

domestic potato producers, who will benefit from lower seed potato prices, and consumers will benefit from any resulting lower prices.

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 12778**

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule will allow true seed of *Solanum* spp. to be imported into the United States from Chile. State and local laws and regulations regarding true seed imported under this rule will be preempted while the true seed is in foreign commerce. Seeds are generally imported for immediate distribution and sale to the public, and 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. This rule has no retroactive effect and does not require administrative proceedings before parties may file suit in court.

**Paperwork Reduction Act**

In accordance with the Paperwork Reduction Act of 1980 (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), and there are no new requirements. The assigned OMB control number is 0579-0049.

**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 is amended as follows:

**PART 319—FOREIGN QUARANTINE NOTICES**

1. The authority citation for part 319 continues to read as follows:

**Authority:** 7 U.S.C. 150dd, 150ee, 150ff, 151-167, and 450; 21 U.S.C. 136 and 136a; 7 CFR 2.17, 2.51, and 371.2(c).

**§ 319.37-2 [Amended]**

2. In § 319.37-2(a), in the table, the listing for *Solanum* spp. is amended in the third column by adding the words “; Arracacha Virus B; Potato Yellowing Virus” at the end of the entry, immediately before the period.

3. In § 319.37-2(a), in the table, the listing for *Solanum* spp. true seed is

amended in the second column by removing the words “Canada and New Zealand” and adding the words “Canada, New Zealand, and the X Region of Chile (that area of Chile between 39° and 44° South latitude—see § 319.37-5(o))” in their place, and in the third column by adding the words “; Arracacha Virus B, Potato Yellowing Virus” at the end of the entry, immediately before the period.

4. In § 319.37-3, paragraph (a)(3) is amended by removing the words “true seed of *Solanum* spp. (tuber bearing species only—Section Tuberarium) from New Zealand;”, and a new paragraph (a)(17) is added to read as set forth below:

**§ 319.37-3 Permits.**

(a) \* \* \*

(17) *Solanum tuberosum* true seed from New Zealand and the X Region of Chile (that area of Chile between 39° and 44° South latitude—see § 319.37-5(o)).

\* \* \* \* \*

5. In § 319.37-5, a new paragraph (o) is added to read as follows:

**§ 319.37-5 Special foreign inspection and certification requirements.**

\* \* \* \* \*

(o) Any *Solanum tuberosum* true seed imported from Chile shall, at the time of arrival at the port of first arrival in the United States, be accompanied by a phytosanitary certificate of inspection issued in Chile by the Servicio Agrícola y Ganadero (SAG), containing additional declarations that:

(1) The *Solanum* spp. true seed was produced by *Solanum* plants that were propagated from plantlets from the United States;

(2) The *Solanum* plants that produced the *Solanum tuberosum* true seed were grown in the Tenth (X) Region of Chile (that area of the country between 39° and 44° South latitude); and

(3) *Solanum tuberosum* tubers, plants, and true seed from each field in which the *Solanum* plants that produced the *Solanum tuberosum* true seed were grown have been sampled by SAG once per growing season at a rate to detect 1 percent contamination with a 99 percent confidence level (500 tubers/500 plants/500 true seeds per 1 hectare/2.5 acres), and that the samples have been analyzed by SAG using an enzyme-linked immunosorbent assay (ELISA) test or nucleic acid spot hybridization (NASH) non-reagent test, with negative results, for Andean Potato Latent Virus, Arracacha Virus B, Potato Virus T, the Andean Potato Calico Strain of Tobacco Ringspot Virus, and Potato Yellowing Virus.

(Approved by the Office of Management and Budget under control number 0579-0049)

Done in Washington, DC, this 9th day of February 1995.

**Lonnie J. King,**

Acting Administrator, Animal and Plant Health Inspection Service.

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**Agricultural Marketing Service**

**7 CFR Parts 905 and 944**

[Docket No. FV94-905-4-FIR]

**Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida and Imported Grapefruit; Relaxation of the Minimum Size Requirement for Red Seedless Grapefruit**

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Department of Agriculture (Department) is adopting as a final rule, without change, the provisions of an interim final rule which relaxed the minimum size requirement for domestic shipments of Florida red seedless grapefruit and for red seedless grapefruit imported into the United States to 3<sup>5</sup>/<sub>16</sub> inches in diameter (size 56) through November 12, 1995. This rule enables handlers in Florida and importers to continue to ship size 56 red seedless grapefruit for the entire 1994-95 season.

**EFFECTIVE DATE:** March 20, 1995.

**FOR FURTHER INFORMATION CONTACT:**

William G. Pimental, Southeast Marketing Field Office, USDA/AMS, P.O. Box 2276, Winter Haven, Florida 33883; telephone: 813-299-4770; or Mark Kreaggor, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2523-S, Washington, DC 20090-6456; telephone: 202-720-2431.

**SUPPLEMENTARY INFORMATION:** This final rule is issued under Marketing Order No. 905 [7 CFR Part 905], as amended, regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, hereinafter referred to as the “order”. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601-674], hereinafter referred to as the Act.

This rule is also issued under section 8e of the Act, which provides that whenever specified commodities, including grapefruit, are regulated under a Federal marketing order,