

the risks of introducing or disseminating plant pests or noxious weeds via the importation of fresh strawberries from Jordan. We are making the pest risk analysis available to the public for review and comment.

**DATES:** We will consider all comments that we receive on or before December 13, 2010.

**ADDRESSES:** You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2010-0096> 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-2010-0096, 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-2010-0096.

*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. Donna L. West, Senior Import Specialist, RPM, PHP, PPQ, APHIS, 4700 River Road Unit, 133, Riverdale, MD 20737; (301) 734-0627.

**SUPPLEMENTARY INFORMATION:**

**Background**

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 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. These measures are:

- The fruits or vegetables are subject to inspection upon arrival in the United States and comply with all applicable provisions of § 319.56-3;
- 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;
- The fruits or vegetables are treated in accordance with 7 CFR part 305;
- The fruits or vegetables are inspected in the country of origin by an inspector or an official of the national plant protection organization of the exporting country, and have been found free of one or more specific quarantine pests identified by the risk assessment as likely to follow the import pathway; and/or
- The fruits or vegetables are a commercial consignment.

APHIS received a request from the Kingdom of Jordan to allow the importation of fresh strawberries from Jordan into the continental United States. We have completed a pest risk assessment for this commodity to identify pests of quarantine significance that could follow the pathway of importation into the United States and, based on this assessment, have prepared a risk management document to identify phytosanitary measures that could be applied to fresh strawberries from Jordan to mitigate the pest risk. We have concluded that fresh strawberries can be safely imported into the continental United States from Jordan using one or more of the five designated phytosanitary measures listed in § 319.56-4(b). Therefore, in accordance with § 319.56-4(c), we are announcing the availability of our pest risk analysis for public review and comment. The pest risk analysis may be viewed on the [Regulations.gov](http://Regulations.gov) Web site or in our reading room (see **ADDRESSES** above for a link to [Regulations.gov](http://Regulations.gov) and information on the location and hours of the reading room). You may request paper copies of the pest risk analysis by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. Please refer to the subject of the pest risk analysis you wish to review when requesting copies.

After reviewing any comments we receive, we will announce our decision regarding the import status of fresh strawberries from Jordan in a subsequent notice. If the overall

conclusions of the analysis and the Administrator’s determination of risk remain unchanged following our consideration of the comments, then we will begin issuing permits for the importation of fresh strawberries from Jordan into the continental United States subject to the requirements specified in the risk management document.

**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 5th day of October 2010.

**Gregory Parham,**

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

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**BILLING CODE 3410-34-P**

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**AGENCY FOR INTERNATIONAL DEVELOPMENT**

**Senior Executive Service Performance Review Board: Update**

**AGENCY:** U.S. Agency For International Development, Office Of Inspector General.

**ACTION:** Notice.

**SUMMARY:** This notice is hereby given of the appointment of members of the updated U.S. Agency for International Development, Office of Inspector General’s Senior Executive Service Performance Review Board.

**DATES:** September 27, 2010.

**FOR FURTHER INFORMATION CONTACT:** Robert S. Ross, Assistant Inspector General for Management, Office of Inspector General (OIG), U.S. Agency for International Development (USAID), 1300 Pennsylvania Avenue, NW., Room 8.08-029, Washington, DC 20523-8700; telephone 202-712-0010; FAX 202-216-3392; Internet e-mail address: [rross@usaid.gov](mailto:rross@usaid.gov) (for e-mail messages, the subject line should include the following reference—USAID OIG Senior Executive Service (SES) Performance Review Board).

**SUPPLEMENTARY INFORMATION:** 5 U.S.C. 4314(b)(c) requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management at 5 CFR part 430, subpart C and § 430.307 thereof in particular, one or more Senior Executive Service Performance Review Boards. The board shall review and evaluate the initial appraisal of each USAID OIG senior executive’s performance by his or her supervisor, along with any recommendations to the appointing authority relative to the performance of

the senior executive. This notice updates the membership of the USAID OIG's SES Performance Review Board as it was last published on September 22, 2009.

*Approved:* September 27, 2010.

The following have been selected as regular members of the SES Performance Review Board of the USAID OIG:

Michael G. Carroll, Deputy Inspector General  
 Howard Hendershot, Assistant Inspector General for Investigations  
 Robert S. Ross, Assistant Inspector General for Management  
 Lisa S. Goldfluss, Legal Counsel to the Inspector General  
 Alvin A. Brown, Assistant Inspector General, Millennium Challenge Corporation  
 Melinda Dempsey, Deputy Assistant Inspector General for Audit  
 Winona Varnon, Principal Deputy Assistant Secretary, Office of Management, Department of Education  
 Mark Bialek, Counsel to the Inspector General, Environmental Protection Agency  
 Richard Clark, Deputy Assistant Inspector General, Investigations, Department of Labor  
 Robert Peterson, Assistant Inspector General for Inspections, Department of State

Dated: September 28, 2010.

**Donald A. Gambatesa,**  
*Inspector General.*

[FR Doc. 2010-25592 Filed 10-8-10; 8:45 am]

**BILLING CODE 6116-01-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### **Proposed Information Collection; Comment Request; Information for Self-Certification Under FAQ 6 of the United States—European Union Safe Harbor Privacy Framework**

**AGENCY:** International Trade Administration.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before December 13, 2010.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to: Damon Greer, U.S. Department of Commerce, International Trade Administration, Room 2003, 1401 Constitution Avenue, NW., Washington, DC 20230; Phone number: (202) 482-5023 and fax number: (202) 482-5522.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Abstract**

In response to the European Union Directive on Data Protection that restricts transfers of personal information from Europe to countries whose privacy practices are not deemed "adequate," the U.S. Department of Commerce has developed a "Safe Harbor" framework that will allow U.S. organizations to satisfy the European Directive's requirements and ensure that personal data flows to the United States are not interrupted. In this process, the Department of Commerce (DOC) repeatedly consulted with U.S. organizations affected by the European Directive and interested non-government organizations. On July 26, 2000, the European Commission issued its decision in accordance with Article 25.6 of the Directive that the Safe Harbor Privacy Principles provide adequate privacy protection. The Safe Harbor framework bridges the differences between the European Union (EU) and U.S. approaches to privacy protection. The complete set of Safe Harbor documents and additional guidance materials may be found at <http://export.gov/safeharbor>.

Once the Safe Harbor was deemed "adequate" by the European Commission on July 26, 2000, the DOC began working on the requirements that are necessary to put this accord into effect. The European Member States implemented the decision made by the Commission within 90 days. Therefore, the Safe Harbor became operational on November 1, 2000. The Department of Commerce created a list for U.S. organizations to sign up to the Safe Harbor and provided guidance on the mechanics of signing up to this list. As of May 12, 2010, 2,200 U.S. organizations have been placed on the Safe Harbor List, located at <http://export.gov/safeharbor>.

Organizations that have signed up to this list are deemed "adequate" under the Directive and do not have to provide further documentation to European officials. This list will be used by EU citizens and organizations to determine whether further information and contracts will be needed for a U.S. organization to receive personally identifiable information. This list is necessary to make the Safe Harbor accord operational, and was a key demand of the Europeans in agreeing that the Principles were providing "adequate" privacy protection.

The Safe Harbor provides a number of important benefits to U.S. firms. Most importantly, it provides predictability and continuity for U.S. organizations that receive personal information from the EU. Personally identifiable information is defined as any information that can be identified to a specific person, for example an employee's name and extension would be considered personally identifiable information. All 27 member countries are bound by the European Commission's finding of "adequacy". The Safe Harbor also eliminates the need for prior approval to begin data transfers, or makes approval from the appropriate EU member countries automatic. The Safe Harbor principles offer a simpler and cheaper means of complying with the adequacy requirements of the Directive, which should particularly benefit small and medium enterprises.

The decision to enter the Safe Harbor is entirely voluntary. Organizations that decide to participate in the Safe Harbor must comply with the safe harbor's requirements and publicly declare that they do so. To be assured of Safe Harbor benefits, an organization needs to reaffirm its self-certification annually (Form ITA-4149P) to the DOC that it agrees to adhere to the safe harbor's requirements, which includes elements such as notice, choice, access, data integrity, security and enforcement.

This list will be most regularly used by EU organizations to determine whether further information and contracts will be needed by a U.S. organization to receive personally identifiable information. It will be used by the European Data Protection Authorities to determine whether a company is providing "adequate" protection, and whether a company has requested to cooperate with the Data Protection Authority. This list will be accessed when there is a complaint logged in the EU against a U.S. organization. This will be on a monthly basis. It will be used by the Federal Trade Commission and the Department