

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 action amends the Mexican fruit fly regulations by removing a portion of San Diego County, CA, from the list of regulated areas.

We expect that the effect of this interim rule will be minimal. Small entities located within the regulated area that sell regulated articles do so primarily for local intrastate, not interstate, movement, so the effect, if any, of this rule on these entities appears likely to be minimal. In addition, the effect on any small entities that may move regulated articles interstate has been minimized during the quarantine period by the availability of various treatments that allow these small entities, in most cases, to move regulated articles interstate with very little additional cost. Thus, just as the interim rules establishing the regulated area in San Diego County, CA, had little effect on the small growers in the area, the lifting of the quarantine in the current interim rule will also have little effect.

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 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. 7701–7772; 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).

§ 301.64–3 [Amended]

■ 2. In § 301.64–3, paragraph (c) is amended by removing the entry for “California”.

Done in Washington, DC, this 22nd day of October, 2003.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

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DEPARTMENT OF AGRICULTURE**Commodity Credit Corporation**

7 CFR Parts 1411, 1439, 1447, 1464, 1469, 1476, 1477, 1478 and 1479

Farm Service Agency

7 CFR Parts 759, 777, and 783

RIN 0560–AH04

Removal of Obsolete Regulations

AGENCY: Commodity Credit Corporation; Farm Service Agency, USDA.

ACTION: Final rule.

SUMMARY: This action removes regulations rendered obsolete by expiration of their statutory authority and the ending of their respective programs. There are no impacts on past or current program operations.

EFFECTIVE DATE: October 28, 2003.

FOR FURTHER INFORMATION CONTACT: Tom Witzig, Director, Regulatory Review Group, Farm Service Agency, USDA, STOP 0540, 1400 Independence Avenue, SW., Washington, DC 20250–0540; Telephone: (202) 205–5851; e-mail: tom.witzig@usda.gov.

SUPPLEMENTARY INFORMATION:**Discussion of Final Rule**

This rule removes regulations rendered obsolete by expiration of their statutory authority and the ending of their respective programs. Removal of the regulations will not impact any remaining disputes, issues or other matters regarding those programs, and the removed regulations remain in effect for such matters. The regulations being removed are:

7 CFR Part 759—Small Hog Operation Program

The Small Hog Operation Program was established to provide benefits to hog producers under clause (3) of section 32 of the Act of August 24, 1935 (7 U.S.C. 612c). The program was implemented during calendar year 1998 for small hog producers who marketed hogs during the period July 1, 1998, through December 31, 1998.

7 CFR Part 777—Disaster Payment Program for 1990-Crop Sugarcane, Sugar Beets, Soybeans and Peanuts

The Disaster Payment Program for 1990-Crop Sugarcane, Sugar Beets, Soybeans and Peanuts was authorized by section 201(k) of the Agricultural Act of 1949, as amended (7 U.S.C. 1446), and the Dire Emergency Supplemental Appropriations Act for Fiscal Year 1990 (Pub. L. 101–302; 104 Stat. 213). The program provided assistance to producers who suffered a loss of production of their 1990 crop as a result of a natural disaster in 1989.

7 CFR Part 783—1997 Tree Assistance Program

The Tree Assistance Program was authorized by the Act Making Emergency Supplemental Appropriations for Recovery from Natural Disasters for the Fiscal Year Ending September 30, 1997 (Pub. L. 105–18; 111 Stat. 158). The program provided assistance to owners of trees damaged by natural disasters occurring from October 1, 1996, through September 30, 1997.

7 CFR Part 1411—Oilseeds Program

The Oilseeds Program was authorized by section 202 of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 114 Stat. 358). The program made payments to producers who planted eligible oilseeds in 2000.