

disinfected in the manner prescribed in § 82.14(f);

- All cages, coops, containers, troughs, and other equipment used for birds or poultry infected with or exposed to END or their excrement or litter have been reduced to ashes by incineration or have been cleaned and disinfected in the manner prescribed in § 82.14(g); and
- The premises where birds or poultry infected with or exposed to END were located have been cleaned and disinfected in the manner prescribed in § 82.14(h).

#### Conclusion

Based on the information presented above, we are amending § 82.3(c) in this interim rule by removing Imperial and Santa Barbara Counties, CA, and portions of Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura Counties, CA, from the list of quarantined areas because the continued quarantine of these areas is no longer necessary to contain all birds and poultry infected with or exposed to END. Those portions of Kern, Los Angeles, Orange,<sup>2</sup> Riverside, San Bernardino, and Ventura Counties, CA, that will remain as quarantined areas, which are described in the amendments to § 82.3(c) at the end of this document, have been deemed by epidemiological evaluation to be sufficient to contain all birds or poultry known to be infected with or exposed to END. In addition, we are also amending the regulations in § 82.3(c) by removing the remaining portions of La Paz County, AZ, San Diego County, CA, Clark County, NV, and El Paso County, TX, from the list of quarantined areas based on our determination that the requirements of § 82.14 have been met with respect to those areas. With this action, there are no longer any areas in Arizona, Nevada, and Texas that are quarantined because of END, and the size of the quarantined area in California is reduced.

#### Immediate Action

Immediate action is warranted to relieve restrictions that are no longer necessary. We have determined that portions of Arizona, California, Nevada, and Texas may now be removed from the list of areas quarantined because of END. Therefore, immediate action is warranted to relieve the prohibitions or restrictions that have applied to the movement of birds, poultry, products, and other materials from those areas. Under these 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 action effective less than 30 days after publication in the **Federal Register**.

We will consider comments that 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 regulations by removing portions of Arizona, California, Nevada, and Texas from the list of quarantined areas. This action needs to be made effective immediately in order to remove restrictions on the movement of birds, poultry, and certain other articles from those areas that are no longer necessary.

This 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 in conflict 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 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 9 CFR Part 82

Animal diseases, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements, Transportation.

■ Accordingly, 9 CFR part 82 is amended as follows:

#### PART 82—EXOTIC NEWCASTLE DISEASE (END) AND CHLAMYDIOSIS

■ 1. The authority citation for part 82 continues to read as follows:

**Authority:** 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

■ 2. In § 82.3, paragraph (c), the entries for Arizona, Nevada, and Texas are removed and the entry for California is revised to read as follows:

#### § 82.3 Quarantined areas.

\* \* \* \* \*

(c) \* \* \*

#### California

*Kern County.* That portion of the county bounded by a line drawn as follows: Beginning on the Kern/Los Angeles County line at the point where the county line is intersected by an imaginary line running northeast from the intersection of State Highway 126 and the Los Angeles/Ventura County line to the intersection of Tehachapi Willow Springs Road and West 100th Street in the city of Mojave; then northeast along that same imaginary line to the intersection of Tehachapi Willow Springs Road and West 100th Street in the city of Mojave; then north on West 100th Street to Laguna Street; then east on Laguna Street to West 90th Street; then north on West 90th Street to Oak Creek Road; then east on Oak Creek Road to State Highway 14; then south on State Highway 14 to State Highway 58; then east on State Highway 58 to East 30th Street in the city of Mojave; then southeast from that point along an imaginary line to the southeastern corner of Kern County; then west along the Kern/San Bernardino County line to the Kern/Los Angeles County line; then west along the Kern/Los Angeles County line to the point of beginning.

*Los Angeles County.* That portion of the county bounded by a line drawn as follows: Beginning at the intersection of the Los Angeles/Orange County line and East Willow Street in the city of Long Beach; then west along East Willow Street, West Willow Street, East Sepulveda Boulevard, West Sepulveda Boulevard, and Sepulveda Boulevard to Hawthorne Boulevard; then north on Hawthorne Boulevard to Manhattan Beach Boulevard; then west on Manhattan Beach Boulevard to the

<sup>2</sup> See footnote 1.