

**DEPARTMENT OF AGRICULTURE****Animal and Plant Health Inspection Service**

[Docket No. APHIS-2011-0104]

**Notice of Request for Extension of Approval of an Information Collection; Importation of Peppers From Certain Central American Countries****AGENCY:** Animal and Plant Health Inspection Service, USDA.**ACTION:** Extension of approval of an information collection; comment request.**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with regulations for the importation of peppers from certain Central American countries.**DATES:** We will consider all comments that we receive on or before February 14, 2012.**ADDRESSES:** You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/#!documentDetail;D=APHIS-2011-0104-0001>.

- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS-2011-0104, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238.

Supporting documents and any comments we receive on this docket may be viewed at <http://www.regulations.gov/#!docketDetail;D=APHIS-2011-0104> or in our reading room, which 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) 6902817 before coming.

**FOR FURTHER INFORMATION CONTACT:** For information on regulations for the importation of peppers from certain Central American countries, contact Mr. Tony Roman, Import Specialist, Regulatory Coordination and Compliance, PPQ, APHIS, 4700 River Road Unit 156, Riverdale, MD 20737; (301) 734-5820. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851-2908.**SUPPLEMENTARY INFORMATION:***Title:* Importation of Peppers From Certain Central American Countries.  
*OMB Number:* 0579-0274.*Type of Request:* Extension of approval of an information collection.*Abstract:* The Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pests into the United States or their dissemination within the United States. Regulations authorized by the PPA concerning the importation of fruits and vegetables into the United States from certain parts of the world are contained in "Subpart-Fruits and Vegetables" (7 CFR 319.56-1 through 319.56-54).

Under these regulations, peppers from Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama are subject to certain conditions before entering the United States to prevent the introduction of plant pests into the United States. The regulations require the use of information collection activities, including inspections by Central American national plant protection organization officials; fruit fly trapping, monitoring, and recordkeeping; box labeling; and a phytosanitary certificate.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

- (1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- (2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.*, permitting electronic submission of responses.

*Estimate of burden:* The public reporting burden for this collection of information is estimated to average 0.0037936 hours per response.

*Respondents:* National plant protection organization officials and growers and shippers of peppers in Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

*Estimated annual number of respondents:* 245.

*Estimated annual number of responses per respondent:* 3,226.653061.

*Estimated annual number of responses:* 790,530.

*Estimated total annual burden on respondents:* 2,999 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 12th day of December 2011.

**Kevin Shea,***Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2011-32324 Filed 12-15-11; 8:45 am]

**BILLING CODE 3410-34-P****DEPARTMENT OF AGRICULTURE****Animal and Plant Health Inspection Service**

[Docket No. APHIS-2010-0023]

**Notice of Decision To Authorize the Importation of Fresh Cape Gooseberry Fruit With Husks From Chile****AGENCY:** Animal and Plant Health Inspection Service, USDA.**ACTION:** Notice.**SUMMARY:** We are advising the public of our decision to authorize the importation into the continental United States of fresh Cape gooseberry fruit (*Physalis peruviana* L.) with husks from Chile. Based on the findings of a pest risk analysis, which we made available to the public for review and comment through a previous notice, we concluded that the application of one or more designated phytosanitary measures will be sufficient to mitigate the risks of introducing or disseminating plant pests or noxious weeds via the importation of fresh Cape gooseberry fruit from Chile.**DATES:** *Effective Date:* December 16, 2011.**FOR FURTHER INFORMATION CONTACT:** Ms. Claudia Ferguson, Regulatory Policy Specialist, Regulations, Permits, and Manuals, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737-1231, (301) 734-0754.

**SUPPLEMENTARY INFORMATION:****Background**

Under the regulations in “Subpart—Fruits and Vegetables” (7 CFR 319.56–1 through 319.56–54, 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 (PRA), can be safely imported subject to one or more of the designated phytosanitary measures listed in paragraph (b) of that section. Under that process, APHIS publishes a notice in the **Federal Register** announcing the availability of the PRA that evaluates the risks associated with the importation of a particular fruit or vegetable. Following the close of the 60-day comment period, APHIS may authorize the importation of the fruit or vegetable subject to the identified designated measures if: (1) No comments were received on the PRA; (2) the comments on the PRA revealed that no changes to the PRA were necessary; or (3) changes to the PRA were made in response to public comments, but the changes did not affect the overall conclusions of the analysis and the Administrator’s determination of risk.

In accordance with that process, we published a notice<sup>1</sup> in the **Federal Register** on August 11, 2011 (76 FR 49726, Docket No. APHIS–2010–0023), in which we announced the availability, for review and comment, of a PRA that evaluates the risks associated with the importation into the continental United States of fresh Cape gooseberry fruit (*Physalis peruviana* L.) with husks from Chile. We solicited comments on the notice for 60 days ending on October 11, 2011. We did not receive any comments by that date.

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

- Cape gooseberry fruit will be subject to inspection upon arrival in the United States.

- Each consignment of Cape gooseberry fruit must be accompanied by a phytosanitary certificate issued by NPPO of Chile stating: “The Cape gooseberry in the consignment has been inspected and is free of pests.”

- Cape gooseberry fruit must be imported into the United States in commercial consignments only.

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, fresh Cape gooseberry fruit from Chile 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 12th day of December 2011.

**Kevin Shea,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2011–32317 Filed 12–15–11; 8:45 am]

**BILLING CODE 3410–34–P**

**DEPARTMENT OF AGRICULTURE****Animal and Plant Health Inspection Service**

[Docket No. APHIS–2011–0046]

**Monsanto Co.; Determination of Nonregulated Status for Soybean Genetically Engineered To Have a Modified Fatty Acid Profile and for Tolerance to the Herbicide Glyphosate**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** We are advising the public of our determination that a soybean line developed by the Monsanto Co., designated as event MON 87705, which has been genetically engineered to have a modified fatty acid profile and for tolerance to the herbicide glyphosate, is no longer considered a regulated article under our regulations governing the introduction of certain genetically engineered organisms. Our determination is based on our evaluation of data submitted by the Monsanto Company in its petition for a determination of nonregulated status, our analysis of available scientific data, and comments received from the public in response to our previous notice announcing the availability of the petition for nonregulated status and its associated environmental assessment and plant pest risk assessment. This

notice also announces the availability of our written determination and finding of no significant impact.

**DATES:** *Effective Date:* December 16, 2011.

**ADDRESSES:** You may read the documents referenced in this notice and the comments we received 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) 6902817 before coming. Those documents are also available on the Internet at [http://www.aphis.usda.gov/biotechnology/not\\_reg.html](http://www.aphis.usda.gov/biotechnology/not_reg.html) and are posted with the previous notice and the comments we received on the Regulations.gov Web site at <http://www.regulations.gov/#!docketDetail;D=APHIS-2011-0046>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Evan Chestnut, Policy Analyst, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 734–0942, *email:* [evan.a.chestnut@aphis.usda.gov](mailto:evan.a.chestnut@aphis.usda.gov). To obtain copies of the documents referenced in this notice, contact Ms. Cynthia Eck at (301) 734–0667, *email:* [cynthia.a.eck@aphis.usda.gov](mailto:cynthia.a.eck@aphis.usda.gov).

**SUPPLEMENTARY INFORMATION:****Background**

The regulations in 7 CFR part 340, “Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,” regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered organisms and products are considered “regulated articles.”

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. Paragraphs (b) and (c) of § 340.6 describe the form that a petition for a determination of nonregulated status must take and the information that must be included in the petition.

APHIS received a petition (APHIS Petition Number 09–201–01p) from the

<sup>1</sup> To view the notice and the PRA, go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2010-0023>.