and will be required as a condition of importation.

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 persimmon fruit from the Republic of South Africa subject to the following phytosanitary measures:

- The persimmon fruit may be imported into the continental United States in commercial consignments only.
- The persimmon fruit must be irradiated in accordance with 7 CFR part 305 with a minimum absorbed dose of 400 Gy.
- If the irradiation treatment is applied outside the United States, each consignment of fruit must be precleared by APHIS inspectors in the Republic of South Africa. The persimmon fruit must be jointly inspected by APHIS and the national plant protection organization (NPPO) of South Africa and accompanied by a phytosanitary certificate (PC) attesting that the fruit received the required irradiation treatment.
- If the irradiation treatment is to be applied upon arrival in the United States, each consignment of fruit must be inspected by the NPPO of South Africa prior to departure and accompanied by a PC.
- The commodity is subject to inspection at the U.S. port-of-entry.

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, persimmon fruit from the Republic of South Africa will be subject to the general requirements listed in § 319.56–3 that are applicable to the importation of all fruits and vegetables. Further, for fruits and vegetables requiring treatment as a condition of entry, the phytosanitary treatments regulations in 7 CFR part 305 contain administrative and procedural requirements that must be observed in connection with the application and certification of specific treatments.

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 22nd day of July 2011.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2011–19037 Filed 7–26–11; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2011–0015]

Notice of Decision To Authorize the Importation of Garlic From the European Union and Other Countries

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 garlic from the European Union and other countries. Based on the findings of a commodity import evaluation document, which we made available to the public for review and comment through a previous notice, we believe 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 garlic from the European Union and other countries.

DATES: *Effective Date:* July 27, 2011.

FOR FURTHER INFORMATION CONTACT: Mr. Tony Román, Import Specialist, Plant Protection and Quarantine, APHIS, 4700 River Road, Unit 133, Riverdale, MD 20737–1236; (301) 734–5820.

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 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 [1] in the **Federal Register** on March 21, 2011 (76 FR 15279–15280, Docket No. APHIS–2011–0015), in which we announced the availability, for review and comment, of a commodity import evaluation document (CIED) that evaluates the risks associated with the importation into the continental United States of fresh garlic from the European Union (EU) and other countries. For the purposes of this document, the EU and other countries refers to Algeria, Armenia, Austria, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Egypt, Estonia, Georgia, Germany, Greece, Hungary, Israel, Kazakhstan, Kyrgyzstan, Latvia, Lebanon, Lithuania, the Republic of Macedonia, Moldova, Montenegro, Morocco, Palestine Authority, Portugal, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Switzerland, Syria, Tajikistan, Turkey, Turkmenistan, Ukraine, and Uzbekistan.

These countries are currently authorized to export garlic (dry bulbs, no green leaves) to the United States only if the commodity undergoes vacuum fumigation for the weevil pests *Brachycerus* spp. and *Dyspessa ulula.*

Three countries, France, Italy, and Spain, are exempt from the required fumigation. Imports of garlic from France are allowed with a phytosanitary certificate (PC) containing an additional declaration that the garlic was inspected and found free from *Brachycerus* spp. and *Dyspessa ulula.* Similarly, the regulations in § 319.56–13 provide that imports of garlic from Italy and Spain are approved if the garlic is accompanied by a PC which contains an additional declaration that the garlic has been inspected by the national plant protection organization of the exporting country and found free of *Brachycerus* spp. and *Dyspessa ulula,* based on field inspection and reexamination at the port of export. Based on the evidence presented in the CIED, we determined that the measures currently in place for garlic imported from France, Italy, and Spain are adequate to manage pest risks

[1] To view the notice, the CIED, and the comments we received, go to *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2011-0015.*

associated with garlic from the EU and other countries.

We solicited comments on the notice for 60 days ending on May 20, 2011. We received three comments by that date. They were from an association of garlic producers, a State agricultural agency, and a governmental organization. One commenter was in favor of allowing the importation of garlic from the EU and other countries under the conditions described in the CIED. The remaining comments are discussed below.

Two commenters expressed concern that visual inspection and a phytosanitary certificate may not be sufficient to prevent the potential accidental introduction of the two weevils (*Brachycerus* spp. and *Dyspessa ululа*) into the United States. One of these commenters recommended the continued use of vacuum fumigation of garlic bulbs originating from countries where these weevils occur because larvae develop within garlic bulbs and could easily go undetected by visual inspection.

As mentioned in the CIED published with the previous notice, garlic infested with *Brachycerus* spp. or *D. ululа* is likely to be detected during inspection. Garlic heads infested with *D. ululа* have large internal cavities and darkened holes, often with secondary mold. The cloves may be completely eaten, leaving only the outer coverings of the garlic head with the larval excrements, and a strongly attacked batch of garlic can be detected by a weight shortage (between 40 percent and 80 percent of the normal weight).

Regarding the risk of introducing *Brachycerus* spp. via the importation of garlic, *Brachycerus* spp. are rarely intercepted even in passenger baggage, with only 16 interceptions from all countries, all sources, over a 27-year period. When they are present, adult females lay clusters of eggs in holes chewed in the garlic bulb. *Brachycerus* spp. larvae bore into the garlic bulb, leaving bulging lumps, holes, frass, and fungal decay, while mature larvae are often visible externally. Because *Brachycerus* spp. cause noticeable damage to the commodity, garlic bulbs infested with this pest would be culled during packing processes or identified during inspection by the NPPO in the originating country and, therefore, are unlikely to be included in shipments. The symptoms of *Brachycerus* spp. infestation can also be readily inspected for at the port of entry into the United States.

One commenter also stated that APHIS provided no technical or scientific reason to revise regulations and no underlying, scientific, or technical basis for the historical fumigation exemption for France, Italy, and Spain. The commenter noted that pests have been intercepted in shipments of fresh garlic from countries currently allowed to ship without fumigation and that removing the fumigation requirement because the interceptions have been infrequent is inappropriate.

Although we do not have the background for the exemptions afforded to these countries, we can conclude that the decision was based on a historical lack of pest detections. Garlic from Spain and Italy has been allowed entry into the United States without methyl bromide fumigation since at least 1972. Garlic from France has been imported under similar restrictions for some time as well. Although pests have been found on garlic imported from these countries, such interceptions have occurred very rarely and these pests have not been introduced into the United States since importation of garlic from these countries began. Our experience inspecting garlic from France, Italy, and Spain, as reflected in the pest interception data, suggests that visual inspection is sufficient to mitigate the risks of introducing or disseminating plant pests or noxious weeds via the importation of garlic into the continental United States.

For these reasons, APHIS has concluded that commercial garlic for export from the EU and other countries is unlikely to contain the identified quarantine pests and any pests associated with this commodity would be detected by inspection. Accordingly, we have determined that no changes to the CIED are necessary based on these comments.

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 garlic from the European Union and other countries subject to the following phytosanitary measures:

- The garlic must be accompanied by a phytosanitary certificate with an additional declaration attesting freedom from *Brachycerus* spp. and *Dyspessa ululа*.
- The garlic may be imported into the continental 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, garlic from the European Union and other countries 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 22nd day of July 2011.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2011–19036 Filed 7–26–11; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2011–0023]

Monsanto Co.; Availability of Petition, Plant Pest Risk Assessment, and Environmental Assessment for Determination of Nonregulated Status for Corn Genetically Engineered for Drought Tolerance

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice; reopening of comment period.

SUMMARY: We are reopening the comment period for a petition received from the Monsanto Company seeking a determination of nonregulated status for corn designated as MON 87460, which has been genetically engineered for drought tolerance. This action will allow interested persons additional time to prepare and submit comments on the Monsanto petition, our plant pest risk assessment, and our draft environmental assessment for the proposed determination of nonregulated status.

DATES: We will consider all comments that we receive on or before August 12, 2011.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!documentDetail;D=APHIS–2011–0023–0001.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2011–0023, 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–2011–0023* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue