

Location	Commodity	Pest	Treatment schedule
*	*	*	*
	Oranges .....	<i>Brevipalpus chilensis</i> .....	MB T104-a-1 or MB T101-n-2-1.
		<i>Ceratitidis capitata</i> .....	CT T107-a.
	Tangerines .....	<i>Brevipalpus chilensis</i> .....	MB T104-a-1 or MB T101-n-2-1.
		<i>Ceratitidis capitata</i> .....	CT T107-a.
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**PART 319—FOREIGN QUARANTINE NOTICES**

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

**Authority:** 7 U.S.C. 450, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

■ 4. Section 319.56–38 is amended as follows:

■ a. By revising the section heading and the introductory text to read as set forth below.

■ b. In paragraph (d)(2), by adding the words “or finer” after the words “200 mesh”.

■ c. In paragraph (d)(3), by removing the word “chlorine” and adding the words “potable water” in its place.

■ d. In paragraph (e), by removing the words “Clementines, mandarins, or tangerines” and adding the words “Clementines, grapefruit, mandarins, sweet oranges, or tangerines” in their place.

■ e. In paragraph (f), by removing the words “Clementines, mandarins, or tangerines” and adding the words “Clementines, grapefruit, mandarins, sweet oranges, and tangerines” in their place.

**§ 319.56–38 Citrus from Chile.**

Clementines (*Citrus reticulata* Blanco var. Clementine), mandarins (*Citrus reticulata* Blanco), and tangerines (*Citrus reticulata* Blanco) may be imported into the continental United States and Hawaii from Chile and grapefruit (*Citrus paradisi* Macfad.) and sweet oranges (*Citrus sinensis* (L.) Osbeck) may be imported into the continental United States from Chile in accordance with this section and all other applicable provisions of this subpart.

\* \* \* \* \*

Done in Washington, DC, this 1st day of April 2009.

**Kevin Shea,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. E9–7844 Filed 4–6–09; 8:45 am]

**BILLING CODE 3410–34–P**

**DEPARTMENT OF AGRICULTURE**

**Animal and Plant Health Inspection Service**

**7 CFR Part 318**

[Docket No. APHIS–2007–0052]

**RIN 0579–AC70**

**Revision of the Hawaiian and Territorial Fruits and Vegetables Regulations; Technical Amendment**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** In a final rule that was published in the **Federal Register** on January 16, 2009 (74 FR 2770–2786, Docket No. APHIS–2007–0052), and effective on February 17, 2009, we revised the regulations governing the interstate movement of fruits and vegetables from Hawaii and the territories. Those regulations do not apply to articles whose interstate movement is regulated under the subpart governing the interstate movement of soil, sand, earth, and plants in growing media from Hawaii and the territories; we neglected to indicate that in the final rule. In this amendment, we are amending the regulations to clearly indicate that the interstate movement of soil, sand, earth, and plants in growing media is governed by the regulations specific to those articles.

**DATES:** *Effective Date:* April 7, 2009.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Lamb, Import Specialist, Commodity Import Analysis and Operations, PPQ, APHIS, 4700 River

Road Unit 133, Riverdale, MD 20737–1231; (301) 734–8758.

**SUPPLEMENTARY INFORMATION:**

**Background**

In a final rule that was published in the **Federal Register** on January 16, 2009 (74 FR 2770–2786, Docket No. APHIS–2007–0052), and effective on February 17, 2009, we revised the regulations in 7 CFR part 318 that govern the interstate movement of fruits and vegetables from Hawaii and the territories. The final rule combined the three subparts in 7 CFR part 318 that governed the interstate movement of fruits, vegetables, cut flowers, and certain other articles from Hawaii, Puerto Rico and the U.S. Virgin Islands, and Guam, respectively, into “Subpart—Regulated Articles From Hawaii and the Territories” (§§ 318.13–1 through 318.13–25) and established provisions for the interstate movement of those articles.

Within that subpart, § 318.13–1(b) contains a general statement that the Secretary of the U.S. Department of Agriculture has determined that it is necessary to prohibit the interstate movement of cut flowers and fruits and vegetables and plants and portions of plants from Hawaii, Puerto Rico, the U.S. Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands except as provided in the regulations or as provided in “Subpart—Territorial Cotton, Cottonseed, and Cottonseed Products” (§§ 318.47 through 318.47–4) in 7 CFR part 318. We provided the exception for “Subpart—Territorial Cotton, Cottonseed, and Cottonseed Products” because the interstate movement of those plant parts is regulated under that subpart, rather than under the regulations for the interstate movement of fruits and vegetables.

In addition, the regulations in “Subpart—Sand, Soil, or Earth, with Plants from Territories and Districts” provide for the interstate movement of certain plants—specifically, plants in approved growing media, conditions for whose movement are found in

§ 318.60(c). Therefore, in the final rule, we should have also included an exception for “Subpart—Sand, Soil, or Earth, with Plants from Territories and Districts” in § 318.13–1(b). We are correcting that error in this technical amendment.

#### 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—STATE OF HAWAII AND TERRITORIES QUARANTINE NOTICES

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

**Authority:** 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

■ 2. In § 318.13–1, paragraph (b) is amended by adding the words “and ‘Subpart—Sand, Soil, or Earth, with Plants from Territories and Districts’” after the word “Products”.”

Done in Washington, DC, this 1st day of April 2009.

**Kevin Shea,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. E9–7845 Filed 4–6–09; 8:45 am]

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#### DEPARTMENT OF AGRICULTURE

##### Agricultural Marketing Service

##### 7 CFR Parts 905 and 944

[Doc. No. AMS–FV–09–0002; FV09–905–1 IFR]

#### Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida and Imported Grapefruit; Relaxation of Size Requirements for Grapefruit

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

**ACTION:** Interim final rule with request for comments.

**SUMMARY:** This rule relaxes the minimum size requirement for white seedless grapefruit grown in Florida and for white seedless grapefruit imported into the United States for the fresh market. The Citrus Administrative Committee (Committee) which locally administers the marketing order for oranges, grapefruit, tangerines, and tangelos grown in Florida (order) recommended this change for Florida grapefruit. The corresponding change in the import regulation is required under

section 8e of the Agricultural Marketing Agreement Act of 1937. This rule relaxes the minimum size requirement for domestic shipments, making it the same as required for export shipments. This change is expected to maximize fresh white seedless grapefruit shipments and provide greater flexibility to handlers.

**DATES:** Effective April 8, 2009; comments received by June 8, 2009 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 Internet: <http://www.regulations.gov>. All comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: <http://www.regulations.gov>. All comments submitted in response to this rule will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the Internet at the address provided above.

#### FOR FURTHER INFORMATION CONTACT:

Doris Jamieson, Marketing Specialist, or Christian D. Nissen, Regional Manager, Southeast Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA; Telephone: (863) 324–3375, Fax: (863) 325–8793, or e-mail: [Doris.Jamieson@ams.usda.gov](mailto:Doris.Jamieson@ams.usda.gov) or [Christian.Nissen@ams.usda.gov](mailto:Christian.Nissen@ams.usda.gov).

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or e-mail: [Jay.Guerber@ams.usda.gov](mailto:Jay.Guerber@ams.usda.gov).

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Agreement No. 84 and Marketing Order No. 905, both as amended (7 CFR part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, hereinafter referred to as the “order.” The 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 certain specified commodities, including grapefruit, are regulated under a Federal marketing order, imports of these commodities into the United States are prohibited unless they meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodities.

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA’s ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of import regulations issued under section 8e of the Act.

This rule relaxes the minimum size requirement for white seedless grapefruit grown in Florida and for white seedless grapefruit imported into the United States for the fresh market. This rule relaxes the minimum size requirement for shipments to the 48 contiguous States and the District of Columbia so the minimum size requirement is the same for both the domestic and export markets. This change is expected to maximize fresh white seedless grapefruit shipments and provide greater flexibility to handlers. The Committee met on December 16,