

this section must submit a request for waiver in writing to the Rural Business and Cooperative Development Service, Empowerment Zone Office, Department of Agriculture, AG Box 3202, 14th Street and Independence Avenue, SW, Washington, DC 20250-3200. Requests must include:

(1) The name, address and daytime phone number of the contact person for the applicant seeking the waiver; and

(2) Sufficient information regarding the area that would support the infrequent exception from the definition.

(c) *The waiver process.* The Secretary, in consultation with the Department of Commerce, will have discretion to permit rural applications for communities that do not meet the above rural criteria.

#### § 25.550

Dated: January 25, 1995.

**Richard E. Rominger,**

*Acting Secretary.*

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### Animal and Plant Health Inspection Service

#### 7 CFR Parts 300 and 319

[Docket No. 93-028-5]

#### Grapefruit and Mangoes From Mexico; Addition of Treatment

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

**ACTION:** Final rule.

**SUMMARY:** We are allowing the use of high-temperature forced air treatments for grapefruit and mangoes imported from Mexico. The treatments will be included in the Plant Protection and Quarantine Treatment Manual, which is incorporated by reference into the Code of Federal Regulations. We are also making several nonsubstantive changes to clarify the fruits and vegetables regulations.

**EFFECTIVE DATE:** February 6, 1995.

**FOR FURTHER INFORMATION CONTACT:** Mr. Frank Cooper, Senior Operations Officer, or Mr. Victor Harabin, Head, Permit Unit, Port Operations, Plant Protection and Quarantine, APHIS, USDA, P.O. Drawer 810, Riverdale, MD 20738. The telephone number for the agency contracts will change when agency offices in Hyattsville, MD, move to Riverdale, MD, during February. Telephone: (301) 436-8645 (Hyattsville); (301) 734-8645 (Riverdale).

#### SUPPLEMENTARY INFORMATION:

##### Background

The "Plant Protection and Quarantine Treatment Manual" (PPQ Treatment Manual) of the Animal and Plant Health Inspection Service is incorporated by reference into the Code of Federal Regulations at 7 CFR 300.1. The PPQ Treatment Manual contains treatment schedules and information on procedures for applying treatments to allow the movement of articles under domestic and foreign plant quarantines and regulations.

Previously, the PPQ Treatment Manual provided for either cold, methyl bromide, or vapor heat as treatments for grapefruit. It also provided for hot water treatment for all mangoes and vapor heat treatment for Manila mangoes only. We now have added to the PPQ treatment manual high-temperature forced air treatments for both grapefruit and mangoes that are imported from Mexico.

These high-temperature forced air treatment were developed by the Agricultural Research Service of the U.S. Department of Agriculture as effective alternative treatments against the Mexican fruit fly in grapefruit imported from Mexico and against the Mexican, West Indian, and black fruit flies in mangoes imported from Mexico. Both treatments are administered in sealed chambers. The air may be heated in the chambers or hot air may be introduced into the chambers.

##### History

In a direct final rule published in the **Federal Register** on March 1, 1994 (59 FR 9613-9614, Docket No. 93-028-2), we notified the public of our intent to add to the PPQ Treatment Manual high-temperature forced air treatments for grapefruit and mangoes from Mexico. The direct final rule was to become effective 60 days after publication in the **Federal Register**, unless we received written adverse comments or written notice of intent to submit adverse comments. In response to the direct final rule, we received one written adverse comment from a representative of the citrus industry, who noted that size and weight specifications for grapefruit would exclude several larger sizes of grapefruit that are shipped to market for commercial use. Subsequently, in a document published in the **Federal Register** on April 21, 1994 (59 FR 18943, Docket No. 93-028-3), we withdrew the direct final rule and stated our intent to publish a proposed rule for public comment.

On November 14, 1994 (59 FR 56412-56413, Docket No. 93-028-4), we

published a proposed rule in the **Federal Register** comparable to the direct final rule, but providing for use of the high-temperature forced air treatment on larger grapefruit. As we explained in the proposed rule, the treatment is effective against fruit flies in the larger grapefruit, but larger grapefruit will take longer to reach the required internal pulp temperature.

We also proposed to make three nonsubstantive editorial changes to simplify the fruits and vegetables regulations, contained in 7 CFR 319.56 through 319.56-8.

We solicited comments concerning our proposal for 30 days ending December 14, 1994. We received 10 comments by that date. They were from a State agricultural agency, Mexican mango and grapefruit growers, and a consumer. All of the comments supported the proposal.

Therefore, based on the rationale set forth in the proposed rule, we are adopting the provisions of the proposal 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**.

Immediate implementation of this rule is necessary to provide relief to those persons who are adversely affected by restrictions we no longer find warranted. This action provides an alternative treatment, high-temperature forced air, for grapefruit and mangoes imported from Mexico. Making this rule effective upon publication will allow interested importers and others to immediately employ high-temperature forced air treatment for grapefruit and mangoes from Mexico. Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule should be effective upon publication in the **Federal Register**.

##### 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 process required by Executive Order 12866.

This final rule provides an additional treatment option, high-temperature forced air, for grapefruit and mangoes imported from Mexico. Because this new treatment is optional, this rule should have no significant economic impact on entities using the cold, hot water, methyl bromide, or vapor heat treatments.