

are approximately 426 small entities that may be affected by this rule. These include 2 food distributors, 129 farmers' markets (including both fruit and plant sellers), 141 fruit sellers, 4 growers, 47 nurseries, 2 recyclers/land fillers, 14 swap meets (including both fruit sellers and plant sellers), 39 loaders (including fruit packers, trucking companies, and shipping services), and 48 yard maintenance firms. These 426 small entities comprise less than 1 percent of the total number of similar entities operating in the State of California. Additionally, few of these small entities move regulated articles interstate during the normal course of their business, nor do consumers of products purchased from those entities generally move those products interstate. The effect on those few entities that do move regulated articles interstate will be minimized by the availability of various treatments that, in most cases, will allow 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 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 rule 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. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 issued under Sec. 204, Title II, Public Law 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 issued under Sec. 203, Title II, Public Law 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

■ 2. In § 301.78–3, paragraph (c) is amended by adding, in alphabetical order under the heading “California,” an entry for Los Angeles County to read as follows:

**§ 301.78–3 Quarantined areas.**

\* \* \* \* \*  
(c) \* \* \*

**CALIFORNIA**

*Los Angeles County.* That portion of Los Angeles County in the Palos Verdes Peninsula area bounded by a line as follows: Beginning at the intersection of State Highway 1 and Torrance Boulevard; then east, southeast, northeast, southeast, east, southeast, and east on Torrance Boulevard to Cabrillo Avenue; then southeast and south on Cabrillo Avenue to West Carson Street; then east on West Carson Street to South Vermont Avenue; then south on South Vermont Avenue to West 223rd Street; then east on West 223rd Street to Main Street; then south on Main Street to East Sepulveda Boulevard; then east on East Sepulveda Boulevard to Avalon Boulevard; then south on Avalon Boulevard to West Harry Bridges Boulevard; then southwest on West Harry Bridges Boulevard to John S. Gibson Boulevard; then southwest and south on John S. Gibson Boulevard to North Pacific Avenue; then south and southeast on North Pacific Avenue to North Front Street; then northeast and southeast on North Front Street to North Harbor Boulevard; then southeast on North Harbor Boulevard to South Harbor Boulevard; then south on South Harbor Boulevard to Miner Street; then southeast on Miner Street to East 22nd Street; then southwest on East 22nd Street to West 22nd Street; then southwest and west on West 22nd Street to South Pacific Avenue; then south on South Pacific Avenue to its intersection with the northern boundary of Point Fermin Park; then northeast and southeast along the boundary line of Point Fermin Park to its intersection with the California coastline; then southwest, north, northwest, west, southwest, northwest, southwest, northwest, southwest, northwest, west, northwest, southwest, northwest,

southwest, south, west, north, northwest, southwest, northwest, northeast, north, northwest, southwest, northwest, southwest, north, northwest, southwest, northeast, northwest, north, northwest, northeast, northwest, north, northwest, northeast, northwest, west, northwest, northeast, northwest, west, northwest, northeast, northwest, southwest, northwest, northeast, north, northeast, north, northwest, north, northwest, southwest, north, northeast, and north along the California coastline to its intersection with the southern boundary line of Redondo Beach State Park; then northeast, north, west, north, northwest, and north along the boundary line of Redondo Beach State Park to its intersection with the boundary line of Veterans Park; then east, northeast, and north along the boundary line of Veterans Park to its intersection with Torrance Boulevard; then east on Torrance Boulevard to the point of beginning.

\* \* \* \* \*

Done in Washington, DC, this 13th day of February 2008.

**Kevin Shea,**  
*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. E8–3106 Filed 2–19–08; 8:45 am]

BILLING CODE 3410–34–P

**DEPARTMENT OF AGRICULTURE**

**Animal and Plant Health Inspection Service**

**7 CFR Part 301**

[Docket No. APHIS–2008–0005]

**Mexican Fruit Fly; Designation of Portion of San Diego County, CA, as a Quarantined Area**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Interim rule and request for comments.

**SUMMARY:** We are amending the Mexican fruit fly regulations by designating a portion of San Diego County, CA, as a quarantined 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.

**DATES:** This interim rule is effective February 20, 2008. We will consider all comments that we receive on or before April 21, 2008.

**ADDRESSES:** You may submit comments by either of the following methods:

• *Federal eRulemaking Portal*: Go to <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2008-0005> to submit or view comments and to view supporting and related materials available electronically.

• *Postal Mail/Commercial Delivery*: Please send two copies of your comment to Docket No. APHIS-2008-0005, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. APHIS-2008-0005.

*Reading Room*: 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 help you, please call (202) 690-2817 before coming.

*Other Information*: Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.

**FOR FURTHER INFORMATION CONTACT**: Mr. Wayne D. Burnett, Domestic Coordinator, Fruit Fly Exclusion and Detection Programs, PPQ, APHIS, 4700 River Road Unit 137, Riverdale, MD 20737-1234; (301) 734-4387.

#### **SUPPLEMENTARY INFORMATION:**

#### **Background**

The Mexican fruit fly (*Anastrepha ludens*) is a destructive pest of citrus and many other types of fruit. The short life cycle of the Mexican fruit fly allows rapid development of serious outbreaks that can cause severe economic losses in commercial citrus-producing areas.

The Mexican fruit fly regulations, contained in 7 CFR 301.64 through 301.64-10 (referred to below as the regulations), were established to prevent the spread of the Mexican fruit fly to noninfested areas of the United States. The regulations impose restrictions on the interstate movement of regulated articles from quarantined areas.

Section 301.64-3 provides that the Deputy Administrator for Plant Protection and Quarantine, Animal and Plant Health Inspection Service (APHIS), shall list as a quarantined area each State, or each portion of a State, in which the Mexican fruit fly has been found by an inspector, in which the Deputy Administrator has reason to believe the Mexican fruit fly is present, or that the Deputy Administrator

considers necessary to regulate because of its proximity to the Mexican fruit fly or its inseparability for quarantine enforcement purposes from localities in which the Mexican fruit fly occurs.

Less than an entire State is designated as a quarantined area only if the Deputy Administrator determines that the State has adopted and is enforcing a quarantine or regulation that imposes restrictions on the intrastate movement of the regulated articles that are substantially the same as those that are imposed with respect to the interstate movement of the articles by the APHIS regulations and the designation of less than the entire State as a quarantined area will otherwise be adequate to prevent the artificial interstate spread of the Mexican fruit fly.

Recent trapping surveys by county agencies reveal that a portion of San Diego County, CA, is infested with the Mexican fruit fly.

Accordingly, to prevent the spread of the Mexican fruit fly to noninfested areas of the United States, we are amending the regulations in § 301.64-3 by designating that portion of San Diego County, CA, as a quarantined area for the Mexican fruit fly. The quarantined area is described in detail in the regulatory text at the end of this document. The Deputy Administrator has determined that it is not necessary to designate the entire State of California as a quarantined area.

#### **Emergency Action**

This rulemaking is necessary on an emergency basis to prevent the Mexican fruit fly from spreading to noninfested areas of the United States. 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 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 a portion of San Diego County, CA, as a quarantined 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.

Within the quarantined area there are approximately 284 small entities that may be affected by this rule. These include 91 yard maintenance companies, 49 fruit sellers, 45 growers, 34 nurseries, 29 markets (including swap meets and farmers' markets), 12 haulers, 11 harvesters, 7 packers, 2 grove management businesses, 2 transient load businesses, and 2 distributors. These 284 entities comprise less than 1 percent of the total number of similar entities operating in the State of California. Additionally, 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 do move regulated articles interstate will be minimized by the availability of various treatments that, in most cases, will allow 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 interim rule 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, 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 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 issued under Sec. 204, Title II, Public Law 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 issued under Sec. 203, Title II, Public Law 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

■ 2. In § 301.64–3, paragraph (c) is amended by adding, in alphabetical order, an entry for California to read as follows:

**§ 301.64–3 Quarantined areas.**

\* \* \* \* \*

(c) \* \* \*

**CALIFORNIA**

*San Diego County.* That portion of the county in the Escondido area bounded by a line as follows: Beginning at the intersection of North Broadway and Cougar Pass Road; then east, northeast, southeast, northeast, northwest, northeast, east, north, northwest, northeast, northwest, northeast, northwest, northeast, north, and northeast on Cougar Pass Road to the western boundary line of Daley Ranch; then northwest, north, northeast, southeast, south, east, southeast, east, north, and southeast along the boundary line of Daley Ranch to Frace Lane; then northeast along an imaginary line to the intersection of Tumbleweed Trail and Wildflower Way; then northeast on Wildflower Way to Red Ironbark Drive; then southeast on Red Ironbark Drive to Bridlewood Lane; then northeast on Bridlewood Lane to Santolina Street; then north and northeast on Santolina Street to Tee Lee Lane; then east and northeast on Tee Lee Lane to Banbury Drive; then northwest, north, northeast, and southeast on Banbury Drive to Valley Center Road; then northwest on Valley Center Road to Woods Valley Road; then northeast, southeast, northeast, southeast, northeast, southeast, south, and southeast on Woods Valley Road to Lake Wohlford Road; then southwest, southeast, southwest, south, southeast, and southwest on Lake Wohlford Road to Guejito Road; then southeast, south, southeast, and south on Guejito Road to Crown Hill Lane; then south, southwest,

southeast, northeast, southeast, north, east, northeast, southeast, south, southeast, and south on Crown Hill Lane to its southwesternmost point; then northwest along an imaginary line to the northeasternmost point of Rockwood Canyon Creek; then southwest, south, southeast, south, southeast, south, southwest, southeast, southwest, south, and southwest along Rockwood Canyon Creek to State Highway 78; then southwest and west on State Highway 78 to Ysabel Creek Road; then south and southeast on Ysabel Creek Road to its intersection with Bandy Canyon Road; then southwest, south, west, and south on Bandy Canyon Road to Highland Valley Road; then west, southwest, northwest, southwest, northwest, southwest, northwest, and southwest on Highland Valley Road to Sardi Creek; then northwest along an imaginary line to the easternmost point of Valle Grande; then west on Valle Grande to Sierra Linda Drive; then northwest, southwest, northwest, southwest, and northwest on Sierra Linda Drive to the boundary line of The Vineyard at Escondido Golf Course; then northwest, northeast, west, northwest, southwest, northwest, southwest, southeast, southwest, and northwest along the boundary line of The Vineyard at Escondido Golf Course to Bear Valley Parkway South; then southwest on Bear Valley Parkway South to East Via Rancho Parkway; then northwest on East Via Rancho Parkway to West Via Rancho Parkway; then northwest, west, southwest, northwest, and west on West Via Rancho Parkway to Del Dios Highway; then north and northeast on Del Dios Highway to West Citracado Parkway; then northwest on West Citracado Parkway to Avenida Del Diablo; then west, northwest, north, west, and northwest on Avenida Del Diablo to its northwesternmost point; then northwest along an imaginary line to the intersection of Harmony Grove Road and Kauana Loa Drive; then west, north, northwest, and west on Kauana Loa Drive to Country Club Drive; then north, northeast, and east on Country Club Drive to North Citricado Parkway; then north and northeast on North Citricado Parkway to Nordahl Road; then northeast on Nordahl Road to State Highway 78; then northwest on State Highway 78 to East Mission Road; then northwest on East Mission Road to Bennett Avenue; then northeast, north, and northeast on Bennett Avenue to West El Norte Parkway; then northwest on West El Norte Parkway to West Country Club Lane; then northeast, southeast, northeast, and southeast on West Country Club Lane to Gary Lane;

then northeast and east on Gary Lane to Avenida De Aquacate; then north on Avenida De Aquacate to Vaquero Glen; then east on Vaquero Glen to its easternmost point; then northeast along an imaginary line to the southernmost point of Athens Place; then north on Athens Place to Gem Lane; then northeast on Gem Lane to Rockhoff Road; then northwest, north, southeast, south, and southwest on Rockhoff Road to its southeastern terminal point; then southeast along an imaginary line to the intersection of Rockhoff Road and North Nutmeg Street; then northwest, northeast, and east on North Nutmeg Street to North Center City Parkway; then north and northwest on North Center City Parkway to Ivy Dell Lane; then northeast along an imaginary line to the intersection of Jesmond Dene Road and Rue Montreux; then northeast, northwest, north, east, and northeast on Rue Montreux to Rue De Lac; then southeast on Rue De Lac to Rue De Fleur; then north on Rue De Fleur to its northernmost point; then northeast along an imaginary line to the intersection of Los Arboles Ranch Road and Calle Ricardo; then northeast along an imaginary line to the intersection of Reidy Canyon Trail and North Broadway; then northeast, east, and north on North Broadway to the point of beginning.

\* \* \* \* \*

Done in Washington, DC, this 13th day of February 2008.

**Kevin Shea,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. E8–3105 Filed 2–19–08; 8:45 am]

**BILLING CODE 3410–34–P**

**DEPARTMENT OF AGRICULTURE**

**Animal and Plant Health Inspection Service**

**9 CFR Part 94**

[Docket No. APHIS–2007–0151]

**Add Mauritius to the List of Regions Where African Swine Fever Exists**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Interim rule and request for comments.

**SUMMARY:** We are amending the regulations concerning the importation of animals and animal products by adding Mauritius to the list of regions where African swine fever exists. We are taking this action because outbreaks of African swine fever have been