

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS-2010-0032]

Determination of Pest-Free Areas in Mendoza Province, Argentina; Request for Comments

AGENCY:

Animal and Plant Health Inspection Service, USDA.

ACTION:

Notice.

SUMMARY:

We are advising the public that we have received a request from the Government of Argentina to recognize additional areas as pest-free areas for Mediterranean fruit fly (*Ceratitidis capitata*) in Argentina. After reviewing the documentation submitted in support of this request, the Administrator of the Animal and Plant Health Inspection Service has determined that these areas meet the criteria in our regulations for recognition as pest-free areas. We are making that determination, as well as an evaluation document we have prepared in connection with this action, available for review and comment.

DATES:

We will consider all comments that we receive on or before [Insert date 60 days after date of publication in the Federal Register].

ADDRESSES:

You may submit comments by either of the following methods:

• Federal eRulemaking Portal: Go to

(<http://www.regulations.gov/fdmpublic/component/main?main=DocketDetail&d=APHIS-2010-0032>) to submit or view comments and to view supporting and related materials available electronically.

• Postal Mail/Commercial Delivery: Please send one copy of your comment to Docket No. APHIS-2010-0032, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. APHIS-2010-0032.

Reading Room: You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

Other Information: Additional information about APHIS and its programs is

available on the Internet at (<http://www.aphis.usda.gov>).

FOR FURTHER INFORMATION CONTACT:

Ms. Meredith C. Jones, Regulatory Coordination Specialist, Regulatory Coordination and Compliance, APHIS, 4700 River Road Unit 156, Riverdale, MD 20737; (301) 734-7467.

SUPPLEMENTARY INFORMATION:

Under the regulations in Subpart-Fruits and Vegetables (7 CFR 319.56-1 through 319.56-50, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture prohibits or restricts the importation of fruits and vegetables into the United States from certain parts of the world to prevent plant pests from being introduced into and spread within the United States.

Section 319.56-4 of the regulations contains a performance-based process for approving the importation of commodities that, based on the findings of a pest risk analysis, can be safely imported subject to one or more of the designated phytosanitary measures listed in paragraph (b) of that section. One of the designated phytosanitary measures is that the fruits or vegetables are imported from a pest-free area in the country of origin that meets the requirements of 319.56-5 for freedom from that pest and are accompanied by a phytosanitary certificate stating that the fruits or vegetables originated in a pest-free area in the country of origin.

Under the regulations in 319.56-5, APHIS requires that determinations of pest-free areas be made in accordance with the criteria for establishing freedom from pests found in International Standards for Phytosanitary Measures (ISPM) No. 4, Requirements For the Establishment of Pest Free Areas. The international standard was established by the International Plant Protection Convention of the United Nations's Food and Agriculture Organization and is incorporated by reference in our regulations in 7 CFR 300.5. In addition, APHIS must also approve the survey protocol used to determine and maintain pest-free status, as well as protocols for actions to be performed upon detection of a pest. Pest-free areas are subject to audit by APHIS to verify their status.

APHIS has received a request from the Government of Argentina to recognize an additional area of that country as being free of *Ceratitidis capitata*, Mediterranean fruit fly (Medfly). Specifically, the Government of Argentina asked that we recognize the Southern and Central Oases in the southern half of Mendoza Province as an area that is free of Medfly.

A list of pest-free-areas currently recognized by APHIS can be found at (<http://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/DdesignatedPestFreeAreas.pdf>).

In accordance with our regulations and the criteria set out in ISPM No. 4, we have reviewed and approved the survey protocols and other information provided by Argentina relative to its system to establish freedom, phytosanitary measures to maintain freedom, and system for the verification of the maintenance of

freedom. Because this action concerns the expansion of a currently recognized pest-free area in Argentina from which fruits and vegetables are authorized for importation into the United States, our review of the information presented by Argentina in support of its request is examined in a commodity import evaluation document (CIED) titled Recognition of additional Provinces as Medfly Pest-Free Areas (PFA) for Argentina.

The CIED may be viewed on the Regulations.gov Web site or in our reading room (see ADDRESSES above for instructions for accessing Regulations.gov and information on the location and hours of the reading room). You may request paper copies of the CIED by calling or writing to the person listed under FOR FURTHER INFORMATION CONTACT.

Therefore, in accordance with 319.56-5(c), we are announcing the Administrator's determination that the Southern and Central Oases in the southern half of Mendoza Province meet the criteria of 319.56-5(a) and (b) with respect to freedom from Medfly. After reviewing the comments we receive on this notice, we will announce our decision regarding the status of this area with respect to their freedom from Medfly. If the Administrator's determination remains unchanged, we will amend the list of pest-free areas to list Southern and Central Oases of the Mendoza Province of Argentina as free of Medfly.

Done in Washington, DC, this 21st day of June 2010.

Kevin Shea

Acting Administrator, Animal and Plant Health Inspection Service.

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