

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Parts 300 and 319

[Docket No. 95-098-1]

Importation of Fruits and Vegetables

AGENCY: Animal and Plant Health Inspection Service, USDA.
ACTION: Proposed rule.

SUMMARY: We are proposing to allow a number of previously prohibited fruits and vegetables to be imported into the United States from certain parts of the world. All of the fruits and vegetables, as a condition of entry, would be subject to inspection, disinfection, or both, at the port of first arrival as may be required by a U.S. Department of Agriculture inspector. In addition, some of the fruits and vegetables would be required to undergo prescribed treatments for injurious plant pests as a condition of entry, or to meet other special conditions. The removal of these prohibitions would provide the United States with additional kinds and sources of fruits and vegetables while continuing to provide protection against the introduction and dissemination of injurious plant pests by imported fruits and vegetables.

DATES: For comments on all portions of this proposed rule except the rule's information collection and recordkeeping requirements that are subject to the Paperwork Reduction Act, consideration will be given only to comments received on or before August

1, 1996. For comments on the Paperwork Reduction Act requirements of this proposed rule, consideration will be given only to comments received on or before September 3, 1996.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 95-098-1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 95-098-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. Peter Grosser, Senior Operations Officer, Port Operations, PPQ, APHIS, 4700 River Road Unit 139, Riverdale, MD 20737-1236; (301) 734-8295.

SUPPLEMENTARY INFORMATION:
Background

The regulations in 7 CFR 319.56 through 319.56-8 (referred to below as "the regulations") prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of fruit flies and other injurious plant pests that are new to or not widely distributed within and throughout the United States.

We are proposing to amend the regulations to allow additional fruits and vegetables to be imported into the United States from certain parts of the world under specified conditions. The importation of these fruits and vegetables has been prohibited because of the risk that the fruits and vegetables could introduce fruit flies or other injurious plant pests into the United

States. We are proposing to allow these importations at the request of various importers and foreign ministries of agriculture, and after conducting pest risk analyses¹ that indicate the fruits or vegetables can be imported under certain conditions without significant pest risk.

All of the fruits and vegetables included in this document would be subject to the requirements in § 319.56-6 of the regulations. Section 319.56-6 provides, among other things, that all imported fruits and vegetables, as a condition of entry, shall be subject to inspection, disinfection, or both, at the port of first arrival, as may be required by a U.S. Department of Agriculture (USDA) inspector to detect and eliminate plant pests. Section 319.56-6 also provides that any shipment of fruits and vegetables may be refused entry if the shipment is infested with fruit flies or other injurious plant pests and an inspector determines that it cannot be cleaned by disinfection or treatment.

Some of the fruits and vegetables proposed for importation would be required to undergo prescribed treatments for injurious plant pests as a condition of entry, or to meet other special conditions. The proposed conditions of entry, which are discussed in greater detail below, appear adequate to prevent the introduction and dissemination of fruit flies and other injurious plant pests by the importation of fruits and vegetables from certain foreign countries and localities into the United States.

Subject to Inspection and Treatment Upon Arrival

We are proposing to allow the following fruit and vegetables to be imported into the United States from the country or locality indicated in accordance with § 319.56-6 and all other applicable requirements of the regulations:

Country/locality	Common name	Botanical name	Plant part(s)
Argentina	Basil	<i>Ocimum</i> spp.	Above ground parts.
Korea	Angelica	<i>Aralia elata</i>	Edible shoot.
Morocco	Strawberry	<i>Fragaria</i> spp.	Fruit.

¹ Information on these pest risk analyses and any other pest risk analysis referred to in this document

may be obtained by writing to the person listed under FOR FURTHER INFORMATION CONTACT.

Pest risk analyses conducted by the Animal and Plant Health Inspection Service (APHIS) have shown that the fruit and vegetables listed above are not attacked by fruit flies or other injurious plant pests, either because they are not hosts to the pests or because the pests are not present in the country or locality of origin. In addition, we have determined that any other injurious plant pests that might be carried by any of the listed fruit or vegetables would be readily detectable by a USDA inspector. Therefore, the provisions in § 319.56–6 concerning inspection, disinfection, or both, at the port of first arrival, appear adequate to prevent the introduction into the United States of fruit flies or other injurious plant pests by the importation of these fruits and vegetables.

Subject to Inspection and Treatment Upon Arrival; Additional Conditions

We would allow the following fruits and vegetables to be imported into the United States from the country indicated subject to the prescribed conditions and in accordance with § 319.56–6 and all other applicable requirements of the regulations:

Babaco from Chile

We are proposing to allow babaco (fruit, *Carica x heilborni* var. *pentagona*) from Chile to be imported into the United States if the fruit is grown in one of the designated districts of Chile that has been determined to be free of the Mediterranean fruit fly (Medfly). The babaco would have to be accompanied by a phytosanitary certificate issued by the Chilean Department of Agriculture stating that the fruit originated in a Medfly-free province. Currently, all of the provinces of Chile except the provinces of Arica, Iquique, and Parinacota have been determined to be free of Medfly. This determination is based on a national Medfly trapping program that has been conducted in Chile for more than 10 years with the cooperation and monitoring of APHIS.²

Pest risk analyses conducted by APHIS have determined that any other injurious plant pests that might be carried by the babaco would be readily detectable by a USDA inspector. As noted, the babaco would be subject to inspection, disinfection, or both, at the port of first arrival, in accordance with § 319.56–6.

Clementine, Grapefruit, Lemon, Minneola, Navel Orange, Satsuma, and Valencia Orange from South Africa

We are proposing to allow clementine, grapefruit, lemon, minneola, navel orange, satsuma, and valencia orange (fruit, *Citrus* spp.) to be imported into the United States from South Africa under certain conditions designed to prevent the introduction of Medfly and other injurious plant pests into the United States.

First, we would require that the citrus be grown in, packed in, and shipped from the Western Cape Province of South Africa. We are proposing this requirement because scientific studies and surveys³ conducted by the South African Department of Agriculture have demonstrated that this area is free from citrus blackspot, unlike other citrus-producing areas in South Africa. Further, we believe that both natural and regulatory barriers are in place that will help ensure that the Western Cape Province will remain free of citrus blackspot. The Western Cape Province's nearest citrus-producing neighbor, the Gamtoos River Valley, has, to date, had no findings or reports of citrus blackspot, and the citrus-producing areas in South Africa that are infested with citrus blackspot are separated from the Western Cape Province by mountain ranges, semi-desert areas, or long distances. Additionally, the South African government has in place regulations that prohibit the movement of nursery trees from the northern citrus-production area of South Africa into the Western Cape Province, and the South African government carefully monitors and regularly inspects citrus fruit for citrus blackspot in the growing areas and packinghouses of the Western Cape Province.

As such, we are also proposing that each shipment of citrus fruit intended for importation into the United States would have to be accompanied by a phytosanitary certificate issued by the South African Ministry of Agriculture stating that the citrus fruit was grown in, packed in, and shipped from the Western Cape Province of South Africa. This requirement would ensure that only citrus fruit from areas of South Africa free of citrus blackspot would be imported into the United States.

Finally, we would require that the citrus fruit be cold treated for false codling moth and fruit flies of the genus *Ceratitis*, including Medfly, and *Pterandrus* in accordance with the Plant Protection and Quarantine (PPQ)

Treatment Manual, which has been incorporated by reference into the Code of Federal Regulations at 7 CFR 300.1. The prescribed cold treatment would be conducted as follows:

22 days at -0.55°C (31°F) or below.

We believe that the proposed conditions described above, as well as all other applicable requirements in § 319.56–6, would be adequate to prevent the introduction of Medfly and other plant pests into the United States on citrus fruit imported from South Africa.

Treatment Required

Additionally, we are proposing to allow the fruits and vegetables listed below to be imported into the United States, or specified parts of the United States, only if they have been treated in accordance with the PPQ Treatment Manual. These fruits and vegetables are attacked by injurious plant pests, as specified below, in their country or locality of origin. Visual inspection cannot be relied upon to detect these insects. However, the fruits and vegetables can be treated to destroy the injurious plant pests.

We would revise the PPQ Treatment Manual to show that treatments are required as follows for the fruits and vegetables listed below:

Country	Common name, botanical name, and plant part(s)
Honduras	Hyacinth bean, <i>Lablab purpureus</i> , pod or shelled Methyl Bromide fumigation for <i>Cydia fabivora</i> , <i>Epinotia aporema</i> , and <i>Maruca testulalis</i> would be required; fumigation would be conducted as follows: With methyl bromide in a 15-inch vacuum: 8 g/m ³ ($\frac{1}{2}$ lb/1000 ft ³) for 1½ hours at 37 °C (90 °F) or above; or 16 g/m ³ (1 lb/1000 ft ³) for 1½ hours at 26.5–31.5 °C (80–89 °F); or 24 g/m ³ ($\frac{1}{2}$ lbs/1000 ft ³) for 1½ hours at 21–26 °C (70–79 °F); or 32 g/m ³ (2 lbs/1000 ft ³) for 1½ hours at 15.5–20.5 °C (60–69 °F); or 40 g/m ³ ($\frac{2}{2}$ lbs/1000 ft ³) for 1½ hours at 10–15 °C (50–59 °F); or 48 g/m ³ (3 lbs/1000 ft ³) for 1½ hours at 4.5–9.5 °C (40–49 °F).

Alternative treatment:

With methyl bromide at NAP—chamber or tarpaulin:

²Details on APHIS-monitored trapping programs in Chile are available from Operational Support, IS, APHIS, Suite 5A03, 4700 River Road Unit 67, Riverdale, MD 20737–1233.

³Information on these studies and surveys may be obtained by writing to the person listed under FOR FURTHER INFORMATION CONTACT.

Country	Common name, botanical name, and plant part(s)
	24 g/m ³ (1½ lbs/1000 ft ³) for 2 hours at 26.5 °C (80 °F) or above, with minimum gas concentrations of:
	19 g (19 oz) at ½ hour after fumigation begins.
	14 g (14 oz) at 2 hours after fumigation begins; or
	32 g/m ³ (2 lbs/1000 ft ³) for 2 hours at 21–26 °C (70–79 °F), with minimum gas concentrations of:
	26 g (26 oz) at ½ hour after fumigation begins.
	19 g (19 oz) at 2 hours after fumigation begins; or
	40 g/m ³ (2½ lbs/1000 ft ³) for 2 hours at 15.5–20.5 °C (60–69 °F), with minimum gas concentrations of:
	32 g (32 oz) at ½ hour after fumigation begins.
	24 g (24 oz) at 2 hours after fumigation begins; or
	48 g/m ³ (3 lbs/1000 ft ³) for 2 hours at 10–15 °C (50–59 °F), with minimum gas concentrations of:
	38 g (38 oz) at ½ hour after fumigation begins.
	29 g (29 oz) at 2 hours after fumigation begins.
	Yard long bean, <i>Vigna unguiculata</i> subsp. <i>sesquipedalis</i> , pod or shelled.
	Methyl bromide fumigation for <i>Cydia fabivora</i> , <i>Epinotia aporema</i> , and <i>Maruca testulalis</i> as set forth above for hyacinth bean from Honduras.
Nicaragua	Broad bean, <i>Vicia faba</i> , pod or shelled.
	Methyl bromide fumigation for <i>Cydia fabivora</i> , <i>Epinotia aporema</i> , and <i>Maruca testulalis</i> as set forth above for hyacinth bean from Honduras.
	Green bean, <i>Phaseolus</i> spp., pod or shelled.
	Methyl bromide fumigation for <i>Cydia fabivora</i> , <i>Epinotia aporema</i> , and <i>Maruca testulalis</i> as set forth above for hyacinth bean from Honduras.
	Mung bean, <i>Vigna radiata</i> , pod or shelled.
	Methyl bromide fumigation for <i>Cydia fabivora</i> , <i>Epinotia aporema</i> , and <i>Maruca testulalis</i> as set forth above for hyacinth bean from Honduras.

The treatments described above have been determined to be effective against the specified insects. This determination is based on research evaluated and approved by the Department. A bibliography and additional information on this research

may be obtained from APHIS by writing to the Oxford Plant Protection Center, 901 Hillsboro St., Oxford, NC 27555.

Pest risk analyses conducted by APHIS have determined that any other injurious plant pests that might be carried by the fruits and vegetables listed above would be readily detectable by a USDA inspector. As noted, the fruits and vegetables would be subject to inspection, disinfection, or both, at the port of first arrival, in accordance with § 319.56–6.

Use of Methyl Bromide

Methyl bromide is currently in widespread use as a fumigant. It is prescribed as a treatment for hyacinth beans and yard long beans from Honduras and broad beans, green beans, and mung beans from Nicaragua. The environmental effects of using methyl bromide, however, are being scrutinized by international, Federal, and State agencies. The U.S. Environmental Protection Agency (EPA), based on its evaluation of data concerning the ozone depletion potential of methyl bromide, published a notice of final rulemaking in the Federal Register on December 10, 1993 (58 FR 65018–65082). That rulemaking freezes methyl bromide production in the United States at 1991 levels and requires the phasing out of domestic use of methyl bromide by the year 2001. APHIS is studying the effectiveness and environmental acceptability of alternative treatments to prepare for the eventual unavailability of methyl bromide fumigation. Our current proposal assumes the continued availability of methyl bromide for use as a fumigant for at least the next few years.

Proposal of Expansion of Medfly-Free Area in Belize

We are proposing to recognize the northern portion of the district of Stann Creek in Belize as free from Medfly and to allow papaya to be imported into the United States from this area without treatment for Medfly.

Belize has conducted a national Medfly trapping program for more than 6 years with the cooperation and monitoring of APHIS.⁴ An intensive, ongoing trapping program, combined with an aggressive eradication campaign including intensified trapping, ground spraying with malathion bait, and fruit stripping, in the district of Stann Creek has established that the northern portion of that district qualifies as a Medfly-free area. The area of the Stann

Creek district that would not be included in the proposed Medfly-free zone is the Placencia Peninsula area because this area has ports of entry that receive cargo and travellers from Honduras and is therefore subject to occasional Medfly introductions. The exact boundaries of the excluded area are as follows: Beginning at the southernmost point of the Placencia Peninsula; then north along the coast of the Caribbean Sea to Riversdale Road; then west along Riversdale Road to Southern Highway; then south along the Southern Highway to Independence Road; then east along Independence Road to Big Creek Port; then east, on an imaginary line, from Big Creek Port across the Placencia Lagoon to the point of beginning.

Therefore, we are proposing to allow papaya to be imported from the Medfly-free area of the Stann Creek district without treatment for Medfly if the papaya is accompanied by a phytosanitary certificate issued by the Belizean Department of Agriculture stating that the fruit originated in the Medfly-free area of the Stann Creek district. As is routine, APHIS would continue to be directly involved in the monitoring of Belize's national Medfly trapping program in order to assist the district of Stann Creek in maintaining Medfly-free status. Currently, papaya from the Cayo, Corozal, and Orange Walk districts of Belize may be imported into the United States without treatment for Medfly if the papaya is accompanied by a phytosanitary certificate issued by the Belizean Department of Agriculture stating that the fruit originated in those Medfly-free districts. Papaya grown in Belize outside the Medfly-free areas may also be imported into the United States, provided the fruit is treated for Medfly in accordance with the PPQ Treatment Manual.

Like all other papaya imported into the United States from Belize, papaya grown in the Medfly-free area of the Stann Creek district would be prohibited entry into Hawaii—where most domestically grown papayas are produced—as a precaution against the possible introduction of papaya fruit fly (*Toxotrypana curvicauda*). Accordingly, the cartons in which the papaya are packed would have to be stamped “Not for importation into or distribution in HI.”

Pest risk analyses conducted by APHIS have determined that any other injurious plant pests that might be carried by the papaya would be readily detectable by a USDA inspector. As noted, the papaya would be subject to inspection, disinfection, or both, at the

⁴ Details on APHIS-monitored trapping programs in Belize are available from Operational Support, IS, APHIS, Suite 5A03, 4700 River Road Unit 67, Riverdale, MD 20737–1233.

port of first arrival, in accordance with § 319.56–6.

Miscellaneous

We are also proposing to make minor editorial changes to the table in § 319.56–2t for clarity and consistency. Our amendments would involve removing the common name “Yam bean” and replacing it with “Jicama” and, for importations of tarragon from Guatemala and Panama, removing the plant part description “Leaf and stem” and replacing it with “Above ground parts.” We believe that these amendments will clarify the regulations by keeping the common names in the table up-to-date and by keeping the plant part descriptions uniform.

Executive Order 12866 and Regulatory Flexibility Act

This proposed 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. 603, we have performed an Initial Regulatory Flexibility Analysis, which is set out below, regarding the impact of this proposed rule on small entities. However, we do not currently have all of the data necessary for a comprehensive analysis of the effects of this proposed rule on small entities. Therefore, we are inviting comments on potential effects. In particular, we are interested in determining the number and kind of small entities that may incur benefits or costs from the implementation of this proposed rule.

Under the Plant Quarantine Act and the Federal Plant Pest Act (7 U.S.C. 150dd, 150ee, 150ff, 151–167), the Secretary of Agriculture is authorized to regulate the importation of fruits and vegetables to prevent the introduction of injurious plant pests.

This proposed rule would amend the regulations governing the importation of fruits and vegetables by allowing a number of previously prohibited fruits and vegetables to be imported into the United States from certain foreign countries and localities under specified conditions. The importation of these fruits and vegetables has been prohibited because of the risk that they could have introduced injurious plant pests into the United States.

Our proposal is based on pest risk assessments that were conducted by APHIS at the request of various importers and foreign ministries of agriculture. The pest risk assessments indicate that the fruits or vegetables

listed in this proposed rule could, under certain conditions, be imported into the United States without significant pest risk. All of the fruits and vegetables, as a condition of entry, would be subject to inspection, disinfection, or both, at the port of first arrival as may be required by a USDA inspector. In addition, some of the fruits and vegetables would be required to undergo mandatory treatment for injurious plant pests as a condition of entry, or to meet other special conditions. This action would provide the United States with additional kinds and sources of fruits and vegetables while continuing to provide protection against the introduction into the United States of injurious plant pests by imported fruits and vegetables.

Basil from Argentina

From 1990 to 1994, the value of U.S. basil imports averaged \$3.3 million annually. This average includes import values for 1994 when, due to a record import volume of 3,220 metric tons, U.S. basil imports amounted to \$4.6 million. No information is available on U.S. basil production.

It is estimated that Argentina produces about 1,500 metric tons of basil annually. If commercial conditions are favorable, basil exports to the United States could, over time, reach 200 metric tons a year. This amount is only about 6 percent of current U.S. basil imports and, therefore, is not expected to have a significant effect on the U.S. basil market.

Babaco from Chile

Chile produced 334 metric tons of babaco from 1994 to 1995. Of this amount, only 6.9 metric tons were exported, and all exported babaco went to Argentina. There is no data available on production or importation of babaco by the United States. We do not expect that babaco imported from Chile would have a significant impact on U.S. producers or other small entities.

Hyacinth Bean and Yard Long Bean from Honduras

No information is available on potential U.S. imports of hyacinth bean or yard long bean from Honduras or on U.S. production of these commodities.

Angelica From Korea

Korea produces about 1,300 metric tons of angelica a year. Of this amount, only 10 kilograms were exported in 1994 and 14 kilograms in 1995. Given the negligible quantities exported in the last 2 years, it is anticipated that very little angelica will be imported into the United States from Korea. Therefore, no

significant impact on U.S. entities is expected.

Strawberry From Morocco

In 1994, total U.S. strawberry production was 737,580 metric tons. That year, the United States exported 57,332 metric tons of fresh strawberries and 28,637 metric tons of frozen strawberries and imported 19,843 metric tons of fresh strawberries and 25,050 metric tons of frozen strawberries. Therefore, in 1994, U.S. exports of fresh strawberries surpassed U.S. imports of fresh strawberries by nearly three times, while frozen strawberry exports and imports were more balanced.

Morocco produced about 35,000 metric tons of strawberries in the 1994–95 season. During that season, Morocco exported about 9,000 metric tons of fresh strawberries and 11,000 metric tons of frozen strawberries.

Future U.S. strawberry imports from Morocco are estimated at 160 metric tons of strawberries per year. As these estimated strawberry imports from Morocco constitute less than .02 percent of U.S. strawberry production, they are not expected to have a significant impact on U.S. entities, large or small.

Broad Bean, Green Bean, and Mung Bean from Nicaragua

In 1994, total U.S. green bean production was 916,750 metric tons. Of this amount, 20,324 metric tons, or 2.2 percent of total production, was exported. In 1994, green bean imports amounted to 11,230 metric tons.

U.S. production data is not available for broad bean and mung bean.

However, in 1994, the United States exported 389 metric tons of dried broad bean and 2,134 metric tons of dried mung bean. U.S. imports of these commodities in 1994 totaled 610 metric tons of dried broad bean and 7,178 metric tons of dried mung bean.

No information is available on potential imports of green bean, broad bean, and mung bean from Nicaragua. Given the sizable quantity of green beans produced in the United States and given the import levels for broad bean and mung bean, potential import of these commodities from Nicaragua is not expected to have a significant impact on U.S. producers or other small entities.

Clementine, Grapefruit, Lemon, Minneola, Navel Orange, Satsuma, and Valencia Orange From South Africa

In the 1994–95 season, the total value of the U.S. citrus crop was \$2.25 billion. The 1994–95 value of U.S.-produced navel oranges (early and midseason) was \$836 million, valencia oranges \$727

million, grapefruit \$301 million, and lemon \$265 million. Production value is not available for clementine, satsuma, and minneola.

In 1994, the United States exported fresh citrus and citrus products valued at more than \$650 million and imported fresh citrus and citrus products valued at about \$70 million. By weight, about 50 percent of 1994 fresh citrus exports were oranges and tangerines, about 40 percent grapefruit, and about 10 percent lemons and limes.

South Africa exports about two-thirds of its citrus crop. The 1996 projected exports of citrus from the Western Cape Province of South Africa to the United States include 10,500 metric tons of navel oranges; 12,750 metric tons of valencia oranges; 8,000 metric tons of clementines; 75 metric tons of grapefruit; 3,000 metric tons of lemons; 1,000 metric tons of satsuma; and 900 metric tons of minneola. These projections amount to only a fraction of one percent of U.S. production of citrus.

Additionally, as South Africa exports most of its fresh citrus and citrus products during the summer months, South African citrus would not compete with the late fall, winter, and early spring citrus production season in the United States.

Therefore, due to summer arrival of citrus from South Africa, the relatively negligible quantity of citrus expected to be imported into the United States from South Africa, and the fact that U.S. citrus exports are more than nine times greater than U.S. citrus imports, we expect that South African citrus exports to the United States would not have a significant impact on U.S. producers, exporters, or importers of citrus. Citrus importers in the United States could benefit from the increased availability of citrus fruit, especially navel oranges, during the time of year when U.S. production is at its lowest.

The alternative to this proposed rule was to make no changes in the regulations. After consideration, we rejected this alternative because there is no biological reason to prohibit the importation into the United States of the fruits and vegetables listed in this document.

Executive Order 12778

This proposed rule would allow certain fruits and vegetables to be imported into the United States from certain parts of the world. If this proposed rule is adopted, State and local laws and regulations regarding the importation of fruits and vegetables under this rule would be preempted while the fruits and vegetables are in foreign commerce. Fresh fruits and

vegetables are generally imported for immediate distribution and sale to the consuming public, and would 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. If this proposed rule is adopted, 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

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please state that your comments refer to Docket No. 95-098-1. Please send a copy of your comments to: (1) Docket No. 95-098-1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238, and (2) Clearance Officer, OIRM, USDA, room 404-W, 14th Street and Independence Avenue, SW, Washington, DC 20250. Comments on the information collection or recordkeeping requirements included in this proposed rule are due 60 days from the proposed rule's date of publication in the Federal Register. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this proposed rule.

This proposed rule would allow a number of previously prohibited fruits and vegetables to be imported into the United States from certain parts of the world. In order for some of these fruits and vegetables to be safely imported into the United States, we would require the use of a phytosanitary certificate, issued by plant health officials of the exporting country, stating that the fruits or vegetables originated in an area free of certain plant pests. This requirement would help ensure that only fruits and vegetables that do not present an unacceptable risk of introducing injurious plant pests into the United States would be imported into the United States.

We are soliciting comments from the public (as well as affected agencies) concerning our proposed information collection and recordkeeping requirements. We need this outside input to help us:

(1) Evaluate whether the proposed information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond (such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses).

Estimate of burden: Public reporting burden for this collection of information is estimated to average 1.31 hours per response.

Respondents: Foreign plant health officials.

Estimated number of respondents: 300.

Estimated number of responses per respondent: 1.

Estimated total annual burden on respondents: 393 hours.

Copies of this information collection can be obtained from: Clearance Officer, OIRM, USDA, Room 404-W, 14th Street and Independence Ave., SW, Washington, DC 20250.

List of Subjects

7 CFR Part 300

Incorporation by reference, Plant diseases and pests, Quarantine.

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 300 and 319 are proposed to be amended as follows:

PART 300—INCORPORATION BY REFERENCE

1. The authority citation for part 300 would continue to read as follows:

Authority: 7 U.S.C. 150ee, 154, 161, 162, and 167; 7 CFR 2.22, 2.80, and 371.2(c).

2. In § 300.1, paragraph (a), the introductory text would be revised to read as follows:

§ 300.1 Materials incorporated by reference; availability.

(a) *Plant Protection and Quarantine Treatment Manual.* The Plant Protection

and Quarantine Treatment Manual, which was reprinted November 30, 1992, and includes all revisions through _____, has been approved for incorporation by reference in 7 CFR chapter III by the Director of the Office of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

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PART 319—FOREIGN QUARANTINE NOTICES

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

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151–167, 450, 2803, and 2809; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.2(c).

4. A new § 319.56–2q would be added to read as follows:

§ 319.56–2q Administrative instructions: conditions governing the entry of citrus from South Africa.

Clementine (*Citrus reticulata*), grapefruit (*Citrus paradisi*), lemon (*Citrus limon*), minneola (*C. paradisi* x *C. reticulata*), navel orange (*Citrus sinensis*), satsuma (*Citrus reticulata*), and valencia orange (*Citrus sinensis*)

may be imported into the United States from the Western Cape Province of South Africa only under the following conditions:

(a) The citrus fruit must be grown in, packed in, and shipped from the Western Cape Province of South Africa.

(b) The citrus fruit must be cold treated for false codling moth and fruit flies of the genus *Ceratitis* and *Pterandrus* in accordance with the Plant Protection and Quarantine Treatment Manual, which is incorporated by reference at § 300.1 of this chapter.

(1) If the cold treatment is to be conducted in the United States, entry of the citrus fruit into the United States is limited to ports listed in § 319.56–2d(b)(1).

(2) If the cold treatment is conducted in South Africa or in transit to the United States, entry of the citrus into the United States may be made through any U.S. port.

(c) Each shipment of citrus fruit must be accompanied by a phytosanitary certificate issued by the South African Ministry of Agriculture stating that the conditions of paragraph (a) of this section have been met.

5. In § 319.56–2t, the table would be amended as follows:

a. In the entries for Costa Rica, Guatemala, and Philippines, under the heading *Common name*, by removing the words “Yam bean” from each entry and adding the word “Jicama” in their places.

b. In the entries for Guatemala and Panama, the entry for Tarragon would be amended in the fourth column, under the heading *Plant part(s)*, by removing the words “Leaf and stem” and adding the words “Above ground parts” in their place.

c. In the entry for Belize, the entry for Papaya, by revising the text under the heading *Plant part(s)* to read as set forth below.

d. By adding, in alphabetical order, entries for Basil from Argentina, Babaco from Chile, Angelica from Korea, and Strawberry from Morocco to read as set forth below.

§ 319.56–2t Administrative instructions: conditions governing the entry of certain fruits and vegetables.

* * * * *

Country/locality	Common name	Botanical name	Plant part(s)
Argentina			
*	Basil	<i>Ocimum</i> spp.	Above ground parts.
*			
Belize			
*	Papaya	<i>Carica papaya</i>	Fruit (Must be accompanied by a phytosanitary certificate issued by the Belizean department of agriculture stating that the fruit originated in the district of Cayo, Corozal, or Orange Walk, or in any portion of the district of Stann Creek <i>except</i> the area bounded as follows: Beginning at the southernmost point of the Placencia Peninsula; then north along the coast of the Caribbean Sea to Riversdale Rd.; then west along Riversdale Rd. to Southern Hwy.; then south along the Southern Hwy. to Independence Rd.; then east along Independence Rd. to Big Creek Port; then east, on an imaginary line, from Big Creek Port across the Placencia Lagoon to the point of beginning. Papayas from other areas of Belize enterable only with treatment—see § 319.56–2x). Prohibited entry into Hawaii due to the papaya fruit fly, <i>Toxotrypana curvicauda</i> . Cartons in which fruit is packed must be stamped “Not for importation into or distribution within HI.”)
*			
Chile	Babaco	<i>Carica x heilborni</i> var. <i>pentagona</i> .	Fruit. (From Medfly-free areas—see § 319.56–2j. Fruit must be accompanied by a phytosanitary certificate issued by the Chilean department of agriculture stating that the fruit originated in a Medfly-free province.)
*			
Korea	Angelica	<i>Aralia elata</i>	Edible shoot.
*			
Morocco	Strawberry ...	<i>Fragaria</i> spp.	Fruit.
*			

6. In § 319.56–2x, paragraph (a), the table would be amended as follows:

a. In the entry for Belize, the entry for Papaya, by revising the text under the

heading *Plant part(s)* to read as set forth below.

b. By adding, in alphabetical order, entries for Hyacinth bean and Yard long bean from Honduras and Broad bean,

Green bean, and Mung bean from Nicaragua to read as set forth below.

§ 319.56–2x Administrative instructions; conditions governing the entry of certain fruits and vegetables for which treatment is required.

(a) * * *

Country/ locality	Common name	Botanical name	Plant part(s)
Belize	Papaya	<i>Carica papaya</i>	Fruit (Treatment for Medfly not required for fruit grown in the districts of Cayo, Corozal, and Orange Walk, or in any portion of the district of Stann Creek <i>except</i> the area bounded as follows: Beginning at the southernmost point of the Placencia Peninsula; then north along the coast of the Caribbean Sea to Riversdale Rd.; then west along Riversdale Rd. to Southern Hwy.; then south along the Southern Hwy. to Independence Rd.; then east along Independence Rd. to Big Creek Port; then east, on an imaginary line, from Big Creek Port across the Placencia Lagoon to the point of beginning—see § 319.59–2t.) Papayas prohibited entry into Hawaii due to the papaya fruit fly, <i>Toxotrypana curvicauda</i> . Cartons in which fruit is packed must be stamped “Not for importation into or distribution within HI.”)
Honduras	Hyacinth bean. Yard long bean.	<i>Lablab purpureus</i> <i>Vigna unguiculata</i> , subsp. <i>sesquipedalis</i> .	Pod or shelled. Pod or shelled.
Nicaragua	Broad bean Green bean Mung bean	<i>Vicia faba</i> <i>Phaseolus</i> spp <i>Vigna radiata</i>	Pod or shelled. Pod or shelled. Pod or shelled.

* * * * *

Done in Washington, DC, this 27th day of June 1996.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–16870 Filed 7–1–96; 8:45 am]

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Agricultural Marketing Service

7 CFR PART 1240

[FV–96–707]

Honey Research, Promotion, and Consumer Information Order; Continuance Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum order.

SUMMARY: This document gives notice that a referendum will be conducted to determine whether the continuance of the Honey Research, Promotion, and Consumer Information Order is favored by a majority of the producers, producer-packers, and importers voting in the referendum. This action establishes the voting period, representative period, method of voting, and agents.

DATES: The referendum will be conducted by mail ballot from August 1

through August 30, 1996. The representative period for establishing voter eligibility shall be the period from January 1, 1994, through December 31, 1995.

ADDRESSES: Copies of the Honey Research, Promotion, and Consumer Information Order may be obtained from: Referendum Agent, Research and Promotion Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2535–S, Washington, DC 20090–6456.

FOR FURTHER INFORMATION CONTACT: Richard Schultz, Research and Promotion Branch, Fruit and Vegetable Division, AMS, USDA, Room 2535–S, P.O. Box 96456, Washington, D.C. 20090–6456. Telephone (202) 720–5976.

SUPPLEMENTARY INFORMATION: A referendum will be conducted among eligible honey producers, producer-packers, and importers to determine whether the continuance of the Honey Research, Promotion, and Consumer Information Order (Order) [7 CFR 1240] is favored by persons voting in the referendum. The Order is authorized under the Honey Research, Promotion, and Consumer Information Act, as amended (act) [7 U.S.C. 4601–4612].

The representative period for establishing voter eligibility for the referendum shall be the period from January 1, 1994, through December 31,

1995. Persons who are producers, producers and handlers, or importers of honey or honey products at the time of the referendum and during the representative period are eligible to vote. Persons who have received an exemption from assessment for the entire representative period are ineligible to vote. The referendum shall be conducted by mail ballot from August 1 through 30, 1996.

Section 13(b)(1) of the act provides that 5 years from the date on which the Secretary of Agriculture (Secretary) issues an order authorizing the collection of assessments, and every 5 years thereafter, the Secretary shall conduct a referendum to determine if honey producers and importers favor the termination or suspension of the Order. On July 21, 1986, the Secretary issued the Order, and the first continuance referendum was conducted in August 1991. Therefore, this order is issued pursuant to the Act's requirements and gives producers and importers a second opportunity to vote on whether the program will continue.

Section 13(d) also provides that the Secretary shall suspend or terminate the Order if termination or suspension is favored by a majority of the producers and importers voting in the referendum and that the producers and importers comprising this majority produce or