

Market research studies¹ indicate that approximately 60 companies and 60 research institutes are involved in biopharming (both pharmaceutical and industrial) product research and development worldwide. A subset of this group involved only in industrial or industrial/pharmaceutical biopharming research and development could be affected by this interim rule. It is unclear at this time exactly how many of them will be affected, or how many of them will qualify for consideration as small entities. The Small Business Association (SBA) defines small entities engaged in research and development in the life sciences as those with no more than 500 employees.

As of May 2003, only five companies and two research institutes had filed notifications or applied for permits to introduce plants genetically engineered to produce industrial compounds. Of the seven entities, two met the SBA criteria for small entities. Two were presumed small, and the remaining three were large organizations.

Strengthening the conditions under which plants genetically engineered to produce industrial compounds are regulated is expected to provide some benefits to all affected biotechnology companies and organizations. While it is possible that a small entity would be affected by this interim rule, the number of such entities, if any, would be few. Regardless of the number of small entities affected, however, the rule is unlikely to have any significant economic impact on them. Costs of complying with the conditions set forth in this interim rule are expected to be negligible. All currently affected entities are already in voluntary compliance with the interim rule.

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.)

¹ (1) *Biopharming: The Emerging World Market of Plant-Based Therapeutics*, Theta Reports, November 2002; (2) *The Transgenic Plant Market—Profits from New Products and Novel Drugs*, Drug and Market Development Corp., August 2002; (3) *World Agricultural Biotechnology: Transgenic Crops*, Freedonia Industry Study, March 2002.

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

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this rule have been approved by the Office of Management and Budget (OMB) under OMB control number 0579–0216.

Government Paperwork Elimination Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the Government Paperwork Elimination Act (GPEA), which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible. For information pertinent to GPEA compliance related to this interim rule, please contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734–7477.

List of Subjects in 7 CFR Part 340

Administrative practice and procedure, Biotechnology, Genetic engineering, Imports, Packaging and containers, Plant diseases and pests, Transportation.

■ Accordingly, we are amending 7 CFR part 340 as follows:

PART 340—INTRODUCTION OF ORGANISMS AND PRODUCTS ALTERED OR PRODUCED THROUGH GENETIC ENGINEERING WHICH ARE PLANT PESTS OR WHICH THERE IS REASON TO BELIEVE ARE PLANT PESTS

■ 1. The authority citation for part 340 is revised to read as follows:

Authority: 7 U.S.C. 1622n and 7701–7772; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

§ 340.3 [Amended]

■ 2. In § 340.3, paragraph (b)(4)(iii) is amended by adding the words “or industrial” immediately after the word “pharmaceutical”.

§ 340.4 [Amended]

■ 3. Section 340.4 is amended by adding an OMB control number citation at the

end of the section to read as follows: “(Approved by the Office of Management and Budget under control number 0579–0216)”.

Done in Washington, DC, this 31st day of July 2003.

Bobby R. Acord,

Administrator, Animal and Plant Health Inspection Service.

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 993

[Docket No. FV03–993–4 IFR]

Dried Prunes Produced in California; Decreased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This rule decreases the assessment rate established for the Prune Marketing Committee (Committee) under Marketing Order No. 993 for the 2003–04 and subsequent crop years from \$2.60 to \$2.00 per ton of salable dried prunes. The Committee locally administers the marketing order which regulates the handling of dried prunes grown in California. Authorization to assess dried prune handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program. The crop year began August 1 and ends July 31. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

DATES: August 7, 2003. Comments received by October 6, 2003, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or E-mail: moab.docketclerk@usda.gov. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: <http://www.ams.usda.gov/fv/moab.html>.