

Road; then southwest along an imaginary line to the east end of Shady Hill Lane; then west along Shady Hill Lane to Gateview Drive; then southwest along Gateview Drive to Olive Hill Road; then north along Olive Hill Road to Morro Hills Road; then west along Morro Hills Road to Sleeping Indian Road; then west along Sleeping Indian Road to Conejo Road; then northwest along an imaginary line to the intersection of Fallbrook Road and Vandergrift Boulevard; then west along Vandergrift Boulevard to Camp De Luz Road; then north along Camp De Luz Road to the intersection of the boundary line for the Camp Pendleton Marine Corps Base and De Luz Road; then northeast along De Luz Road to Daily Road; then northeast along Daily Road to Lynda Road; then northeast along Lynda Road to Sandia Creek Drive; then east and south along Sandia Creek Drive to Rock Mountain Drive; then east along Rock Mountain Drive to the Riverside/San Diego County line; then southeast along an imaginary line to the intersection of Stage Coach Lane and the Riverside/San Diego County line; then east along the Riverside/San Diego County line to the second unnamed road (near gate); then south along the second unnamed road (near gate) to Rainbow Glen Road; then southeast along Rainbow Glen Road to the point of beginning.

\* \* \* \* \*

4. Section 301.64-10 is amended as follows:

a. Paragraph (c) is revised to read as set forth below.

b. A new paragraph (f) is added to read as set forth below.

**§ 301.64-10 Treatments.**

\* \* \* \* \*

(c) *Premises*. A field, grove, or area that is located within the quarantined area but outside the infested core area, and that produces regulated articles, must receive regular treatments with either malathion or spinosad bait spray. These treatments must take place at 6- to 10-day intervals, starting a sufficient time before harvest (but not less than 30 days before harvest) to allow for completion of egg and larvae development of the Mexican fruit fly. Determination of the time period must be based on the day degrees model for Mexican fruit fly. Once treatment has begun, it must continue through the harvest period. The malathion bait spray treatment must be applied by aircraft or ground equipment at a rate of 2.4 oz of technical grade malathion and 9.6 oz of protein hydrolysate per acre. The spinosad bait spray treatment must be applied by aircraft or ground equipment at a rate of 0.01 oz of a USDA-approved spinosad formulation and 48 oz of protein hydrolysate per acre. For ground applications, the mixture may be diluted with water to improve coverage.

\* \* \* \* \*

(f) *Citrons, litchis, longans, persimmons, and white zapotes*. Cold treatment in accordance with the PPQ Treatment Manual (for full identification of this standard, see § 300.1 of this chapter, "Materials incorporated by reference") and in accordance with the following schedule:

Treatment	Exposure period
33 °F or below .....	18 days.
34 °F or below .....	20 days.
35 °F or below .....	22 days.

Done in Washington, DC, this 14th day of December 1999.

**Craig A. Reed,**

*Administrator, Animal and Plant Health Inspection Service.*

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**BILLING CODE 3410-34-U**

**DEPARTMENT OF AGRICULTURE**

**Federal Crop Insurance Corporation**

**7 CFR Part 457**

**Common Crop Insurance Regulations; Potato Crop Insurance Certified Seed Endorsement**

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Federal Crop Insurance Corporation (FCIC) finalizes specific provisions that amend the Potato Crop Insurance Certified Seed Endorsement. The intended effect of this action is to improve the insurance coverage to better meet the needs of the insured. The changes will be effective for the 2001 and subsequent crop years.

**EFFECTIVE DATE:** This rule is effective January 20, 2000.

**FOR FURTHER INFORMATION CONTACT:** Rob Coultis, Insurance Management Specialist, Research and Development, Product Development Division, Federal Crop Insurance Corporation, United States Department of Agriculture, 9435 Holmes Road, Kansas City, MO, 64131, telephone (816) 926-7730.

**SUPPLEMENTARY INFORMATION:**

**Executive Order 12866**

This rule has been determined to be exempt for the purposes of Executive Order No. 12866 and, therefore, has not been reviewed by the Office of Management and Budget (OMB).

**Paperwork Reduction Act of 1995**

Under the provisions of the Paperwork Reduction Act of 1995 (44

U.S.C. chapter 35), the collections of information for this rule have been previously approved by the OMB under control number 0563-0053 through April 30, 2001. The amendments set forth in this rule do not revise the content or alter the frequency of reporting for any of the forms or information collections cleared under the above-referenced docket.

**Unfunded Mandates Reform Act of 1995**

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This rule contains no Federal mandates (under the regulatory provisions of title II of the UMRA) for State, local, and tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

**Executive Order 13132**

The policies contained in this rule do not have any substantial direct effect on states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Nor does this rule impose substantial direct compliance costs on state and local governments. Therefore, consultation with the states is not required.

**Regulatory Flexibility Act**

This regulation will not have a significant impact on a substantial number of small entities. New provisions included in this rule will not impact small entities to a greater extent than large entities. The amount of work required of the insurance companies delivering and servicing these policies will not increase significantly from the amount of work currently required. Therefore, this action is determined to be exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. 605) and no Regulatory Flexibility Analysis was prepared.

**Federal Assistance Program**

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

**Executive Order 12372**

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR

part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

#### Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988 on civil justice reform. The provisions of this rule will not have a retroactive effect. The provisions of this rule will preempt State and local laws to the extent such State and local laws are inconsistent herewith. The administrative appeal provisions published at 7 CFR part 11 must be exhausted before any action against FCIC for judicial review may be brought.

#### Environmental Evaluation

This action is not expected to have a significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

#### National Performance Review

This regulatory action is being taken as part of the National Performance Review Initiative to eliminate unnecessary or duplicate regulations and improve those that remain in force.

#### Background

On Friday, July 30, 1999, FCIC published a notice of proposed rulemaking in the **Federal Register** at 64 FR 41336–41338 to amend the Common Crop Insurance Regulations (7 CFR part 457) by revising 7 CFR 457.145, Potato Crop Insurance Certified Seed Endorsement, effective for the 2000 and succeeding crop years.

Following publication of the proposed rule on July 30, 1999, the public was afforded 60 days to submit written comments and opinions. No comments were submitted.

FCIC has made the following changes to the provisions contained in the proposed rule:

1. Section 8—Corrected section reference numbers in loss calculation steps. References should have been to section 8 rather than section 9.
2. Section 9—Clarified that provisions did not extend the period for which insurance was available.

The notice of proposed rulemaking indicated the amendments would be effective for the 2000 crop year. However, after publication of the proposed rule, FCIC determined there was an insufficient amount of time to implement the changes for the 2000 crop year. Therefore, the amendments will be effective for the 2001 and subsequent crop years.

#### List of Subjects in 7 CFR Part 457

Crop insurance, certified seed potatoes.

#### Final Rule

For the reasons stated in the preamble, the Federal Crop Insurance Corporation amends 7 CFR part 457, effective for the 2001 and succeeding crop years, as follows:

#### PART 457—COMMON CROP INSURANCE REGULATIONS

1. The authority citation for 7 CFR part 457 continues to read as follows:

**Authority:** 7 U.S.C. 1506(l) and 1506(p)

2. Amend § 457.145 as follows:

- a. Revise the introductory text;
- b. Revise sections 5, 8 and 9 of the endorsement; and
- c. Add new sections 10 and 11 to the endorsement to read as follows:

#### § 457.145 Potato crop insurance—certified seed endorsement.

The potato Certified Seed Endorsement provisions for the 2001 and succeeding crop years are as follows:

\* \* \* \* \*

5. Your certified seed production guarantee per-acre will be the per-acre production guarantee used to cover the same acreage under the terms of the Northern Potato Crop Provisions. However, unless a written agreement provides otherwise, if the total amount of insurable certified seed acreage you have for the current crop year is greater than 125 percent of your average number of acres entered into and passing certification in the potato certified seed program in the three previous calendar years, your certified seed production guarantee for each unit will be reduced as follows:

\* \* \* \* \*

8. If, due to insurable causes occurring within the insurance period, the amount of certified seed you produce is less than your certified seed production guarantee, we will settle your claim by:

(a) Multiplying the insured acreage by its respective certified seed production guarantee;

(b) Multiplying each result in section 8(a) by the dollar amount per hundredweight contained in the Special Provisions for production covered under this endorsement;

(c) Totaling the results of section 8(b);

(d) Multiplying the number of hundredweight of production that qualify as certified seed and any amount of production lost due to uninsured causes, or that does not qualify as certified seed due to uninsured causes,

by the dollar amount per hundredweight contained in the Special Provisions for production covered under this endorsement;

(e) Subtracting the result of section 8(d) from the result of section 8(c); and

(f) Multiplying the result of section 8(e) by your share.

9. You must notify us of any loss under this endorsement not later than 14 days after you receive notice from the state certification agency that any acreage or production has failed certification. Nothing herein extends the insurance period beyond the time period specified in section 8 of the Northern Potato Crop Provisions and section 11 of the Basic Provisions.

10. Acreage covered under the terms of this endorsement will have the same unit structure as provided under the Basic Provisions and the Northern Potato Crop Provisions. For example, if you have two optional units (00101 and 00102) under your Northern Potato Crop Insurance Policy and you elect this endorsement, you will also have two optional units (00201 and 00202) for certified seed coverage, provided that certified seed is grown in both units 00101 and 00102. Or, if you have two basic units (00100 and 00200) under your Northern Potato Crop Insurance Policy and you elect this endorsement, you will also have two basic units (00300 and 00400) for certified seed coverage, provided that certified seed is grown in both units 00100 and 00200. In the event certified seed acreage is not grown in the same optional or basic units as acreage covered under the Basic Provisions and the Northern Potato Crop Provisions, certified seed units will be established in accordance with the unit division provisions contained in the Basic Provisions and the Northern Potato Crop Provisions. For example, if a basic unit is divided into two optional units for potato acreage covered under the Basic Provisions and the Northern Potato Crop Provisions, but certified seed is grown in only one of those optional units, the certified seed acreage will be insured as one basic unit.

11. Any production that does not qualify as certified seed because of varietal mixing or your failure to follow the standard practices and procedures required for certification will be considered as lost due to uninsured causes.

Signed in Washington, D.C., on December 15, 1999.

**Robert J. Prchal**

*Deputy Administrator, Insurance Services, Federal Crop Insurance Corporation.*

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