

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.

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## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

#### Special Provisions for Canadian Fresh Fruit and Vegetable Imports Under the North American Free Trade Agreement

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Notice of determination of existence of conditions necessary for imposition of temporary duty on potatoes from Canada.

**SUMMARY:** As required by section 301(a) of the United States-Canada Free-Trade Agreement Implementation Act of 1988, as amended by the North American Free Trade Agreement Implementation Act ("FTA Implementation Act"), this is a notification that the Secretary of Agriculture has determined that the necessary conditions exist with respect to United States acreage and import price criteria for potatoes classifiable to subheadings 0701.90 of the Harmonized Tariff Schedule of the United States (HTS) imported from Canada to permit the Secretary to consider recommending to the President the imposition of a temporary duty ("snapback duty") by the United States pursuant to section 301(a) of the FTA Implementation Act, implementing Article 702 of the United States-Canada Free-Trade Agreement, Special Provisions for Fresh Fruits and Vegetables, as incorporated by reference and made a part of the North American Free Trade Agreement (NAFTA) pursuant to Annex 702.1, paragraph 1 of NAFTA.

**FOR FURTHER INFORMATION CONTACT:** Brian Grunenfelder, Horticultural & Tropical Products Division, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, DC 20250-1049 or telephone at (202) 720-3423.

**SUPPLEMENTARY INFORMATION:** The FTA Implementation Act, in accordance with the NAFTA, authorizes the imposition of a temporary duty (snapback) for a limited group of fresh fruits and

vegetables from Canada when certain conditions exist. Potatoes, classified under subheadings 0701.90 of the HTS, is a good subject to the snapback duty provision.

Under section 301(a) of the FTA Implementation Act, two conditions must exist before imposition by the United States of a snapback duty can be considered. First, the import price of a covered Canadian fruit or vegetable, for each of five consecutive working days, must be less than ninety percent of the corresponding five-year average monthly import price. This price for a particular day is the average import price of a Canadian fresh fruit or vegetable imported into the United States from Canada, for the calendar month in which that day occurs, in each of the 5 preceding years, excluding the years with the highest and lowest monthly averages.

Second, the planted acreage in the United States for the like fruit or vegetable must be no higher than the average planted acreage over the preceding five years, excluding the years with the highest and lowest acreage.

From October 2-8, 2001, the price conditions with respect to potatoes were met.

The most recent revision of planted acreage for potatoes shows that this year's planted acreage is below the planted acreage over the preceding five years, excluding the years with the highest and lowest planted acreages.

Issued at Washington, DC the 12th day of December, 2001.

**Ann Veneman,**  
*Secretary of Agriculture.*

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[Docket No. ST-01-05]

#### Microbiological Data Program; Public Meeting

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice of public meeting.

**SUMMARY:** The purpose of this notice is to notify all interested parties that the Agricultural Marketing Service (AMS)

will hold a public meeting to provide a forum to discuss the Microbiological Data Program (MDP). Specifically, AMS will present a detailed data collection proposal and seek input from all interested parties on data collection techniques. This notice also sets forth the schedule and proposed agenda for the meeting.

**DATES:** The public meeting will be held on Thursday, January 10, 2002, from 8:30 a.m. to 1 p.m.

**ADDRESSES:** The public meeting will be held at the Jamie L. Whitten Federal Building, Room 107-A, United States Department of Agriculture, 12th and Jefferson Drive, SW, Washington DC 20250.

**FOR FURTHER INFORMATION CONTACT:** Dr. Robert L. Epstein, Science and Technology Programs, Agricultural Marketing Service, United States Department of Agriculture, 14th and Independence Avenue, Washington DC, 20250 Telephone number (202) 720-5231 or fax (202) 720-6496.

**SUPPLEMENTARY INFORMATION:** In the past several years the number of foodborne illness associated with domestic and imported fresh fruits and vegetables has increased. Some microorganisms once thought under control may be adapting to their environments, may be developing resistance to conventional food processing operations, and may be re-emerging with increased pathogenicity. To respond to these concerns, Congress authorized an appropriation of \$6.235 million for fiscal year (FY) 2001 and \$6.234 million for FY 2002, to fund a microbiological monitoring program for foodborne pathogens and indicator organisms on domestic and imported fruits and vegetables. The program is designed to collect reliable data and develop national estimates of bacterial contamination with regard to selected produce. The MDP is a voluntary data gathering program and not a regulatory or enforcement program. The Federal Food and Drug Administration, Centers of Disease Control and Prevention, USDA's National Agricultural Statistical Service, as well as 10 State Departments of Agriculture, industry and academia have provided assistance and information in formulating program policy and operating procedures. The program will be conducted under the authority of the Agricultural Marketing