130-1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. 02-130-1. If you use e-mail, address your comment to regulations@aphis.usda.gov. Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and "Docket No. 02-130-1" on the subject line.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to