Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2016–0012]

Notice of Decision To Authorize the Importation of Fresh Pomegranates From Peru Into the Continental United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our decision to authorize the importation of fresh pomegranates from Peru into the continental United States. Based on the findings of a pest risk analysis, which we made available for the public to review and comment through a previous notice, we have concluded that the application of designated phytosanitary measures will be sufficient to mitigate the risks of introducing or disseminating plant pests via the importation of fresh pomegranates from Peru.

DATES: Effective August 10, 2016.

FOR FURTHER INFORMATION CONTACT: Mr. David B. Lamb, Senior Regulatory Policy Specialist, PPQ, APHIS, USDA, 4700 River Road Unit 133, Riverdale, MD 20737–1236; (301) 851–2103; email: *David.B.Lamb@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION: Under the regulations in ''Subpart–Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–75, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) 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 or disseminated within the United States.

Section 319.56–4 contains a performance-based process for approving the importation of certain fruits and vegetables 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.

In accordance with that process, we published a notice [1] in the **Federal Register** on March 14, 2016 (81 FR 13310, Docket No. APHIS–2016–0012), in which we announced the availability, for review and comment, of a pest risk assessment (PRA) that identifies pests of quarantine significance that could follow the pathway of importation of pomegranates from Peru into the continental United States. Based on the PRA, a risk management document (RMD) was prepared to identify phytosanitary measures that could be applied to the pomegranates to mitigate the pest risk. The risk management document recommended the following phytosanitary measures be applied to the importation of pomegranates from Peru into the continental United States:

- The pomegranates must be imported as commercial consignments only;
- Each consignment of pomegranates must be accompanied by a phytosanitary certificate issued by the national plant protection organization (NPPO) of Peru;
- Each consignment of pomegranates must be treated with irradiation in accordance with 7 CFR part 305; and
- Each consignment of pomegranates is subject to inspection upon arrival at the port of entry to the United States.

We solicited comments on the PRA and RMD for 60 days, ending on May 13, 2016. We received eight comments by that date, from an organization of State plant regulatory agencies, importers, the Peruvian Government, a U.S. port of entry, and private citizens.

Seven of the commenters supported the importation of fresh pomegranates from Peru into the continental United States.

One commenter interpreted our notice as a proposal to authorize the importation of pomegranates from Peru subject to any of the four phytosanitary measures recommended by the RMD. The commenter suggested the measures need to be jointly applied in order to mitigate the plant pest and noxious weed risk associated with the importation of pomegranates from Peru into the continental United States.

We agree with the commenter. All four phytosanitary measures identified above must be applied to the importation of pomegranates from Peru into the continental United States in order to address plant pest and noxious weed risk.

The same commenter stated that irradiation should have to occur in Peru or in States where the plant pests of quarantine significance that we identified as potentially following the pathway of importation of pomegranates from Peru could not become established.

We appreciate the commenter's concern regarding irradiation of the pomegranates in areas of the United States where quarantine plant pests that could potentially follow the pathway of importation of the pomegranates from Peru could become established. Indeed, our regulations governing the approval of irradiation facilities in the United States, which are found in 7 CFR 305.9, require that, if an irradiation facility is located in a State where quarantine pests that are targeted by irradiation could become established, then it must take additional safeguards, specified within that section, in order to address this pest risk. However, because § 305.9 also allows irradiation treatment for imported commodities to take place within the United States, and does not preclude it from taking place in States where establishment of quarantine pests is possible, we cannot grant the commenter's request.

Therefore, in accordance with § 319.56–4(c)(2)(ii), we are announcing our decision to authorize the importation of pomegranates from Peru into the continental United States subject to the following phytosanitary measures:

- The pomegranates must be imported as commercial consignments only;
- Each consignment of pomegranates must be accompanied by a phytosanitary certificate issued by the NPPO of Peru;
- Each consignment of pomegranates must be treated with irradiation in accordance with 7 CFR part 305; and
- Each consignment of pomegranates is subject to inspection upon arrival at the port of entry to the United States.

[1] To view the notice, PRA, RMD, and comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2016-0012.*

These conditions will be listed in the Fruits and Vegetables Import Requirements database (available at *http://www.aphis.usda.gov/favir/*). In addition to these specific measures, pomegranates from Peru will be subject to the general requirements listed in § 319.56–3 that are applicable to the importation of all fruits and vegetables.

Authority: 7 U.S.C. 450, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 4th day of August, 2016.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2016–18987 Filed 8–9–16; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2015–0055]

Concurrence With OIE Risk Designations for Bovine Spongiform Encephalopathy

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our decision to concur with the World Organization for Animal Health's (OIE) bovine spongiform encephalopathy (BSE) risk designations for 14 regions. The OIE recognizes these regions as being of negligible risk for BSE. We are taking this action based on our review of information supporting the OIE's risk designations for these regions.

FOR FURTHER INFORMATION CONTACT: Dr. Roberta Morales, Senior Staff Veterinarian, Regionalization Evaluation Services, National Import Export Services, VS, APHIS, 920 Main Campus Drive, Suite 200, Raleigh, NC 27606; (919) 855–7735.

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR part 92 subpart B, ''Importation of Animals and Animal Products; Procedures for Requesting BSE Risk Status Classification With Regard to Bovines'' (referred to below as the regulations), set forth the process by which the Animal and Plant Health Inspection Service (APHIS) classifies regions for bovine spongiform encephalopathy (BSE) risk. Section 92.5 of the regulations provides that all countries of the world are considered by APHIS to be in one of three BSE risk categories: Negligible risk, controlled risk, or undetermined risk. These risk categories are defined in § 92.1. Any region that is not classified by APHIS as presenting either negligible risk or controlled risk for BSE is considered to present an undetermined risk. The list of those regions classified by APHIS as having either negligible risk or controlled risk can be accessed on the APHIS Web site at *https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-and-animal-product-import-information/ct_animal_disease_status.* The list can also be obtained by writing to APHIS at National Import Export Services, 4700 River Road Unit 38, Riverdale, MD 20737.

Under the regulations, APHIS may classify a region for BSE in one of two ways. One way is for countries that have not received a risk classification from the World Organization for Animal Health (OIE) to request classification by APHIS. The other way is for APHIS to concur with the classification given to a country by the OIE.

If the OIE has recognized a country as either BSE negligible risk or BSE controlled risk, APHIS will seek information to support our concurrence with the OIE classification. This information may be publicly available information, or APHIS may request that countries supply the same information given to the OIE. APHIS will announce in the **Federal Register**, subject to public comment, its intent to concur with an OIE classification.

In accordance with that process, we published a notice [1] in the **Federal Register** on December 4, 2015 (80 FR 75849, Docket No. APHIS–2015–0055), in which we announced our intent to concur with the OIE risk designations for 16 regions. The OIE recognizes these regions as being of negligible risk for BSE. We solicited comments on the notice for 60 days ending on February 2, 2016. We received two comments by that date, from a private citizen and a representative of a foreign government.

One commenter stated that if a product is being imported only for use in pet food, then the BSE risk status of the exporting region should not be an issue.

We disagree that bovine products imported for use in pet food do not pose a risk for introducing or spreading BSE in the United States. It is possible that pet foods could be used for cattle feed, either by accidental misfeeding of pet foods to cattle or by misusing salvage pet food for cattle. Farms that raise multiple species (*e.g.* dogs, swine, and cattle) present a particular risk for misfeeding.

The other commenter stated that the United States does not recognize all the OIE's risk designations for BSE, noting that the United States still considers several countries as controlled risk regions though the OIE has classified them as negligible risk.

As we explained above, § 92.5 of the regulations provides two ways that APHIS may classify a region for BSE. One way is for countries that have not received a risk classification from the OIE to request classification by APHIS. The other way is for APHIS to concur with the classification given to a country by the OIE. If the OIE has recognized a country as either BSE negligible risk or BSE controlled risk, APHIS will seek information to support our concurrence with the OIE classification. This information may be publicly available information, or APHIS may request that countries supply the same information given to the OIE.

The length of APHIS's review of information in support of concurrence depends on a number of factors, including whether the information is publicly available, and, if it is not publicly available, how quickly a country responds to our request for information. This notice updates APHIS' list of regions recognized as negligible risk for BSE to include all the regions for which we have been able to review information. We intend to announce concurrence with additional countries recognized by the OIE in a future notice.

One commenter noted that while the OIE guidelines call for removal of specified risk materials (SRMs) from animals older than 30 months of age, our regulations require the removal of SRMs from animals 30 months of age or older. The commenter stated that while this is not a significant difference from an epidemiological perspective, it creates a major problem for certification through the veterinary services of exporting countries and presents a barrier to trade.

APHIS notes that the wording ''30 months of age or older'' is consistent with Food Safety and Inspection Service (FSIS) and U.S. Food and Drug Administration (FDA) regulations as well as with Canadian regulations. We also note that anyone wishing to import bovine products into the United States must also meet FSIS or FDA requirements as well as APHIS requirements. We do not anticipate that this difference will have a significant impact on trade.

[1] To view the notice and the comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2015-0055.*