

# Rules and Regulations

Federal Register

Vol. 79, No. 241

Tuesday, December 16, 2014

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 532

#### Prevailing Rate Systems

##### CFR Correction

■ In Title 5 of the Code of Federal Regulations, Parts 1 to 699, revised as of January 1, 2014, on page 445, in appendix C to subpart B of part 532, under Colorado, under the subheading “Southern Colorado”, under “Area of Application. Survey area plus:”, remove the entry for Montrose.

[FR Doc. 2014–29465 Filed 12–15–14; 8:45 am]

BILLING CODE 1505–01–D

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Parts 319 and 361

[Docket No. APHIS–2008–0071]

RIN 0579–AD47

#### Importation of Plants for Planting

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

**ACTION:** Final rule.

**SUMMARY:** We are amending the regulations on importing plants for planting to add Turkey to the list of countries from which the importation of restricted articles of *Chrysanthemum* spp., *Leucanthemella serotina*, and *Nipponanthemum nipponicum* into the United States is prohibited due to the presence of white rust of *Chrysanthemum*; to require permits for the importation of any seed that is coated, pelleted, or embedded in a substrate that obscures visibility; to provide for an alternate additional declaration on phytosanitary certificates

that accompany articles imported from a country in which potato cyst nematodes are known to occur; to provide conditions for the importation of *Prunus* spp. articles from Canada that address the presence of plum pox potyvirus in that country; and to provide for the importation of *Dianthus* spp. (carnations) from the Netherlands. We are also making other changes to update and clarify the regulations and to improve their effectiveness. These changes are necessary to relieve restrictions that appear unnecessary, to update existing provisions, and to make the regulations easier to understand and implement.

**DATES:** Effective January 15, 2015.

**FOR FURTHER INFORMATION CONTACT:** Ms. Heather Coady, Regulatory Policy Specialist, Plants for Planting Policy, PPQ, APHIS, 4700 River Road, Unit 133, Riverdale, MD 20737; (301) 851–2076.

#### SUPPLEMENTARY INFORMATION:

##### Background

The regulations in 7 CFR part 319 prohibit or restrict the importation of certain plants and plant products into the United States to prevent the introduction of quarantine plant pests. The regulations contained in “Subpart—Plants for Planting,” §§ 319.37 through 319.37–14 (referred to below as the regulations), restrict among other things, the importation of living plants, plant parts, and seeds for propagation or planting.

On February 12, 2013, we published in the *Federal Register* (78 FR 9851–9865, Docket No. APHIS–2008–0071) a proposed rule<sup>1</sup> to amend various provisions of the regulations.

We solicited comments concerning our proposal for 60 days ending April 15, 2013. We received eight comments by that date. They were from the national plant protection organization (NPPO) of a foreign country, an organization representing wholesale exporters of plants for planting from a foreign country, a national organization that represents State departments of agriculture, a State department of agriculture, a national organization representing gardeners within the United States, and private citizens. The

comments that we received are discussed below, by topic.

#### Comments Regarding “Bulb” and “Dormant Herbaceous Perennial”

Section 319.37–1 contains definitions of terms used in the regulations. *Bulb* is defined in that section as: “The portion of a plant commonly known as a bulb, bulbil, bulblet, corm, cormel, rhizome, tuber, or pip, and including fleshy roots or other underground fleshy growths, a unit of which produces an individual plant.”

In the proposed rule, we proposed to revise the definition of *bulb*. As we proposed to revise it, the definition would have been: “The storage organ of a plant that serves as the plant’s sexual structure during dormancy. Examples include bulbs, bulbils, bulblets, corms, and cormels. For purposes of this subpart, a bulb remains a bulb until such time as environmental conditions induce it to produce shoots. It is then considered a plant.” We proposed this revision based on our belief that certain of the types of plant parts provided in the definition as examples of bulbs were actually better categorized as dormant herbaceous perennials.

For that reason, we also proposed to add a definition of *dormant herbaceous perennial* to the regulations. We proposed to define *dormant herbaceous perennial* in the following manner: “Except for bulbs, the portions of an herbaceous perennial that remain after the above-ground parts of the plant have died back to the earth after the growing season and the plant remains dormant. Examples include rhizomes, tubers, tuberous roots, pips, fleshy roots, divisions, and underground fleshy growths. For purposes of this subpart, dormant herbaceous perennials remain dormant herbaceous perennials until such time as environmental conditions induce them to sprout. They are then considered plants.”

Two commenters asked whether it was our intent to retroactively apply the term *dormant herbaceous perennial* to certain articles that are currently authorized importation into the United States as bulbs. If so, the commenters asked whether this change in nomenclature would have any impact on preclearance programs or port-of-first-arrival procedures for the articles. The commenters also expressed concern that adding a definition of *dormant herbaceous perennial* to the regulations

<sup>1</sup>To view the proposed rule, its supporting documents, or the comments that we received, go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2008-0071>.