

Plant Protection Officers

Two commenters were concerned about the replacement of plant pathologists with plant protection officers. They felt that the required inspections should continue to be performed by qualified plant pathologists. One commenter believed that plant protection officers might accurately identify canker symptoms, but that only trained plant pathologists could detect the incidence of other diseases, such as black spot, on fruit presented for inspection. It is our experience that plant protection officers can be trained to detect these diseases in the field, and that requiring plant pathologists to inspect the fruit is unnecessary.

Therefore, based on the rationale set forth in the proposed rule and in this document, 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. The shipping season for Unshu oranges from Korea will begin soon. Making this rule effective immediately will allow interested producers and others in the marketing chain to benefit during this year's shipping season. 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.

In accordance with 5 U.S.C. 601 *et seq.*, we have performed a Final Regulatory Flexibility Analysis, set forth below, regarding the economic impact of this rule on small entities.

This final rule allows Unshu oranges grown on Cheju Island, Republic of Korea, to be imported into and through 45 States after meeting certain requirements.

Unshu oranges are imported for a small market in the United States and sell for two to three times the price of

the domestically grown Satsuma tangerines, a citrus fruit similar to the Unshu orange. Imported Unshu oranges are available for only a short period each year, from early November into mid-January.

In the 1992–93 growing season, domestic producers grew approximately 362 million pounds of tangerines in Arizona, California, and Florida. We estimate annual domestic production of Satsuma tangerines to be about 1.9 million pounds, 0.52 percent of total domestic tangerine production.

We anticipate that following the promulgation of this rule, the Republic of Korea initially could export about 1.1 million pounds of Unshu oranges to the United States and increase this amount to around 3.3 to 4.4 million pounds within a few years. While 4.4 million pounds of imported Unshu oranges from the Republic of Korea would only amount to 1.2 percent of the total domestic tangerine production, it would constitute over twice the annual domestic production of Satsuma tangerines. Again, however, these imported Unshu oranges could cost up to three times as much as domestically produced Satsuma tangerines.

The aggregate economic impact of this rule is expected to be positive. U.S. consumers will benefit from a greater availability of Unshu oranges. U.S. importers will also benefit from a greater availability of Unshu oranges to import.

In the course of rulemaking, if we had come across evidence indicating that importation of Unshu oranges from the Republic of Korea would pose a significant risk of plant pest introduction, we would have considered either developing alternative requirements regarding that importation or continuing to prohibit the importation of Unshu oranges from the Republic of Korea. However, our pest risk assessments and our review of public comments on the proposal indicated that importation of Unshu oranges from the Republic of Korea would pose no significant risk of plant pest introduction.

Executive Order 12778

This rule allows Unshu oranges to be imported into the United States from Cheju Island, Republic of Korea. State and local laws and regulations regarding Unshu oranges imported under this rule will be preempted while the fruit is in foreign commerce. Fresh Unshu oranges are generally imported for immediate distribution and sale to the consuming public, and will remain in foreign commerce until sold to the ultimate consumer. The question of when foreign

commerce ceases in other cases must be addressed on a case-by-case basis. No retroactive effect will be given to this rule; and this rule will not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects

7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

7 CFR Part 319

Bees, Coffee, Cotton, Fruits, Honey, Imports, Incorporation by reference, Nursery Stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, 7 CFR parts 301 and 319 are 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. 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.17, 2.51, and 371.2(c).

§ 301.83 [Amended]

2. In § 301.83, paragraph (a) is amended by adding the phrase “or on Cheju Island, Republic of Korea,” immediately following “Japan”.

PART 319—FOREIGN QUARANTINE NOTICES

3. The authority citation for part 319 continues to read as follows:

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151–167, and 450; 21 U.S.C. 136 and 136a; 7 CFR 2.17, 2.51, and 371.2(c).

§ 319.28 [Amended]

4. Section 319.28 is amended as follows:

a. Paragraph (a)(1) is amended by adding the phrase “the Republic of Korea,” immediately following the phrase “Japan and adjacent islands,”.

b. In paragraph (b), the introductory text is amended by adding the phrase “or on Cheju Island, Republic of Korea,” immediately following “Japan”.

c. In paragraph (b)(1), the first sentence is amended by removing the phrase “Japanese Plant Protection