

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

[Docket No. APHIS-2011-0013]

**Notice of Availability of a Pest Risk Analysis for the Importation of Fresh Papaya Fruit From Malaysia Into the Continental United States****AGENCY:** Animal and Plant Health Inspection Service, USDA.**ACTION:** Notice.

**SUMMARY:** We are advising the public that we have prepared a pest risk analysis for the purpose of evaluating the pest risks associated with the importation of fresh papaya (*Carica papaya*) fruit from Malaysia into the continental United States. Based on our analysis, we have concluded that the application of one or more designated phytosanitary measures will be sufficient to mitigate the pest risk. 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 May 16, 2011.

**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-2011-0013> 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-2011-0013, 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-2011-0013.

*Reading Room:* You may read any comments that we receive on the risk analysis 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:** Mr. Phillip B. Grove, Regulatory

Coordinator, Regulatory Coordination and Compliance, PPQ, APHIS, 4700 River Road, Unit 156, Riverdale, MD 20737; (301) 734-6280.

**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 analysis as likely to follow the import pathway; and/or

- The fruits or vegetables are a commercial consignment.

APHIS received a request from the Government of Malaysia to allow the importation of edible fresh fruit of papaya (*Carica papaya*) into the continental United States. Currently, fresh papaya fruit are not authorized for entry from Malaysia. APHIS completed a pest risk analysis for the purpose of evaluating the pest risks associated with the importation of fresh papaya fruit from Malaysia into the continental United States. The analysis consists of a pest list identifying pests of quarantine significance that are present in Malaysia and could follow the pathway of importation into the United

States and a risk management document identifying phytosanitary measures that could be applied to the commodity to mitigate the pest risk.

We have concluded that fresh papaya fruit can safely be imported into the continental United States from Malaysia 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 Web site or in our reading room (*see ADDRESSES* above for instructions for accessing Regulations.gov and information on the location and hours of the reading room). You may request paper copies of the analysis by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. Please refer to the subject of the analysis that you wish to review when requesting copies.

After reviewing any comments we receive, we will announce our decision regarding the import status of fresh papaya fruit from Malaysia 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 papaya fruit from Malaysia 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 9th day of March 2011.

**Kevin Shea,**

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

[FR Doc. 2011-5961 Filed 3-14-11; 8:45 am]

**BILLING CODE 3410-34-P**

**DEPARTMENT OF AGRICULTURE****Farm Service Agency****United States Warehouse Act; Export Food Aid Commodities Licensing Agreement****AGENCY:** Farm Service Agency, USDA.**ACTION:** Notice and request for comments.

**SUMMARY:** The Farm Service Agency (FSA) proposes adding export food aid commodities (EFAC) to the agricultural products for which warehouse licenses may be issued under the United States

Warehouse Act (USWA). Through this notice, FSA is providing an opportunity for anyone to provide comments on this proposal to offer a license for EFAC. EFAC might include corn soy blend, vegetable oil, or pulses such as peas, beans and lentils. Current USWA licenses for agricultural products include grain, cotton, nuts, cottonseed, and dry beans. Warehouse operators that apply voluntarily agree to be licensed, observe the rules for licensing, and pay associated user fees.

**DATES:** We will consider comments that we receive by April 14, 2011.

**ADDRESSES:** We invite you to submit comments on this notice. In your comment, include volume, date, and page number of this issue of the **Federal Register**. You may submit comments by any of the following methods:

*E-mail address:* Send comments to: [FSA-USWA@wdc.usda.gov](mailto:FSA-USWA@wdc.usda.gov).

*Mail:* Patricia Barrett, Warehouse Operations Program Manager, FSA, United States Department of Agriculture, STOP 0553, 1400 Independence Avenue, SW., Washington, DC 20250-0553.

*Fax:* (202) 690-3123.

Persons with disabilities who require alternative means for communication of information for this notice (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

**FOR FURTHER INFORMATION CONTACT:** Patricia Barrett, (202) 720-3877.

**SUPPLEMENTARY INFORMATION:**

USWA (7 U.S.C. 241-256) authorizes the Secretary of Agriculture to license warehouse operators who store agricultural products; FSA administers this authority.

USWA provides for licensing and inspection of warehouses used to store agricultural products, issuance of warehouse receipts, including electronic warehouse receipts for all agricultural products, and for other purposes.

USWA licensing program is a voluntary program that is intended to protect depositors of agricultural products in licensed warehouses (7 CFR part 735). The licensing program is based on a written agreement outlining terms and conditions for a warehouse operator to qualify for licensing and requirements to operate the warehouse in compliance with USWA and the regulations.

USWA requires FSA to notify the public and provide the opportunity to comment on agricultural products that are under consideration for a warehouse license. FSA is proposing to create a USWA licensing program for port and transload facility operators storing

EFAC. This proposal is in response to the concerns of export food aid providers regarding the sanitation and security of agricultural commodities temporarily stored and handled in preparation for export under various federal and charitable organization export food aid programs. In many USWA warehouses, commodities are stored in bulk form and commingled. EFAC are typically packaged and "identity preserved," which means that the commodity is stored and handled separate from all other commodities. In other words, the actual commodity deposited in the warehouse is what will be delivered.

The warehouse examination program is designed to ensure the warehouse operator's initial qualification for licensing and continuing compliance with the standards of approval and operation. FSA will conduct examinations of licensed facilities to determine their suitability for proper storage and handling of commodities. The examination will include review of warehouse records, pest management and control, housekeeping, safety, and security of goods in the care and custody of the licensee. The personnel conducting the examinations will verify that all commodities are properly marked and recorded in the warehouse records, and that commodities are stored in licensed space. Facilities must be kept and maintained in sound physical condition. In addition, 7 CFR 735.6 provides regulations for suspension and revocation of a license for those warehouse operators who do not comply with USWA, the regulations, or any licensing or provider agreement.

FSA will review and report on the comments received on this notice. The notice and summary of the comments received will be posted to the USWA Web site at <http://www.fsa.usda.gov/FSA/webapp?area=home&subject=coop&topic=was-ua>.

FSA is inviting you to provide comments to FSA on adding EFAC to the list of products for which FSA issues USWA licenses. In particular, FSA requests comments on EFAC in response to the following questions:

- Should FSA offer a license under the authority of the USWA, for export food aid commodity facility storage and handling?
- What general warehousing and transload facility specifications should be used in the approval and continued licensing of such storage facilities?
- What operational procedures (*i.e.* records, sanitation, security, insurance, and examinations) should be addressed

in a written agreement with the warehouse operator?

- What level and type of financial assurance (bond, letter of credit) should be required to provide security and protection to depositors?
- What fee structure (annual flat rate, hourly, graduated rates based on the size of the facility) should be adopted to fund the administration of this program?
- Should the scope of the license cover all commodities stored in licensed space?

In addition to this notice, general information about FSA's administration of its responsibilities from USWA is available on the FSA Web site. Among other things, the information includes a list of licensed warehouses.

Signed at Washington, DC, on March 9, 2011.

**Val Dolcini,**

*Acting Administrator, Farm Service Agency.*

[FR Doc. 2011-5975 Filed 3-14-11; 8:45 am]

**BILLING CODE 3410-05-P**

## DEPARTMENT OF AGRICULTURE

### Farm Service Agency

#### United States Warehouse Act; Processed Agricultural Products Licensing Agreement

**AGENCY:** Farm Service Agency, USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Farm Service Agency (FSA) proposes adding processed agricultural products to the agricultural products for which warehouse licenses may be issued under the United States Warehouse Act (USWA). Through this notice, FSA is providing an opportunity for anyone to provide comments on this proposal to offer a license for the processed agricultural products that are stored in climate controlled, cooler, and freezer warehouses. An example of a processed agricultural product is apple juice concentrate. In the past, USDA has issued USWA licenses for syrup or sirup, dried fruit, canned foods, cold-pack fruit, seeds, and cherries-in-brine. Current USWA licenses for agricultural products include grain, cotton, nuts, cottonseed, and dry beans. Warehouse operators voluntarily agree to be licensed, observe the rules for licensing, and pay associated user fees.

**DATES:** We will consider comments that we receive by April 14, 2011.

**ADDRESSES:** We invite you to submit comments on this notice. In your comment, include volume, date, and page number of this issue of the **Federal**