

infestations on bulbs from the Netherlands into the United States.

Like bulbs, lilacs from the Netherlands are imported without soil, thus limiting possible sites for nematode cyst infestation to the roots of the plants themselves. Additionally, the lilacs will be screened for nematode cysts at plant inspection stations at ports of entry in the United States. If nematode cysts were found on lilacs from the Netherlands at a plant inspection station, the lilacs would be denied entry. Given the facts discussed above, we believe requiring that the soil be sampled and inspected annually will adequately mitigate the risk of a potential potato cyst nematode introduction.

Comment: The proposal gives no consideration for the potential for infestation by other endoparasitic plant pathogenic nematodes that were likely kept under control by fumigation.

Response: We are not aware of any other plant pathogenic nematodes from the Netherlands that are of concern to us. If such nematodes are brought to our attention, we will address the problem in a separate rule.

Comment: The proposed 12-month sampling period is dangerously long and might allow for re-infestation by plant parasitic nematodes. A 30-day sampling period would substantially decrease this risk.

Response: The 12-month sampling period is a general standard for soil sampling for golden nematodes, as expressed in § 319.37–5(a). The Netherlands is one of the countries whose restricted nursery stock articles are regulated under § 319.37–5(a), and the 12-month sampling period has been effective in preventing the introduction of nematodes due to infestations on products other than lilacs. We believe that the 12-month sampling period will be adequate to guard against the introduction of the golden nematode due to infestation on lilacs imported from the Netherlands as well.

Comment: The term “viruliferous nematodes,” as used in paragraph two of the proposed rule’s “Treatment of the Lilac” section, could be misleading. The term as used here is likely intended to designate a virulent organism, one capable of infecting and reproducing on a plant. If this is the case, “viruliferous nematodes” could refer to all plant parasitic nematodes. However, among nematologists and plant virologists, the widely accepted, more restricted usage for the word “viruliferous” would refer to a nematode species capable of vectoring a plant virus. To avoid confusion, APHIS should substitute

“plant parasitic nematodes” where this is the intended meaning.

Response: We agree that “plant parasitic nematodes” is a more accurate term than “viruliferous nematodes” and have changed the regulatory text in this document accordingly.

Peanut Stripe Virus

The regulations in § 319.37–2(a) prohibit the importation of seeds of the genus *Arachis* (peanut) from India, Indonesia, Japan, the People’s Republic of China, the Philippines, Taiwan, and Thailand due to the existence of peanut stripe virus in those regions. We proposed removing the prohibition on the importation of peanuts from all of those regions except India because the peanut stripe virus is now reported to occur in seven of the nine peanut-producing States in the United States, and is widely prevalent in two of those States (Georgia and Virginia).

Comment: Allowing peanut seeds to be imported from Asia could allow insect pests that are not known to occur in the United States but cause serious damage to peanut seed and other oilseed crops in Asia and Africa, such as *Elasmolomus pallens*, to enter the United States. The proposed rule does not address this issue.

Response: In response to this comment, we are withdrawing this portion of the proposed rule. We plan to conduct a full risk assessment on importing peanut seed from Asia to determine the risk such imports might present to U.S. peanut and oilseed stock.

Postentry Quarantine Regulations

The regulations in § 319.37–7(d)(4) have required that restricted articles that are grown in postentry quarantine be kept at least 3 meters (approximately 10 feet) apart from: (1) Any domestic plant or plant product of the same genus and (2) any other imported plant or plant product.

We proposed to require that restricted articles that are grown in postentry quarantine be kept at least 3 meters apart from any other plant or plant product, whether domestic or imported, regardless of genus, unless the plants or plant products: (1) Are of the same genus, (2) enter postentry quarantine together, and (3) arrived together in a single shipment from a foreign region. This change would protect against the possibility that pests could spread from one shipment of plants under postentry quarantine to other plants or plant products, regardless of genera, that could host such pests.

Comment: The current requirement that restricted articles that are grown in

postentry quarantine be kept 3 meters apart is adequate to prevent the spread of relatively immobile pests like nematodes, but does not protect adequately against the spread of insect-vectored pathogens and insect pests. The majority of plant genera should be required to be grown in a screenhouse or enclosed greenhouse during postentry quarantine.

Response: We believe that the requirements we proposed will protect domestic plants. While requiring many or most plants to be grown in a screenhouse or enclosed greenhouse may provide additional protection against disease transmission, such a change to the regulations would require careful evaluation and would also warrant the solicitation of comments from interested and affected parties. Therefore, we cannot address this comment in the present rule. We may consider such a proposal in the future.

Miscellaneous Comments

Comment: The description of the area of Canada regulated for potato cyst nematodes differs in § 319.37–5(a) and § 319.37–8(b). This discrepancy needs to be clarified.

Response: On September 18, 1992, we published in the **Federal Register** (57 FR 43134–43151) a final rule that, among other things, amended § 319.37–8(b) to update the description of the area on Vancouver Island in which potato cyst nematodes occur. This change was based on information supplied by the national plant protection organization of Canada. At the time, we should have updated the description of the same area that appears in § 319.37–5(a), but we failed to do so. Therefore, in this final rule, we are changing the description of the area in which potato cyst nematodes occur in § 319.37–5(a) to match the description found in § 319.37–8(b).

Comment: The regulations currently prohibit the importation in growing media of all plants produced in those regions of Canada that are regulated for potato cyst nematodes into the United States. APHIS should amend its regulations to provide for the importation from those regions of plants produced in growth chambers and in artificial growing media.

Response: We are currently preparing a proposed rule that addresses this issue.

Comment: The regulations in § 319.37–2 prohibit the importation of *Rosa* spp. from Australia, Bulgaria, Italy, and New Zealand because of rose wilt virus, and postentry quarantine is required by § 319.37–6 for *Rosa* spp. from all other countries for the same reason. Rose wilt is an undefined and