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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 96-016-36]

RIN 0579-AA83

Karnal Bunt; Reclassification of Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the Karnal bunt regulations by removing the restricted and surveillance area categories of regulated areas and replacing them with a single classification. As part of this change in the regulations, we are releasing from regulation most of the areas that had been designated as restricted areas for seed; removing the prohibition on planting wheat, durum wheat, and triticale in fields associated with Karnal bunt; and removing the cleaning requirement for vegetables grown in those fields. Removing those areas that had been designated as restricted areas for seed from the regulations greatly reduces the total area in the southwestern United States that is regulated for Karnal bunt, and removing the planting prohibition and the vegetable cleaning requirement eases restrictions on field owners in the regulated areas. We are also amending the list of regulated areas to add several fields or areas in three Arizona counties to the list of regulated areas. These additions to the list of regulated areas are necessary due to the detection of bunted kernels in fields in those counties during 1998.

EFFECTIVE DATE: April 28, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Poe, Operations Officer,

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SUPPLEMENTARY INFORMATION:

Background

Karnal bunt is a fungal disease of wheat (*Triticum aestivum*), durum wheat (*Triticum durum*), and triticale (*Triticum aestivum* X *Secale cereale*), a hybrid of wheat and rye. Karnal bunt is caused by the smut fungus *Tilletia indica* (Mitra) Mundkur and is spread by spores, primarily through the movement of infected seed. In the absence of measures taken by the U.S. Department of Agriculture (USDA) to prevent its spread, the establishment of Karnal bunt in the United States could have significant consequences with regard to the export of wheat to international markets. The regulations regarding Karnal bunt in the United States are set forth in "Subpart—Karnal Bunt" (7 CFR 301.89-1 through 301.89-16, referred to below as the regulations).

On March 9, 1999, we published in the **Federal Register** (64 FR 11392-11401, Docket No. 96-016-34) a proposed rule to amend the regulations by simplifying the classification criteria for regulated articles; removing the prohibition on planting wheat, durum wheat, and triticale in fields associated with Karnal bunt; and modifying the descriptions of the regulated areas in Arizona, California, New Mexico, and Texas to reflect the elimination of the restricted area for seed classification and to add new areas of Arizona in which bunted kernels were detected during sampling conducted in 1998. We also proposed to remove the requirement for cleaning soil and plant debris from vegetable crops grown in fields associated with Karnal bunt.

We solicited comments concerning our proposal for 30 days ending April 8, 1999. We received six comments by that date. They were from State agricultural agencies, a State wheat commission, and a grain and seed company. All six commenters supported the proposed rule. Five of those commenters did, however, raise issues related to the proposed rule or the Karnal bunt program. Those issues are discussed below.

Deregulation

Comment: The final rule should state that a regulated field will be released from regulation once it has produced a Karnal bunt host crop that tests negative for spores and bunted kernels.

Response: Although we have not made the change suggested by the commenter in this final rule, we are considering that suggestion as an option for the future, especially with regard to the fields that were determined in 1996 to have been planted with seed from a lot found to contain a bunted wheat kernel, since no bunted kernels were found in wheat grown in those fields. Because the planting of Karnal bunt host crops in regulated fields will only now be possible as a result of this final rule, the first host crop could not be planted until the fall of 1999 and would not be harvested until the spring of 2000. We will use that time to consider the opportunities that we may have for further deregulation such as that suggested by the commenter. In the event that we determine that it would be appropriate to pursue a deregulatory approach such as that suggested by the commenter, we will initiate rulemaking to amend the regulations in time for the results of post-harvest testing in the spring of 2000 to be taken into account.

Comment: APHIS should provide producers with a description of the long-term future of the Karnal bunt regulations that includes the specifics of a regulatory protocol for the eventual deregulation of Karnal bunt.

Response: We cannot, at the present time, predict the long-term future of the Karnal bunt regulations or specify a regulatory protocol for the eventual deregulation of Karnal bunt. Outstanding issues, most notably the continuing discussions with our trading partners as to whether Karnal bunt should be regarded as a quarantine pest or a grading issue, make it difficult to predict with any degree of certainty what our regulations might look like in the future. In addition, as noted in the response to the previous comment, we are exploring whether there may be opportunities for further deregulation. Our continuing Karnal bunt program, as well as any changes that might be made to it in the future, will be guided by the program's stated objectives of protecting export markets, protecting producers in uninfected areas, and providing as many

options as possible for producers in regulated areas.

Timeliness of Regulations

Comment: The 1999 growing season regulatory protocols must be provided in order for growers to be able to make educated decisions about their production and contract plans for the coming year.

Response: We have made every effort to ensure that this final rule is published and effective prior to the 1999 harvest season. By doing this, we will not only relieve restrictions on the movement of grain and seed harvested in the areas released from regulation, but we will also ensure that this rule is in place with ample time for growers to be able to consider their options prior to the fall planting season.

Surveys

Comment: The deregulation of areas appears to be legitimate as long as adequate and timely surveys will be conducted to ensure that the boundaries of the regulated area adequately encompass the infected area. However, the National Survey protocol for detecting Karnal bunt outside of regulated areas does not appear to be adequate for those purposes, especially in areas where spores have been found. (Conversely, another commenter stated that the grain produced in the areas removed from regulation should not be subjected to more stringent tests than grain from any other non-regulated area in the United States.)

Response: We agree that there is a need for maintaining adequate delimiting surveys and detection programs. In addition to the survey and detection activities that are carried out as part of the regulatory program within those areas of Arizona, California, New Mexico, and Texas that have been designated as regulated areas, we will continue to conduct our National Survey of all wheat production areas in the United States in order to gather information about the presence or absence of Karnal bunt. In the National Survey, composite wheat samples are collected, in proportion to wheat production, at points of aggregation near wheat production so that all samples are identifiable to at least the county level. The intensity of the National Survey provides a high level of confidence that Karnal bunt is not detectable in those parts of our wheat production system that contribute to the export trade and generates information about potential infections in new areas. Therefore, we believe that our ongoing regulatory program and National Survey activities will continue to provide the assurances

sought by the commenter and by our trading partners regarding the Karnal bunt status of areas released from regulation, as well as areas outside the regulated areas.

Testing

Comment: The bunted kernel standard for the movement of grain from regulated areas is a concern because most of our trading partners have not recognized that standard. The standard for movement should not place our exports in jeopardy, as that would be in conflict with the Karnal bunt program's stated objective of protecting export markets. To that end, operational procedures should be developed that define the testing methodology and that new technologies should be considered that meet that objective.

Response: Although our use of the bunted kernel standard was not among the issues raised in the proposed rule, we would like to respond to this comment by stating that we are currently engaged in discussions with our trading partners regarding the appropriateness of using the bunted kernel standard—as opposed to a teliospore standard—to certify grain for international movement. Considerations such as new technologies and operational procedures that define testing methodology are part of those discussions. Using the bunted kernel standard, which we have followed since 1997, is consistent with our conclusion that the detection of spores alone does not allow us to make a conclusive determination that Karnal bunt disease is present in an area or article, but we believe that we must take the concerns of our trading partners seriously if we are to continue to protect our grain export markets. To that end, we are preparing a position paper on the use of the bunted kernel standard as opposed to a teliospore standard. That position paper, and our trading partners' response to it, will be used as we continue our consideration of this issue.

Quarantine Status of Karnal Bunt

Comment: Karnal bunt is not a dangerous plant pest, and the USDA has failed to educate the United States' trading partners as to the insignificance of the disease.

Response: The position that Karnal bunt is a grading or quality issue rather than a quarantine issue is one that has been discussed in international trade and scientific circles. Indeed, we have raised that issue at every opportunity with our trading partners. However, until such time as our trading partners view the disease as a grading issue rather than a quarantine issue, we

believe that it will be necessary to continue our Karnal bunt-related regulatory activities and restrictions in order to protect our international agricultural standing.

Compensation

Comment: Compensation should continue to be made available to growers located in the areas that remain under regulation.

Response: The issue of compensation was not raised in the proposed rule and is, therefore, outside the scope of this final rule. Rather, compensation has been, and will continue to be, addressed in separate rulemakings that focus exclusively on that issue.

Therefore, for the reasons given in the proposed rule and in this document, we are adopting the proposed rule as a final rule without change.

Effective Date

This is a substantive rule that relieves restrictions and, pursuant to the provisions of 5 U.S.C. 553, may be made effective less than 30 days after publication in the **Federal Register**.

By removing the restricted and surveillance area categories of regulated areas and replacing them with a single classification, this rule releases certain areas in Arizona, California, New Mexico, and Texas from their designation as restricted areas for seed, which means that those areas will no longer be regulated areas under the Karnal bunt regulations. This will eliminate the requirement for the testing and treatment of seed grown in those areas. Further, this rule removes the prohibition on planting wheat, durum wheat, and triticale in fields associated with Karnal bunt and removes the cleaning requirement for vegetables grown in those fields. These changes will greatly reduce the total area in the southwestern United States that is regulated for Karnal bunt and will ease restrictions on field owners in those areas that remain under regulation. Although this rule also adds several fields or areas in three Arizona counties to the list of regulated areas, their addition to that list will not result in any new restrictions because those fields and areas have been designated as regulated areas under the temporary designation provisions of § 301.89-3(d) since 1998 based on the detection of bunted kernels. Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule should be effective upon signature.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

We are amending the Karnal bunt regulations by removing the restricted and surveillance area categories of regulated areas and replacing them with a single classification. As part of this change in the regulations, we are releasing from regulation most of the areas that had been designated as restricted areas for seed; removing the prohibition on planting wheat, durum wheat, and triticale in fields associated with Karnal bunt; and removing the cleaning requirement for vegetables grown in those fields. We are also adding several fields or areas in three Arizona counties to the list of regulated areas based on the detection of bunted kernels in fields in those counties during 1998.

Our modifications to the way regulated areas are classified will benefit the growers who have fields that had been designated as restricted areas for regulated articles other than seed and fields that are located in restricted areas for seed lying outside the surveillance areas. Growers in the areas that had been designated as surveillance areas will be largely unaffected by these changes. Removing those areas that had been designated as restricted areas for seed from the regulations will greatly reduce the total area in the southwestern United States that is regulated for Karnal bunt.

Even though the restricted area for regulated articles other than seed classification will be removed under this rule, those fields that had been designated as such will remain under regulation because they are still either part of a regulated area or are themselves regulated areas. However, this rule will have the effect of relaxing the restrictions that have applied to the fields. Growers will have the option of planting wheat, durum wheat, or triticale in the fields, which is an option that had not been available to them. Wheat, durum wheat, or triticale grown as grain (not seed) in those fields will be eligible for unrestricted movement under a certificate if it is tested and found free from bunted kernels prior to its movement from the field or before it is commingled with other grain. If bunted kernels are found, the grain will still be eligible for movement, but only under a limited permit that requires that the grain be moved to a specified

destination for specified handling, utilization, or processing that will destroy the Karnal bunt or mitigate the risk of its spread. These are the same conditions that had been applied to the movement of grain from surveillance areas.

There are about 60 growers located in areas that had been designated as restricted areas for regulated articles other than seed (approximately 18,000 agricultural acres). The number, if any, of these growers who will now choose to plant wheat is unknown. In deciding on whether to plant wheat rather than another crop, growers will no doubt weigh a variety of factors, including the likelihood of producing Karnal-bunt-positive wheat, the likelihood of receiving compensation for any positive wheat that is produced, and the profitability of the alternative crop (which can be comparable, or nearly comparable, to the profitability of wheat). However, information as to how individual growers might respond to those factors, and thus whether they will choose to resume planting wheat, is not available.

Vegetable growers with fields that had been in areas designated as restricted areas for regulated articles other than seed will also benefit from the removal of that regulatory category, as it will result in the lifting of the cleaning requirement that had applied to vegetables grown in those fields. The benefit is not likely to be significant for most growers, since about 90 percent of the soil is routinely removed from vegetables during harvesting. There are about 10 vegetable growers with fields in areas that had been designated as restricted areas for regulated articles other than seed.

Wheat seed growers with fields in areas that had been designated as restricted areas for seed, but that are located outside the areas that had been designated as surveillance areas, will also benefit from the modifications to the classification of regulated areas, since most will no longer be regulated. In the absence of regulation, they will be able to grow and move commercial wheat seed without restriction. These growers had been able to move commercial wheat seed outside the regulated area only if it tested negative for Karnal bunt, had been chlorine drenched, and had been treated with a fungicide. The cost of treatment, but not testing, was borne by those growers. The cost of seed treatment varies widely among seed handlers, depending largely on labor and overhead costs. One handler, for example, calculated the total cost of treating 100 lbs. of seed at \$7.10, while another handler calculated

that cost at \$3.10. Regardless of the cost, there is reason to believe that most seed handlers will continue the fungicide treatments, even with this final rule, with the costs of those fungicide treatments continuing to be passed along to purchasers of the seed. Several handlers reported that they routinely treated seed prior to 1996, before Karnal bunt was detected and restrictions were imposed. That, plus the likelihood that only a small portion of the acreage in the restricted areas for seed will be planted with seed, suggest that the benefits of this rule will be minimal in this respect. We estimate that only about 7 percent of the agricultural acreage in restricted areas for seed is planted with wheat, and of that acreage, only about 10 percent is planted for seed. This disparity in favor of grain over seed is not expected to change in the near term, regardless of this regulatory change, given the current poor market conditions for seed and the fact that stored seed from previous years remains available. There are approximately 563 wheat growers in areas that had been designated as restricted areas for seed. The restricted areas for seed encompassed about 1,958,000 agricultural acres, or 88 percent of the total regulated area of 2,214,000 agricultural acres.

Wheat growers in areas that had been designated as surveillance areas will be largely unaffected by this rule because they will remain regulated and will be subject to the same restrictions on the movement of regulated articles as they had been. There are 149 wheat growers in areas that had been designated as surveillance areas, which together comprise about 239,000 agricultural acres.

Also, this rule adds certain areas in Arizona to the list of regulated areas due to the detection of bunted kernels in those areas during sampling conducted in 1998. Because all of these new areas are located in areas that had been designated as restricted areas for seed, their proposed designation as regulated areas under this rule is not expected to have a significant effect. The changes that will result from the redesignation are that commercial lots of wheat seed will no longer be eligible for movement from those areas and grain grown in those areas will have to be tested for bunted kernels before being moved from the regulated area. We do not believe that adding these fields or areas to the list of regulated areas will have a significant economic impact on growers because, as noted above, little commercial seed was produced in those areas. Further, growers have been able to plant alternative crops without

restriction and grain could be grown subject to testing prior to movement from the regulated area.

Economic Impact on Small Entities

The Regulatory Flexibility Act requires that agencies consider the economic impact of rule changes on small businesses, organizations, and governmental jurisdictions. Those entities most likely to be affected by this rule are wheat growers located in areas that had been designated as restricted areas for seed that will no longer be regulated, vegetable growers who will no longer have to clean their crops before movement, and wheat growers located in areas that are being added to the regulated areas due to the detection of Karnal bunt in 1998.

We estimate that there are approximately 588 wheat growers (324 in Arizona, 21 in California, 200 in New Mexico, and 43 in Texas) located in those portions of the former restricted areas that will no longer be regulated. We estimate that there are 60 growers of non-wheat crops located in areas that had been designated as restricted areas for regulated articles other than seed who will no longer be required to clean their crops as a condition of movement. Finally, we estimate that there are seven wheat growers in Arizona who have fields located in areas that had been designated as restricted areas for seed that have been added to the list of regulated areas. Most of the wheat growers are assumed to have gross receipts of less than \$0.5 million, the U.S. Small Business Administration's threshold for classifying wheat producers as small entities.

Accordingly, the economic impact of the rule will be mostly on small entities.

Growers located in areas that had been designated as restricted areas for regulated articles other than seed and growers in areas that had been designated as restricted areas for seed will benefit from this rule. The addition of certain areas in Arizona to the list of regulated areas will have a negative economic impact on affected growers. However, for the reasons discussed above, neither aspect of this rule is expected to have a significant economic impact on a substantial number of entities, large or small.

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 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. 147a, 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

§ 301.89–1 [Amended]

2. In § 301.89–1, the definition of *distinct definable area* is amended by removing the words “, or, in the case of restricted areas, as determined by an inspector”.

3. In § 301.89–3, paragraphs (e) and (f) are revised to read as follows:

§ 301.89–3 Regulated areas.

* * * * *

(e) The Administrator will classify a field or area as a regulated area when:

(1) It is a field planted with seed from a lot found to contain a bunted wheat kernel; or

(2) It is a distinct definable area that contains at least one field that was found during survey to contain a bunted wheat kernel (the distinct definable area may include an area where Karnal bunt is not known to exist but where intensive surveys are required because of the area's proximity to a field found during survey to contain a bunted kernel); or

(3) It is a distinct definable area that contains at least one field that was found during survey to contain spores

consistent with Karnal bunt and has been determined to be associated with grain at a handling facility containing a bunted wheat kernel (the distinct definable area may include an area where Karnal bunt is not known to exist but where intensive surveys are required because of the area's proximity to a field that has been associated with grain at a handling facility containing a bunted kernel).

(f) The following areas or fields are designated as regulated areas (maps of the regulated areas may be obtained by contacting the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, 4700 River Road, Unit 134, Riverdale, MD 20737–1236):

Arizona

La Paz County. Beginning at the point where the Colorado River intersects the north side of sec. 32, T. 8 N., R. 21 W.; then east to the northeast corner of sec. 36, T. 8 N., R. 21 W.; then south to the southeast corner of sec. 1, T. 6 N., R. 21 W.; then west to the southwest corner of sec. 6, T. 6 N., R. 21 W.; then north to the intersection of the Colorado River; then northwest along the Colorado River to the point of beginning; and

Beginning at the northeast corner of sec. 22, T. 6 N., R. 21 W.; then south to the southeast corner of sec. 34, T. 5 N., R. 21 W.; then west to the Colorado River; then north along the Colorado River to the northern side of sec. 21, T. 6 N., R. 22 W.; then east to the point of beginning.

Maricopa County. Beginning at the southeast corner of sec. 33, T. 6 S., R. 5 W.; then west to the southwest corner of sec. 32, T. 6 S., R. 7 W.; then north to the northwest corner of sec. 5, T. 5 S., R. 7 W.; then east to the northeast corner of sec. 4, T. 5 S., R. 5 W.; then south to the point of beginning; and

Beginning at the southeast corner of sec. 25, T. 1 S., R. 1 E. and the intersection of the Maricopa/Pinal County line; west to the southwest corner of sec. 28, T. 1 S., R. 5 W.; then north to the northwest corner of sec. 4, T. 1 N., R. 5 W.; then east to the southwest corner of sec. 31, T. 2 N., R. 2 W.; then north to the northwest corner of sec. 31, T. 4 N., R. 2 W.; then east to the northeast corner of sec. 36, T. 4 N., R. 1 W.; then south to the southeast corner of sec. 36, T. 4 N., R. 1 W.; then east to the northeast corner of sec. 5, T. 3 N., R. 2 E.; then south to the southeast corner of sec. 32, T. 2 N., R. 2 E.; then east to the northeast corner of sec. 6, T. 1 N., R. 3 E.; then south to the southeast corner of sec. 7, T. 1 S., R. 3 E.; then west to the southwest corner of sec. 10, T. 1 S., R. 2 E.; then south to the southeast corner of sec. 28, T. 1 S., R.

2 E.; then west to the intersection of the Maricopa/Pinal county line; then north, west and south along the county line to the point of beginning; and

Beginning at the intersection of Interstate 10 and the Maricopa/Pinal County line; then east and north along the county line to the northeast corner of sec. 1, T. 2 S., R. 7 E.; then west to the southeast corner of sec. 31, T. 1 S., R. 7 E.; then north to the northeast corner of sec. 31, T. 1 N., R. 7 E.; then west to the northwest corner of sec. 31, T. 1 N., R. 6 E.; then north to the northeast corner of sec. 1, T. 2 N., R. 5 E.; then west to the northwest corner of sec. 6, T. 2 N., R. 5 E.; then south to the southwest corner of sec. 31, T. 2 N., R. 5 E.; then west to the northwest corner of sec. 2, T. 1 N., R. 4 E.; then south to the northwest corner of sec. 35, T. 1 S., R. 4 E.; then east to the intersection of Interstate 10; then south and east to the point of beginning; and

The following individual fields in Maricopa County are regulated areas:

301060505
301060506
301060601
301060602
301060603
301060604
304073004
304073005
304073010
304081410
304081413
304081415
304081417
304081505
304081506
304082202
304082302
304082303
304082607
304082703
306013222
306013231
306020404
306020501
306020601
306020623
316131901
316131904
316132302
316132604

Pinal County. Beginning at the intersection of the Maricopa/Pinal County line and the northwest corner of sec. 6, T. 2 S., R. 8 E.; then east to the northeast corner of sec. 2, T. 2 S., R. 8 E.; then south to the southeast corner of sec. 14, T. 3 S., R. 8 E.; then west to the southeast corner of sec. 14, T. 3 S., R. 6 E.; then south to the southeast corner of sec. 26, T. 4 S., R. 6 E.; then west to the southeast corner of sec. 26, T. 4 S., R. 4 E.; then south to the southeast corner of sec. 22, T. 6 S., R. 4 E.; then west to the southwest corner of sec. 19, T. 6 S., R. 3 E.; then north to the

southeast corner of sec. 13, T. 6 S., R. 2 E.; then west to the southwest corner of sec. 16, T. 6 S., R. 2 E.; then north to the northwest corner of sec. 9, T. 4 S., R. 2 E.; then east to the southwest corner of sec. 6, T. 4 S., R. 4 E.; then north to the northwest corner of sec. 6, T. 4 S., R. 4 E.; then east to the northwest corner of sec. 6, T. 4 S., R. 5 E.; then north to the intersection of the Maricopa/Pinal County line; then east and north along the county line to the point of beginning; and

The following individual fields in Pinal County are regulated areas:

308102604
308102605
309021801
309021804
309021812
309031304
309033507
309042544
309042545
309042601
309042607
309042619
309050104
309050109
309050207

Yuma County. The following individual fields in Yuma County are regulated areas:

321010208
321010210
321010211
321010224
321010301
321010302
321011103
321033501
321033502
321033503
321033516
321033517
321033518
321033519
321040405
321040911
321040912
321040915
321040917
321040918
321040921
321040922
321041903
321041904
321041908
321041919
321042903
323030401
323030402
323030403
323030404
323030405
323030406
323030501
323030502
323030512
323030513
323030514
323030515
323030521

California

Imperial County. Beginning at the intersection of the Riverside/Imperial County line and the California/Arizona State line; then west to the northwest corner of sec. 1, T. 9 S., R. 21 E.; the south to the California/Arizona State line; then east and north along the State line to the point of beginning.

Riverside County. Beginning at the intersection of the Riverside/Imperial County line and the California/Arizona State line; then west to the southwest corner of sec. 31, T. 8 S., R. 22 E.; then north to the northwest corner of sec. 30, T. 7 S., R. 22 E.; then north and northeast along the Palo Verde Valley agriculture area to the intersection of the California/Arizona State line; then south along the State line to the point of beginning.

New Mexico

Dona Ana County. The following individual fields in Dona Ana County are regulated areas:

113040501
113040502
113040506
113040507
113040508
113040601
113040602
113040702
113040902
113042601
113042602
113042707
113042708
113043401
113043407
113043503
113043508
113043509
113050201
113050202
113050301
113060701
113060702
113060703
113060801
113060809
113060901
113060902
113070702
113072701
113072702
113072703
113072704
113072705
113072706
113173103
113210401
113210402
113210403
113210406
113210407
113210808
113212103
113212802
113212806
113241601
113242708

Hidalgo County. The following individual fields in Hidalgo County are regulated areas:

123272403
123353001

Luna County. The following individual fields in Luna County are regulated areas:

129011301
129012201
129013003
129013006
129022502
129060806
129060901
129060902
129062001
129062801
129062802
129232801
129232804
129232805
129232806
129292404
129300506
129300608
129301104
129301301
129301401
129301701
129301801
129301806
129302001
129302702
129303302
129440601
129440602
129440701
129440702
129440703
129440708
129440801
129441701

Sierra County. The following individual fields in Sierra County are regulated areas:

151013401
151441201
151441202
151441306
151442201
151442601
151442602
151442603
151442604
151442605
151442606
151442607
151442608
151442609
151442610
151442611
151442612
151442613
151442614
151442701
151443501
151443502
151443503
151443601
151443602
151443603
151443604

151451306
151453001
151453101
151453102
151453103
151453104
151502801

Texas

El Paso County. The following individual fields in El Paso County are regulated areas:

441141301
441142301
441142302
441142303
441142304
441142305
441142306
441142307
441142401
441142402
441142403
441142404
441241301
441241302
441252801
441252803
441252804
441252901
441253201
441253302
441253401

Hudspeth County. The following individual fields in Hudspeth County are regulated areas:

429050701
429050702
429070101
429070102

McCulloch County. Beginning at the McCulloch/San Saba County line and the line of latitude 31.232299 N.; then west along the line of latitude 31.232299 N. to the line of longitude -99.13473 W.; then north along the line of longitude -99.13473 W to the line of latitude 31.31004 N.; then east along the line of longitude 31.31004 N. to the line of longitude -99.11427 W.; then north along the line of longitude -99.11427 W to the line of latitude 31.283487 N.; then east along the line of latitude 31.283487 N. to the McCulloch/San Saba County line; then south to the point of beginning.

San Saba County. Beginning at the San Saba/Mills County line and the line of longitude -98.5851 W.; then south along the line of longitude -98.5851 W to the line of latitude 31.167959 N.; then west along the line of latitude 31.167959 N. to the line of longitude -98.903233 W.; then north along the line of longitude -98.903233 W. to the line of latitude 31.310819 N.; then east along the line of latitude 31.310819 N. to the San Saba/Mills County line; then south along the San Saba/Mills County line to the point of beginning; and

Beginning at the San Saba/McCulloch County line and the line of latitude 31.283487 N.; then east along the line of latitude 31.283487 N. to the line of longitude -99.063487 W.; then south along the line of longitude -99.063487 W. to the line of latitude 31.232299 N.; then west along the line of latitude 31.232299 N. to the San Saba/McCulloch County line; then north along the San Saba/McCulloch County line to the point of beginning.

4. Section 301.89-4 is revised to read as follows:

§ 301.89-4 Planting.

Wheat, durum wheat, and triticale may be planted in all fields within a regulated area. All wheat seed, durum wheat seed, and triticale seed that originates within a regulated area must be tested and found free from spores and bunted wheat kernels, then treated with a fungicide in accordance with § 301.89-13(d), before it may be planted within a regulated area.

§ 301.89-6 [Amended]

5. Section 301.89-6 is amended as follows:

a. In paragraph (b), the word "surveillance" is removed and the word "regulated" is added in its place.

b. Paragraph (d) is removed and paragraph (e) is redesignated as paragraph (d).

§ 301.89-12 [Amended]

6. In § 301.89-12, paragraph (b) is removed and reserved.

§ 301.89-13 [Amended]

7. In § 301.89-13, paragraph (f) is removed.

Done in Washington, DC, this 28th day of April 1999.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99-11128 Filed 5-3-99; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 979

[Docket No. FV99-979-1 IFR]

Melons Grown in South Texas; Change in Container Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule changes the handling regulation