

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 Part 319

[Docket No. 96-082-1]

Bamboo

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to consolidate the regulations pertaining to the importation of bamboo, contained in "Subpart—Bamboo Capable of Propagation," and the regulations pertaining to propagative material in general, contained in "Subpart—Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products." This change would simplify and clarify our regulations. We are also proposing to amend the regulations in "Subpart—Fruits and Vegetables" to add provisions allowing fresh bamboo shoots without leaves or roots to be imported into the United States from various countries for consumption. This action is based on assessments that indicate that bamboo shoots without leaves or roots may be imported into the United States from certain countries without a significant risk of introducing plant pests.

DATES: Consideration will be given only to comments received on or before November 10, 1997.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 96-082-1, 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. 96-082-1. Comments 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. James Petit de Mange, Staff Officer, Phytosanitary Issues Management Team, PPQ, APHIS, 4700 River Road Unit 140, Riverdale, MD 20737-1231, telephone (301) 734-6799; or e-mail jpdmanage@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The regulations at 7 CFR part 319 prohibit or restrict the importation of plants, plant parts, and related materials to prevent the introduction of foreign plant pests into the United States.

The importation into the United States of any variety of bamboo seed, bamboo plants, and bamboo cuttings capable of propagation, including all genera and species of the tribe *Bambuseae*, is regulated under "Subpart—Bamboo Capable of Propagation," contained in 7 CFR 319.34. Section 319.34, paragraph (a), provides that all varieties of bamboo seeds, bamboo plants, and bamboo cuttings capable of propagation are prohibited importation into the United States unless they are imported: (1) For experimental or scientific purposes by the United States Department of Agriculture; (2) for export, or for transportation and exportation in bond, in accordance with 7 CFR part 352; or (3) into Guam, in accordance with § 319.37-4(b).

"Subpart—Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products" (referred to below as "Subpart—Nursery Stock"), contained in 7 CFR 319.37 through 319.37-14, regulates the importation into the United States of most other propagative plant material. Regulated articles are designated as either prohibited or restricted.

We are proposing to consolidate "Subpart—Bamboo Capable of Propagation" and "Subpart—Nursery Stock." We would do this by adding bamboo seed, bamboo plants, and bamboo cuttings, except those imported into Guam, to the list of prohibited articles in § 319.37(a). In conjunction with this action, we would remove "Subpart—Bamboo Capable of Propagation" and remove all references to § 319.34 contained in part 319. These changes would not alter the

requirements for importing these articles.

Bamboo seeds, bamboo plants, and bamboo cuttings capable of propagation would continue to be eligible for importation into Guam. Bamboo seeds, bamboo plants, and bamboo cuttings capable of propagation and imported into Guam would be considered restricted articles, and their importation into Guam would be governed by the requirements in "Subpart—Nursery Stock" for the importation of restricted articles. (The term *restricted article* is defined in § 319.37-1 as any class of nursery stock or other class of plant, root, bulb, seed, or other plant product for, or capable of, propagation, excluding any prohibited articles listed in § 319.37-2 (a) or (b) of "Subpart—Nursery Stock," and excluding any articles regulated under other subparts of part 319, or under 7 CFR part 321.)

The importation of bamboo seeds, bamboo plants, and bamboo cuttings for experimental or scientific purposes by the United States Department of Agriculture also would not be affected by this change. Section 319.37-2(c) provides that any article listed as a prohibited article in § 319.37(a) may be imported for experimental or scientific purposes by the Department of Agriculture.

In addition, bamboo seeds, bamboo plants, and bamboo cuttings capable of propagation would continue to be eligible for movement through the United States for export, or for transportation and exportation in bond, in accordance with 7 CFR part 352. The regulations at 7 CFR 352, "Plant Quarantine Safeguard Regulations," allow plants and plant parts that are not eligible for entry into the United States to move through the United States for export to other countries under safeguards intended to prevent the introduction of plant pests.

We are also proposing to amend "Subpart—Fruits and Vegetables," contained in §§ 319.56 through 319.56-8, to add provisions allowing fresh bamboo shoots without leaves or roots to be imported into the United States for consumption from China, the Dominican Republic, Japan, and Taiwan. Bamboo shoots without leaves or roots would be added to the list of fruits and vegetables in § 319.56-2t that may be imported from specified countries or places in accordance with

§ 319.56–6 and all other applicable provisions of the regulations. Section 319.56–6 provides, among other things, that all imported fruits and vegetables, as a condition of entry, shall be inspected and shall be subject to disinfection at the port of first arrival as required by an inspector. This proposed action is based on assessments that show that fresh bamboo shoots without leaves or roots may be imported from the countries listed into the United States for consumption without presenting a significant pest risk.

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 purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

We do not anticipate that this rulemaking will have any significant economic impact on any affected parties. The proposed changes concerning bamboo seed, bamboo plants, and bamboo cuttings are administrative in nature and do not change the requirements for importing these articles. This proposed rule would add provisions to allow fresh, edible bamboo shoots without leaves or roots to be imported into the United States for consumption from China, the Dominican Republic, Japan, and Taiwan. There appears to be little, if any, commercial production of bamboo shoots in the United States, and imported bamboo shoots would not be

marketed in competition with any other domestic produce. Consequently, the importation of bamboo shoots should not have a significant economic impact on domestic producers or other small entities.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This proposed rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Regulatory Reform

This action is part of the President's Regulatory Reform Initiative, which, among other things, directs agencies to remove obsolete and unnecessary regulations and to find less burdensome ways to achieve regulatory goals.

List of Subjects in 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 part 319 would be amended as follows:

PART 319—FOREIGN QUARANTINE NOTICES

1. 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).

Subpart—Bamboo Capable of Propagation—[Removed]

2. Subpart—Bamboo Capable of Propagation, consisting of § 319.34, would be removed.

§ 391.37–1 [Amended]

3. In § 319.37–1, the definition for *Restricted article* would be amended by removing the reference to “319.34” and adding “319.24” in its place.

§ 391.37–2 [Amended]

4. In § 319.37–2(a), the table would be amended as follows:

a. By adding, in alphabetical order, an entry for “Bambuseae,” to read as set forth below.

b. By amending the entry for “Poaceae” by revising the text in the first column, to read as set forth below.

§ 319.37–2 Prohibited Articles.

(a) * * *

Prohibited article (includes seeds only if specifically mentioned)	Foreign places from which prohibited	Plant pests existing in the places named and capable of being transported with the prohibited article
* * *	* * *	* *
Bambuseae (seeds, plants, and cuttings, except those imported into Guam).	All	Various plant diseases, including bamboo smut (<i>Ustilago shiraiana</i>)
* * *	* * *	* *
Poaceae (vegetative parts of all grains and grasses except species of Bambuseae).		
* * *	* * *	* *

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§ 319.40–2 [Amended]

5. In § 319.40–2, paragraph (c) would be amended by removing the words

“§ 319.34, “Subpart—Bamboo Capable of Propagation”.

6. In § 319.56–2t, the table would be amended by adding entries, in alphabetical order, to read as follows:

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

* * * * *

Country/locality	Common name	Botanical name	Plant part(s)
* China	* Bamboo	* <i>Bambuseae spp.</i>	* Edible shoot, free of leaves and roots.
* Dominican Republic	* Bamboo	* <i>Bambuseae spp.</i>	* Edible shoot, free of leaves and roots.
* Japan	* Bamboo	* <i>Bambuseae spp.</i>	* Edible shoot, free of leaves and roots.
* Taiwan	* Bamboo	* <i>Bambuseae spp.</i>	* Edible shoot, free of leaves and roots.
*	*	*	*

* * * * *

Done in Washington, DC, this 5th day of September 1997.

Craig A. Reed,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97-24129 Filed 9-10-97; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 400

RIN 0563-AB15

General Administrative Regulations; Submission of Policies and Provisions of Policies, and Rates of Premium

AGENCY: Federal Crop Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) proposes to amend its General Administrative Regulations. The intended effect of this action is to prescribe the guidelines necessary to implement and administer sections 506 and 508 of the Federal Crop Insurance Act, as amended, (Act) with respect to the submission of policies and provisions of policies and rates of premium to FCIC's Board of Directors (Board) for review, approval or disapproval, publication, and implementation.

DATES: Written comments and opinions on this rule will be accepted until close of business November 10, 1997, and will be considered when the rule is to be made final.

ADDRESSES: Interested persons are invited to submit written comments to the Director, Product Development Division, Federal Crop Insurance Corporation, United States Department

of Agriculture, 9435 Holmes Road, Kansas City, MO 64131.

FOR FURTHER INFORMATION CONTACT:

Timothy Hoffmann, Director, Product Development Division, Federal Crop Insurance Corporation, at the Kansas City, MO, address listed above, telephone (816) 926-3707.

SUPPLEMENTARY INFORMATION:

Executive Order No. 12866

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

Paperwork Reduction Act of 1995

It has been determined by OMB that this rule is exempt from the information collection requirement contained under the Paperwork Reduction Act of 1995 (44 U.S.C., chapter 35).

Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104-4, 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. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Executive Order No. 12612

It has been determined under section 6(a) of Executive Order 12612, Federalism, that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The provision contained in this rule will not have a substantial direct effect on States or their political

subdivisions, or on the distribution of power and responsibilities among the various levels of government.

Regulatory Flexibility Act

The Manager, Federal Crop Insurance Corporation, certifies that this regulation will not have a significant economic impact on a substantial number of small entities. The action provides the guidelines to be used by approved insurance providers, or any other applicant, FCIC, and its Board, for the submission, review, and approval of policies, provisions of policies, or rates of premium which, if approved by FCIC, may ultimately be sold to producers through approved insurance providers and reinsured by FCIC or incorporated into policies reinsured by FCIC. Section 508(h)(5) of the Act requires FCIC to publish the guidelines and regulations for the submission and Board review of policies and other related materials. This regulation will not impose more stringent requirements on small entities than on large entities. Therefore, this action is determined to be exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) 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 require 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.