

especially highlighted in view of the mandated global reductions in the use of methyl bromide under the Montreal Protocol and the expected rise in the price of methyl bromide due to its scarcer supply. Irradiation also tends to affect quality less negatively than fumigation and may extend the shelf life of the tubers.

The irradiation facility in Hawaii will benefit from having more crops available to treat. The treatment available at this facility has enabled many producers in Hawaii to move their products to the mainland, thus providing them with access to markets that were not previously available. For several years, the State of Hawaii has encouraged farmers to diversify agricultural production, given the significant decline in the production of sugarcane as a major crop. The approval of irradiation as a treatment for sweetpotatoes moved interstate from Hawaii will help to provide steady throughput for this facility. The facility currently treats seasonal crops whose volume is more variable than that of sweetpotatoes and is thus sometimes underutilized. A steady source of revenues from treatment, such as revenues from treating sweetpotatoes to be moved interstate, would help assure this facility's continued operation and availability for all the producers in Hawaii who can use it.

U.S. mainland consumers will benefit by an increased supply of sweetpotatoes. Hawaiian sweetpotato production amounts to 1.8 million pounds, which comprises a small proportion of the total production of 1,355 million pounds in the United States (tables 1, 2 and 3). Thus, even if the irradiation treatment leads to increased production of Hawaiian sweetpotatoes, sweetpotato shipments from Hawaii are unlikely to affect mainland producers negatively. However, to the extent that this interim rule makes moving sweetpotatoes from Hawaii interstate more convenient and less costly, the rule provides the Hawaiian sweetpotato industry with opportunities to expand its mainland markets.

Impact on Small Entities

The Regulatory Flexibility Act requires that agencies specifically consider the economic impact of their regulations on small entities. The Small Business Administration (SBA) has established size criteria in the North American Industry Classification System (NAICS) to determine which economic entities meet the definition of a small firm.

The irradiation facility in Hawaii is expected to be the primary facility to treat Hawaiian sweetpotatoes before they are moved interstate. If the facility in Hawaii does not have enough capacity to treat all the sweetpotatoes that producers wish to move interstate from Hawaii, some of the crop may be sent to one of the other three facilities on the mainland United States. The facility in Hawaii can be classified under NAICS category 115114, "Postharvest Crop Activities (except Cotton Ginning)." According to the SBA's criteria, this facility is classified as a small entity, since its annual sales are less than \$6 million. A single firm owns the two facilities in Illinois and the facility in New Jersey. Its primary service is to provide irradiation treatment for the sanitation of medical devices on contract. This firm is classified under NAICS category 325612, "Polish and Other Sanitation Good Manufacturing." However, since it is part of a larger corporation with 500 or more employees, that firm is not considered a small entity under the SBA's criteria.

Sweet potato farming is classified under NAICS 111219, "Other Vegetables (except Potato) and Melon Farming." According to the SBA's criteria, an entity involved in crop production is considered small if it has average annual receipts of less than \$750,000. Since the 53 sweetpotato farms in Hawaii accounted for sales of \$900,000 in 2001, we believe it is safe to assume that all of these farms would be classified as small entities. We expect that the economic effects of this rule will be positive for those producers, to the extent that this rule makes moving sweetpotatoes from Hawaii interstate more convenient and less costly. As noted above, due to the fact that Hawaiian sweetpotato production makes up a very small proportion of total U.S. sweetpotato production, this interim rule is not expected to significantly affect sweetpotato farmers in the mainland United States.

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 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

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 in 7 CFR Part 318

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

■ Accordingly, we are amending 7 CFR part 318 as follows:

PART 318—HAWAIIAN AND TERRITORIAL QUARANTINE NOTICES

■ 1. The authority citation for part 318 is revised to read as follows:

Authority: 7 U.S.C. 7701–7772; 7 CFR 2.22, 2.80, and 371.3.

■ 2. Section 318.13–4f is amended as follows:

■ a. In paragraph (a), in the table, by revising the title of the table and the heading of the left-hand column and by adding, in alphabetical order, an entry for "Sweetpotato" to read as set forth below.

■ b. In paragraph (b)(7)(i), by revising the last sentence to read as set forth below.

■ c. In paragraph (b)(7)(ii), by revising the last sentence to read as set forth below.

■ d. In paragraph (e), by adding the words "and other plant pests" after the words "Trifly complex".

§ 318.13–4f Administrative instructions prescribing methods for irradiation treatment of certain fruits and vegetables from Hawaii.

(a) * * *

IRRADIATION FOR PLANT PESTS IN HAWAIIAN FRUITS AND VEGETABLES

Commodity	Dose (Gray)
* * * * *	
Sweetpotato	400
* * * * *	

(b) * * *

(7) (i) * * * To be certified for interstate movement under this section,