

§ 305.33

insect infestation. The suspension will be effective upon oral or written notification, whichever is earlier, to the irradiation processor. In the event of oral notification, written confirmation will be given to the irradiation processor within 10 days of the oral notification. The suspension will continue in effect pending completion of the proceeding and any judicial review of the proceeding.

(i) *Department not responsible for damage.* This treatment is approved to assure quarantine security against fruit flies. From the literature available, the fruits and vegetables authorized for treatment under this section are believed tolerant to the treatment; however, the facility operator and shipper are responsible for determination of tolerance. The Department of Agriculture and its inspectors assume no responsibility for any loss or damage resulting from any treatment prescribed or supervised. Additionally, the Nuclear Regulatory Commission is responsible for ensuring that irradiation facilities are constructed and operated in a safe manner. Further, the Food and Drug Administration is responsible for ensuring that irradiated foods are safe and wholesome for human consumption.

(Approved by the Office of Management and Budget under control number 0579-0088)

[70 FR 33269, June 7, 2005, as amended at 71 FR 4461, Jan. 27, 2006; 73 FR 24854, May 6, 2008; 73 FR 32439, June 9, 2008]

§ 305.33 [Reserved]

§ 305.34 Irradiation treatment of certain regulated articles from Hawaii, Puerto Rico, and the U.S. Virgin Islands.

(a) *Approved irradiation treatment.* (1) *Commodity-specific doses.* Irradiation, carried out in accordance with the provisions of this section, is approved as a treatment for the following fruits and vegetables from Hawaii at the specified dose levels:

IRRADIATION FOR PLANT PESTS IN HAWAIIAN FRUITS AND VEGETABLES

Commodity	Dose (gray)
Abiu	150
Atemoya	150
Breadfruit ^{1 2}	400 or 150

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IRRADIATION FOR PLANT PESTS IN HAWAIIAN FRUITS AND VEGETABLES—Continued

Commodity	Dose (gray)
Capsicum spp. (peppers)	150
Carambola	150
Cowpea pods (and its relatives) ¹	400
Cucurbita spp. (squash)	150
Dragon fruit ^{1 2}	400 or 150
Eggplant	150
Jackfruit ^{1 2}	400 or 150
Litchi ¹	150
Longan	150
Mango	300
Mangosteen ^{1 2}	400 or 150
Melon ^{1 2}	400 or 150
Moringa pods ^{1 2}	400 or 150
Papaya	150
Pineapple	150
Rambutan	150
Sapodilla	150
Sweetpotato ¹	400 or 150
Tomato	150

¹ Breadfruit, cowpea pods, dragon fruit, jackfruit, litchi, mangosteen, melon, moringa pods, and sweetpotato are also subject to the additional inspection and treatment requirements in paragraph (b)(7) of this section.

² Breadfruit, dragon fruit, jackfruit, mangosteen, melon, and moringa pods moving to the continental United States for treatment under limited permit in accordance with the requirements of paragraph (b)(7)(ii) of this section must be treated with the 400 gray dose.

(2) *Pest-specific doses.* Any articles from Puerto Rico or the U.S. Virgin Islands, as well as any articles from Hawaii not listed in paragraph (a)(1) of this section, that are required by part 318 of this chapter to be treated or subjected to inspection to control one or more of the plant pests listed in §305.31(a) may instead be treated with irradiation. Articles treated with irradiation for plant pests listed in §305.31(a) must be irradiated at the doses listed in §305.31(a), and the irradiation treatment must be conducted in accordance with the other requirements of this section.

(b) *Conditions of movement.* Articles from Hawaii, Puerto Rico, or the U.S. Virgin Islands may be authorized for movement in accordance with this section only if the following conditions are met:

(1) *Location.* The irradiation treatment must be carried out at an approved facility in Hawaii, Puerto Rico, or the U.S. Virgin Islands or on the mainland United States. Articles authorized under this section for treatment on the mainland may be treated in any State on the mainland United States except Alabama, Arizona, California, Florida, Georgia, Kentucky, Louisiana, Mississippi, Nevada, New