

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 95-002-2]

Khapra Beetle; Brassware and Wooden Screens From India

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of reopening and extension of comment period.

SUMMARY: We are reopening and extending the comment period for our proposed rule regarding the removal of brassware and wooden screens from Bombay, India, from the list of articles whose importation into the United States is restricted because of possible infestation with the khapra beetle. This extension will provide interested persons with additional time to prepare comments on the proposed rule.

DATES: Consideration will be given only to written comments on Docket No. 95-002-1 that are received on or before October 10, 1995.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 95-002-1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 95-002-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Ave., SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Ms. Jane Levy, Staff Officer, Port Operations Permit Unit, PPQ, APHIS, Suite 4A03, 4700 River Road Unit 136, Riverdale, MD 20737-1236; (301) 734-8295.

SUPPLEMENTARY INFORMATION: On July 11, 1995, we published in the **Federal Register** (60 FR 35712-35713, Docket No. 95-002-1) a proposal to remove brassware and wooden screens from Bombay, India, from the list of articles whose importation into the United States is restricted because of possible infestation with the khapra beetle. Comments on the interim rule were required to be received on or before August 10, 1995.

So that we may consider comments received after that date, we are reopening and extending the public comment period on Docket No. 95-002-1 until October 10, 1995. During this period, other interested persons may also submit their comments for our consideration.

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151-167, and 450; 21 U.S.C. 136 and 136a; 7 CFR 2.17, 2.51, and 371.2(c).

Done in Washington, DC, this 10th day of August 1995.

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-20357 Filed 8-16-95; 8:45 am]

BILLING CODE 3410-34-P

7 CFR Part 352

[Docket No. 94-033-1]

Mangoes From Mexico

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: We are soliciting public comment on approaches to reducing the risk of fruit flies being introduced into the United States in shipping containers and in the beds of trucks that have been used to transport untreated mangoes from Mexico through the United States to Canada. These containers and truck beds have been found to contain larvae and pupae of fruit flies of the genus *Anastrepha* at the time they reenter the United States after being unloaded in Canada. We believe some measures need to be taken to reduce the risk of fruit flies being introduced into the United States by contaminated containers and truck beds entering from Canada.

DATES: Consideration will be given only to comments received on or before October 16, 1995.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 94-033-1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 94-033-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. Peter M. Grosser or Mr. Frank E. Cooper, Senior Operations Officers, Port Operations, PPQ, APHIS, 4700 River Road Unit 139, Riverdale, MD 20737-1236, (301) 734-8295.

SUPPLEMENTARY INFORMATION:

Background

The fruits and vegetables regulations in 7 CFR 319.56 through 319.56-8 (referred to below as the fruits and vegetables regulations) restrict or prohibit the importation of certain fruits and vegetables in order to prevent the introduction and dissemination of injurious insects, including fruit flies, that are new to or not widely distributed within and throughout the United States.

The plant quarantine safeguard regulations in 7 CFR part 352 (referred to below as the safeguard regulations) relieve those restrictions for certain prohibited or restricted products or articles, including fruits and vegetables, that are moved into the United States for: (1) A temporary stay where unloading or landing is not intended, (2) unloading or landing for transshipment and exportation, (3) unloading or landing for transportation and exportation, or (4) unloading and entry at a port other than the port of first arrival. Fruits and vegetables that are moved into the United States under these circumstances are subject to inspection and must be handled in accordance with conditions assigned

under the safeguard regulations to prevent the introduction and dissemination of plant pests.

The third category cited above—unloading or landing for transportation and exportation—is defined in § 352.1(b)(23) of the safeguard regulations as “[b]rought in by carrier and transferred to another carrier for transportation to another port for exportation, whether or not some form of Customs entry is made.” In the case of mangoes moved into the United States from Mexico for transportation and exportation into Canada, the assigned safeguards include requirements for sealed containers and conveyances, specified ports of entry on the U.S.-Mexican border, and a designated travel corridor through the United States. By comparison, mangoes from Mexico that are imported into the United States for entry into the commerce of the United States are subject to the restrictions of § 319.56–2 of the fruits and vegetables regulations, which require that the mangoes be subjected to an authorized treatment listed in the Plant Protection and Quarantine (PPQ) Treatment Manual, which is incorporated into the regulations by reference (see 7 CFR part 300). That treatment is required because mangoes are a preferred host for fruit flies of the genus *Anastrepha*, and the authorized treatments listed in the PPQ Treatment Manual have been found to be adequate to prevent the introduction of those fruit flies in the mangoes.

Although the safeguards that apply to mangoes moved into the United States from Mexico for transportation and exportation into Canada help prevent the escape and dissemination of fruit flies during the time the mangoes are transiting the United States, we have found that the pest risk does not necessarily end once the mangoes have left the United States and have been imported into Canada. United States Department of Agriculture (USDA) inspectors at ports of entry on the U.S.-Canadian border have found that shipping containers and the beds of trucks in which mangoes were moved can contain fruit fly larvae and pupae at the time the containers and conveyances reenter the United States after being unloaded in Canada. The larvae and pupae fall out of the shipping cartons during loading, movement, and unloading; if the container or conveyance has not been thoroughly cleaned after being unloaded, the pupae and larvae can enter the United States in the shipping container or truck bed. Because the container or conveyance is no longer filled with mangoes, there are no safeguards assigned to its movement,

which means that the container or conveyance could be moved into areas of the United States where *Anastrepha* spp. fruit flies would pose a serious threat to agriculture.

Therefore, we are soliciting comments and suggestions on approaches to reduce the risk of fruit flies of the genus *Anastrepha* being introduced into the United States in containers and conveyances returning from Canada after being used to transport untreated mangoes from Mexico. We considered several possible options for dealing with this issue, including prohibiting the movement of untreated Mexican mangoes through the United States, requiring that all containers and conveyances used to move mangoes into Canada from Mexico be inspected by a USDA inspector prior to reentering the United States, and requiring shippers to clean all debris and insects out of the containers and the conveyance after unloading the mangoes. Two other options were considered to be the most viable: Requiring that the mangoes be treated in Mexico or requiring that the mangoes be shipped in insect-proof cartons. These options are discussed below.

Require that the mangoes be treated in Mexico. This approach would address the pest risk at its origin, and the treatment is inexpensive and widely available. The mangoes would undergo the same treatment as mangoes intended for importation into the United States, so Mexican exporters of the mangoes would have more marketing flexibility, the restrictions on the movement of the mangoes through the United States could be eliminated, and the concerns about infested containers and conveyances reentering the United States would be eliminated. On the other hand, requiring treatment would impose an additional requirement on exporters and shippers and would increase costs. Additionally, there are some packinghouses in Mexico that ship mangoes to Canada that do not have the hot water facilities for treating the fruit.

Require that the mangoes be shipped in insect-proof cartons. This option would require that all individual cartons in which the mangoes are shipped have all openings covered with screening that would prevent pupae and larvae from falling out of the cartons and onto the floor of the container or the conveyance. Using insect-proof cartons would remove the need for treating the mangoes, so the treatment costs could be avoided and packinghouses that lack hot water treatment facilities could continue to ship mangoes to Canada. The requirement for screened cartons

would, however, increase costs for shippers, importers, and exporters.

We welcome all comments on the options described above and encourage the submission of new options or any other suggestions.

Authority: 7 U.S.C. 149, 150bb, 150dd, 150ee, 150ff, 154, 159, 160, 162, and 2260; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(c).

Done in Washington, DC, this 10th day of August 1995.

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–20358 Filed 8–16–95; 8:45 am]

BILLING CODE 3410–34–P

Agricultural Marketing Service

7 CFR Part 1007

[Docket No. AO–366–A37, et al.; DA–95–22]

Milk in the Southeast Marketing Area; Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of public hearing on proposed rulemaking.

SUMMARY: A public hearing is being held in response to industry requests to amend the Southeast Federal milk marketing order. Proposals would amend certain price location adjustments within the marketing area.

DATES: The hearing will convene at 9 a.m. on September 19, 1995.

ADDRESSES: The hearing will be held at the Granada Suite Hotel, 1302 West Peachtree Street, Atlanta, Georgia 30309 (Tel: 800/548–5631).

FOR FURTHER INFORMATION CONTACT: Nicholas Memoli, Marketing Specialist, Order Formulation Branch, USDA/AMS/Dairy Division, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 690–1932.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12866.

Notice is hereby given of a public hearing to be held at the Granada Suite Hotel, 1302 West Peachtree Street, Atlanta, Georgia, beginning at 9:00 a.m., on September 19, 1995, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southeast marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing