

*Spodoptera litura*) and one thrips (*Scirtothrips dorsalis*) identified in the PRA.

We acknowledge that there are no specific harvest or post-harvest mitigation measures detailed in the RMD for those pests; however, evidence of these three insect pests can easily be detected during the required inspection process. In addition, the RMD states that standard commercial practices related to field sanitation must be used to discard infested leaves. If a thrip, identified as *S. dorsalis*, is found by an inspector during the required biometric sampling, then the entire consignment would be prohibited from being moved into the continental United States unless it is treated with an APHIS-approved treatment in Hawaii.

One commenter raised concerns about a nematode, *Ditylenchus dipsaci*, that was not identified as a plant pest in the PRA.

The nematode was analyzed and included within the appendix of the PRA, but no action is required against the nematode because the nematode is associated with the roots of the plant and is not expected to follow the pathway and become established via non-propagative material.

Therefore, in accordance with § 318.13–4, we are announcing our decision to begin allowing the interstate movement of *Allium* spp. leaves from Hawaii into the continental United States subject to the following phytosanitary measures:

- *Allium* spp. leaves are moved as commercial consignments only.
- A biometric sample of leaves of *Allium* spp. must be inspected for quarantine pests following any post-harvest processing. If quarantine pests are found, the entire consignment will be prohibited from movement into the continental United States unless it is treated with an approved quarantine treatment monitored by APHIS.

These conditions will be listed in the Hawaii Fruits and Vegetables Manual (available at [http://www.aphis.usda.gov/import\\_export/plants/manuals/ports/downloads/hawaii.pdf](http://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/hawaii.pdf)). In addition to those specific measures, *Allium* spp. from Hawaii will be subject to the general requirements listed in § 318.13–3 that are applicable to the interstate movement of all fruits and vegetables from Hawaii.

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

Done in Washington, DC, this 26th day of September 2014.

**Kevin Shea,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2014–23418 Filed 9–30–14; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. APHIS–2014–0029]

#### Notice of Decision To Allow Interstate Movement of Fresh Achachairú Fruit From Puerto Rico

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

**ACTION:** Notice.

**SUMMARY:** We are advising the public of our decision to begin allowing the interstate movement into the continental United States of fresh achachairú fruit from Puerto Rico. Based on the analysis, which we made available to the public for review and comment through a previous notice, we believe that the application of one or more designated phytosanitary measures will be sufficient to mitigate the risks of introducing or disseminating plant pests or noxious weeds via the interstate movement of achachairú from Puerto Rico.

**DATES:** *Effective Date:* October 1, 2014.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Lamb, Senior Regulatory Policy Specialist, Regulatory Coordination and Compliance, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1231; (301) 851–2103.

**SUPPLEMENTARY INFORMATION:** Under the regulations in “Subpart—Regulated Articles From Hawaii and the Territories” (7 CFR 318.13–1 through 318.13–26, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (USDA) prohibits or restricts the interstate movement of fruits and vegetables into the United States from Hawaii, Puerto Rico, the U.S. Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands to prevent plant pests and noxious weeds from being introduced into and spread within the continental United States. (The continental United States is defined in § 318.13–2 of the regulations as the 48 contiguous States, Alaska, and the District of Columbia.)

Section 318.13–4 contains a performance-based process for

approving the interstate movement of commodities that, based on the findings of a pest risk analysis, can be safely moved subject to one or more of the designated phytosanitary measures listed in paragraph (b) of that section. Under that process, APHIS publishes a notice in the **Federal Register** announcing the availability of the pest risk analysis that evaluates the risks associated with the interstate movement of a particular fruit or vegetable. Following the close of the 60-day comment period, APHIS may begin allowing the interstate movement of the fruit or vegetable subject to the identified designated measures if: (1) No comments were received on the pest risk analysis; (2) the comments on the pest risk analysis revealed that no changes to the pest risk analysis were necessary; or (3) changes to the pest risk analysis were made in response to public comments, but the changes did not affect the overall conclusions of the analysis and the Administrator’s determination of risk.

In accordance with that process, we published a notice<sup>1</sup> in the **Federal Register** on June 12, 2014 (79 FR 33715–33716, Docket No. APHIS–2014–0029), in which we announced the availability, for review and comment, of a pest risk analysis that evaluates the risks associated with the interstate movement of fresh achachairú fruit from Puerto Rico into the continental United States. We solicited comments on the notice for 60 days ending on August 11, 2014. We received three comments by that date. The comments were from private citizens and an organization of State plant pest regulatory agencies. All the commenters were generally supportive of the proposed action.

One commenter asked that we also list the scientific name for achachairú. The commenter stated that the scientific name is *Garcinia humilis* (Vahl) C.D. Adams, Clusiaceae. Another commenter stated that the original name for the species was *Rheedia laterifolia*. This commenter disagreed with identifying achachairú as *G. humilis*.

APHIS notes that the scientific name *Garcinia gardneriana* is used in the pest risk assessment. We also note that *Rheedia laterifolia* is widely considered to be a synonym for *Garcinia humilis*. The original request for market access came from a grower who presented the fruit as *Garcinia laterifolia*. However, when we began to consider the grower’s request, we found that the Germplasm Resources Information Network

<sup>1</sup> To view the notice, PRA, RMD, and comments we received, go to <http://www.regulations.gov/#/docketDetail;D=APHIS-2014-0029>.

maintained by the USDA's Agricultural Research Service (ARS) did not support *G. laterifolia* as a valid scientific name. The grower did not agree with changes to the scientific name and requested that APHIS seek another taxonomist or other authority who could use the Internet, scientific papers, and other resources, and would present a scientific report justifying a change to the scientific name. APHIS, with the help of ARS, identified a taxonomist with the New York Botanical Garden who was willing to make a determination of the scientific name. Sterile leaf and fruiting specimens were obtained from the grower's farm in Puerto Rico and sent to the taxonomist for identification. The taxonomist was then able to confirm that the specimen was in fact *Garcinia gardneriana*.

Therefore, in accordance with the regulations in § 318.13–4, we are announcing our decision to begin allowing the interstate movement of fresh achachairú fruit from Puerto Rico into the continental United States subject to the following phytosanitary measures:

- Fresh achachairú fruit must be transported interstate as commercial consignments only.
- Each consignment of fresh achachairú fruit must be inspected in pre-departure clearance for pests by APHIS-Plant Protection and Quarantine prior to shipment from Puerto Rico to the continental United States.

These conditions will be listed in the Puerto Rico Manual, found on the Internet at [http://www.aphis.usda.gov/import\\_export/plants/manuals/ports/downloads/puerto\\_rico.pdf](http://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/puerto_rico.pdf). In addition to those specific measures, fresh achachairú fruit from Puerto Rico will be subject to the general requirements listed in § 318.13–3 that are applicable to the interstate movement of all fruits and vegetables from Puerto Rico.

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

Done in Washington, DC, this 26th day of September 2014.

**Kevin Shea,**

*Administrator, Animal and Plant Health Inspection Service.*

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. APHIS–2013–0086]

#### Implementation of a Program for Federal Recognition of State Managed Phytosanitary Programs

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

**ACTION:** Notice.

**SUMMARY:** We are advising the public that we are implementing the Federally Recognized State Managed Phytosanitary program, which establishes a process for States to petition the Animal and Plant Health Inspection Service (APHIS) for Federal recognition of State-managed phytosanitary programs developed to eradicate, exclude, or contain plant pests of limited distribution within the United States that APHIS is not currently regulating or is considering no longer regulating under a Federal program. APHIS will evaluate and consider recognizing a State phytosanitary program to control certain pests to determine whether we should continue to take a control action or begin to take a control action against such pests at our United States ports of entry to mitigate the risks posed by those pests when found in consignments of imported goods. This program will make our Federal control actions taken at the ports of entry concerning the dissemination and/or further infestation of certain plant pests more consistent with our control actions regarding the interstate movement of these same pests.

**FOR FURTHER INFORMATION CONTACT:** Mr. David B. Lamb, Regulatory Policy Specialist, RPM, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1231; (301) 851–2018; or Ms. Diane L. Schuble, National Coordinator for Official Control, Pest Detection and Emergency Programs, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1237; (301) 851–2334.

**SUPPLEMENTARY INFORMATION:** Under the Plant Protection Act, as amended (PPA, 7 U.S.C. 7701 *et seq.*), the Secretary of Agriculture is authorized to prohibit or restrict the importation, entry, or interstate movement of plants, plant products, or other articles if the Secretary determines that the prohibition or restriction is necessary to prevent a plant pest from being introduced into or disseminated within the United States. This authority has been delegated to the Administrator of

the Animal and Plant Health Inspection Service (APHIS).

As part of this mission, APHIS' Plant Protection and Quarantine (PPQ) program responds to foreign introductions of plant pests by taking action at the ports of entry to eradicate, suppress, or contain them through various control programs to prevent their introduction or dissemination into the United States. Under Section 436 of the PPA, States are prohibited from regulating in foreign commerce any plant pests, plants, plant products, or other articles in order to control, eradicate, or prevent the introduction or dissemination of a plant pest or a noxious weed into the United States. Thus, States are preempted from taking action against any imported shipment entering and moving within the United States in foreign commerce on the basis that the shipment is infested with or by a plant pest or noxious weed. However, individual States may establish phytosanitary regulations and procedures to address pests of concern to them when those pests are moving in interstate commerce as long as the State's phytosanitary regulations are consistent with and do not exceed any PPA regulations issued by APHIS.

We recently advised the public that we have been and are continuing to assess certain plant pests that are present in the United States to determine whether we should continue to take action to mitigate the risk posed by those pests when they are found in consignments of imported goods at ports of entry into the United States. We discussed this action in a notice published in the **Federal Register** on November 13, 2013 (78 FR 68020–68021, Docket No. APHIS–2013–0048).

To ensure that we are taking pest control action at the ports of entry only when such action is warranted, we are implementing a program, known as the Federally Recognized State Managed Phytosanitary (FRSMP) program, that establishes a process by which States may petition APHIS to recognize State managed phytosanitary programs developed to eradicate, exclude, or contain a plant pest that is of specific concern to that State and is of limited distribution within the United States. APHIS will consider petitions for State-managed phytosanitary programs that seek to exclude a pest from a State where it is not present, and where economic or environmental harm could result from its introduction. APHIS will also consider petitions for State-managed phytosanitary programs that seek to contain or eradicate plant pests that are of specific concern to that State and are of limited distribution in the