

and the mango seed weevil into noninfested areas of the United States where those pests could become established. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this rule effective less than 30 days after publication in the **Federal Register**.

We will consider comments we receive during the comment period for this interim rule (see **DATES** above). After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule.

#### **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.

This rule requires the treatment of pigeon peas (fresh shelled and in the pod) from Puerto Rico for movement into any other area of the United States. In addition, this rule requires the treatment of pigeon peas (fresh shelled and in the pod) from the Dominican Republic for importation into the United States, except Puerto Rico. This rule also prohibits the importation of mangoes from the British Virgin Islands into the U.S. Virgin Islands. We believe that these actions are necessary to protect the United States from the spread of injurious plant pests.

#### **Pigeon Peas From Puerto Rico**

Prior to this interim rule, pigeon peas (in the pod) from Puerto Rico were required to be treated only if they were moved to Pacific Coast ports or to Atlantic Coast ports south of Baltimore, MD, and pigeon peas (fresh shelled) from Puerto Rico were required to be treated only if found to be infested with injurious insects. This rule requires the treatment of pigeon peas (fresh shelled or in the pod) from Puerto Rico for movement into any other area of the United States to prevent the spread of the pigeon pea pod fly.

We do not believe that this change will have a significant economic effect on small entities in the United States. In Puerto Rico, pigeon peas are a backyard product and are consumed domestically. During the last 9 years of reported data, the production of pigeon peas in Puerto Rico fluctuated from 2,119 metric tons in 1993, to 454 metric tons in 1996, to 1,062 metric tons in

1998 and 1999, and then remained steady at 1,060 metric tons in 2000 and 2001. In 1993, there were 1,166 farms in Puerto Rico planted with pigeon peas; however, the 1998 U.S. Census of Agriculture reported that there were 660 farms in Puerto Rico planted with pigeon peas, a 43 percent decline in 5 years in the number of farms planted with pigeon peas. During this time, there were no reported commercial shipments from Puerto Rico into other areas of the United States or to foreign destinations.

#### **Pigeon Peas From the Dominican Republic**

Prior to this interim rule, untreated pigeon peas (fresh shelled or in the pod) from the Dominican Republic could be imported into the United States subject to inspection and disinfection at the port of first arrival. This rule requires the treatment of pigeon peas (fresh shelled or in the pod) from the Dominican Republic for importation into any area of the United States except Puerto Rico, to prevent the introduction of the pigeon pea pod fly into noninfested areas of the United States.

We do not believe that this change will have a significant economic effect on small entities in the United States. In 1986, 734 metric tons of pigeon peas from the Dominican Republic were imported into the United States, and in 1991, 12 metric tons of pigeon peas from the Dominican Republic were imported into the United States. Since 1991, there have been no reported commercial imports of pigeon peas from the Dominican Republic into the United States.

#### **Mangoes From the British Virgin Islands**

Until recently, mangoes from the British Virgin Islands were allowed to be imported into the U.S. Virgin Islands without treatment. However, due to the detection of the mango seed weevil in mangoes from the British Virgin Islands, we are prohibiting the importation of mangoes from the British Virgin Islands into the U.S. Virgin Islands. Although we recently approved an irradiation treatment that is effective for mango seed weevil, there is currently no irradiation treatment facility in the British Virgin Islands capable of treating the mangoes in accordance with the phytosanitary regulations in § 305.2.

We do not believe that this change will have a significant economic effect on small entities in the United States because there is apparently no commercial movement of mangoes from the British Virgin Islands to the U.S. Virgin Islands.

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

#### **Executive Order 12988**

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

#### **Paperwork Reduction Act**

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

#### **List of Subjects**

##### **7 CFR Part 318**

Cotton, Cottonseeds, Fruits, Guam, Hawaii, Plant diseases and pests, Puerto Rico, Quarantine, Transportation, Vegetables, Virgin Islands.

##### **7 CFR Part 319**

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

Accordingly, we are amending 7 CFR parts 318 and 319 as follows:

#### **PART 318—HAWAIIAN AND TERRITORIAL QUARANTINE NOTICES**

1. The authority citation for part 318 continues to read as follows:

**Authority:** 7 U.S.C. 7711, 7712, 7714, 7731, 7754, and 7756; 7 CFR 2.22, 2.80, and 371.3.

2. In § 318.58, paragraph (c) is revised to read as follows:

##### **§ 318.58 Notice of quarantine.**

\* \* \* \* \*

(c) Except for pigeon peas (fresh shelled or in the pod) moved from Puerto Rico to the U.S. Virgin Islands, which must meet the requirements of § 318.58–2(b)(4), no restrictions are placed on the movement of fruits or vegetables in either direction between Puerto Rico and the U.S. Virgin Islands.

\* \* \* \* \*

3. Section 318.58–2 is amended as follows:

a. By revising paragraph (b)(1) to read as set forth below.

b. In paragraph (b)(2), by removing from the list the words “Pigeonpea