

# Rules and Regulations

Federal Register

Vol. 68, No. 218

Wednesday, November 12, 2003

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 319

[Docket No. 02-026-6]

#### Importation of Fruits and Vegetables; Correction

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

**ACTION:** Final rule; correction.

**SUMMARY:** In a final rule published in the **Federal Register** on June 25, 2003, we amended the fruits and vegetables regulations. The final rule contained errors in the rule portion of the document. This document corrects those errors.

**EFFECTIVE DATE:** June 25, 2003.

**FOR FURTHER INFORMATION CONTACT:** Mr. Wayne Burnett, Senior Import Specialist, PPQ, APHIS, 4700 River Road Unit 140, Riverdale, MD 20737-1236; (301) 734-6799.

**SUPPLEMENTARY INFORMATION:** We published a final rule in the **Federal Register** on June 25, 2003 (68 FR 37904-37923, Docket No. 02-026-4) to amend the fruits and vegetables regulations (7 CFR 319.56 through 319.56-8, referred to below as the regulations). In the rule portion of that final rule, we inadvertently reversed the order of the words "latitude" and "longitude" in an amendment to § 319.56-2d, "Administrative instructions for cold treatments of certain imported fruits." Rather than referring to "39° longitude and east of 104° latitude," we should have referred to 39° latitude and east of 104° longitude." This document corrects that error.

We are also correcting an error in the table in § 319.56-2t under the entry for basil from Honduras. The additional declaration referred to in that entry

should state that the "commodity is free from *Planococcus minor*" rather than the "fruit is free from *Planococcus minor*."

In FR Doc. 03-15908, published on June 25, 2003 (68 FR 37904-37923, Docket No. 02-026-4), make the following corrections:

#### § 319.56-2d [Corrected]

■ 1. On page 37917, in the first column, in § 319.56-2d, in paragraph (b)(1), correct "39° longitude and east of 104° latitude" to read "39° latitude and east of 104° longitude".

#### § 319.56-2t [Corrected]

■ 2. On page 37919, in § 319.56-2t, in the table, under the entry for basil from Honduras, correct "fruit is free from *Planococcus minor*" to read "commodity is free from *Planococcus minor*".

Done in Washington, DC, this 5th day of November 2003.

**Peter Fernandez,**

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

[FR Doc. 03-28293 Filed 11-10-03; 8:45 am]

**BILLING CODE 3410-34-P**

## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

#### 9 CFR Part 381

[Docket No. 02-015N]

**RIN 0583-AC97**

#### Addition of Australia and New Zealand to the List of Foreign Countries Eligible To Import Poultry Products (Ratite Only) Into the United States

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Affirmation of direct final rule.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) is announcing that it is confirming the addition of Australia and New Zealand to the list of countries eligible to import poultry products (ratite only) into the United States (U.S.).

Under this direct final rule, the meat of ratites slaughtered and processed in certified establishments in Australia and in New Zealand will be eligible for importation into the U.S. All ratite meat imported into the U.S. from Australia and New Zealand will be subject to

reinspection at U.S. ports-of-entry by FSIS inspectors.

**ADDRESSES:** Reference materials cited in the direct final rule and all comments received are available for public inspection in the FSIS Docket Room from 8:30 a.m. to 4:30 p.m., Monday through Friday in Room 102, Cotton Annex, 300 12th Street, SW., Washington, DC 20250-3700 and on the FSIS Web site at <http://www.fsis.usda.gov/OPPDE/rdad/FinalRules03.htm>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Clark Danford, Acting Director, Import-Export Programs Staff, Office of International Affairs; (202) 720-6400.

#### SUPPLEMENTARY INFORMATION:

##### Background

On October 28, 2000, the President signed the FY 2001 Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act (the Appropriations Act), which provided that 180 days after the date of its enactment, U.S. establishments that slaughter or process ratites (such as ostriches, emus, and rheas) or squabs for distribution into commerce as human food would be subject to the requirements of the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*), rather than the voluntary poultry inspection program under section 203 of the Agriculture Marketing Act (AMA) (7 U.S.C. 1622). This provision of the Appropriations Act was effective on April 26, 2001. Prior to that time, imported ratite meat was regulated by the Food and Drug Administration (FDA).

On May 7, 2001, FSIS published an interim final rule (66 FR 22899) that amended the poultry products regulations to include ratites and squabs within the list of species that are "poultry" (9 CFR 381.1(b)) and thus subject to the mandatory inspection requirements of the PPIA.

This interim final rule also announced that within 18 months of April 26, 2001, imported ratite or squab products would have to originate in countries that were eligible to import poultry into the U.S. and would have to be processed in establishments certified by the government of the foreign country as eligible to export to the U.S.

During the 18 months, countries that were eligible to import meat into the U.S. were permitted to import ratites