

In February 2007, the Chief Veterinary Officer of the United Kingdom of Great Britain and Northern Ireland (UK) reported to the World Organization for Animal Health (OIE) the occurrence of HPAI H5N1 in domestic poultry in Suffolk County, England, near the border with Norfolk County. Emergency response measures implemented by UK animal health authorities included establishing a restricted zone of control measures that encompassed parts of Suffolk and Norfolk Counties.

In November 2007, a second outbreak of HPAI H5N1 was reported to have occurred in domestic poultry in Suffolk County. Animal health authorities in the UK again implemented emergency control measures to prevent the spread of HPAI H5N1 and eradicate it from the domestic poultry population. Additional surveillance revealed no evidence of subsequent cases of HPAI H5N1 in Suffolk or Norfolk County. Accordingly, the emergency measures were lifted on December 19, 2007. On May 12, 2008, the UK formally notified the OIE that the outbreak had been resolved.

To prevent the introduction of HPAI H5N1 into the United States, APHIS added Suffolk and Norfolk Counties to the list of regions that APHIS considers to be affected with HPAI H5N1. This resulted in restriction on the importation of bird, poultry, and bird and poultry products into the United States from those two counties.

In a document titled "Evaluation of the Highly Pathogenic Avian Influenza H5N1 Status of Suffolk and Norfolk Counties, England" (January 2009), we present the results of our evaluation of the status of HPAI H5N1 in domestic poultry in Suffolk and Norfolk Counties, England, in light of the actions taken by UK authorities since the outbreaks, and document our analysis of the risk of HPAI H5N1 introduction and spread in Suffolk and Norfolk Counties, England, and whether removing Suffolk and Norfolk Counties from the list of regions that APHIS considers to be affected with HPAI H5N1 would be appropriate.

We based our evaluation of the HPAI H5N1 status of Suffolk and Norfolk Counties in England, on the following critical factors:

- Suffolk and Norfolk Counties have been free of outbreaks of the H5N1 subtype in its domestic poultry for at least 3 months as a result of effective control measures taken by a competent veterinary infrastructure;
- HPAI H5N1 was a reportable disease in the UK and an ongoing awareness program was in place;
- An effective surveillance program for HPAI that supported the detection

and investigation of outbreaks was in place;

- All reported suspected or confirmed cases of avian influenza were investigated;
- The system for recording, managing, and analyzing diagnostic and surveillance data was sufficient to demonstrate the effectiveness of the UK's HPAI H5N1 control measures;
- Diagnostic and laboratory capabilities were effective, and testing procedures were documented and standardized;
- Eradication and control measures, including movement restrictions, were effectively implemented in response to outbreaks to prevent further spread of disease; and
- Procedures used for depopulation cleaning and disinfection of affected premises were documented and effective.

Based on these factors, which are consistent with the OIE's recommendations for reinstatement for trade with a country that has experienced an HPAI H5N1 outbreak,¹ our evaluation concludes that the UK was able to effectively control and eradicate HPAI H5N1 in the domestic poultry population and that the UK authorities have adequate control measures in place to rapidly identify, control, and eradicate the disease should it be introduced into the UK's wild birds or domestic poultry population.

We are making the evaluation available for public comment. We will consider all comments that we receive on or before the date listed under the heading DATES at the beginning of this notice.

If, after the close of the comment period, APHIS can identify no additional risk factors that would indicate that domestic poultry in Suffolk and Norfolk Counties in England continue to be affected with HPAI H5N1, we would conclude that the importation of live birds, poultry carcasses, parts of carcasses, and eggs (other than hatching eggs) of poultry, game birds, or other birds from regions of Suffolk and Norfolk Counties presents a low risk of introducing HPAI H5N1 into the United States.

The evaluation may be viewed on the Regulations.gov Web site or in our reading room (see ADDRESSES above for a link to Regulations.gov and

¹ OIE (2008). Risk Analysis. In, *Terrestrial Animal Health Code*, 17th edition. Paris, World Organization for Animal Health: Chapter 2.2 on Import Risk Analysis; Chapter 10.4 on Avian Influenza. To view the document on the Internet, go to http://www.oie.int/eng/normes/mcode/A_summary.htm?e1d11.

information on the location and hours of the reading room). You may request paper copies of the evaluation by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. Please refer to the title of the evaluation when requesting copies.

Done in Washington, DC, this 1st day of May 2009.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS-2009-0021]

Pale Cyst Nematode; Update of Quarantined Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of changes to quarantined area.

SUMMARY: We are advising the public that we have made changes to the area in the State of Idaho that is quarantined to prevent the spread of pale cyst nematode. The description of the quarantined area was updated on February 10, 2009, when approximately 2,721 acres were removed from the quarantined area and approximately 4,976 acres were added to the quarantined area.

FOR FURTHER INFORMATION CONTACT: Ms. Eileen Y. Smith, National Program Manager, Emergency and Domestic Programs, PPQ, APHIS, 4700 River Road, Unit 150, Riverdale, MD 20737-1236; (301) 734-5235.

SUPPLEMENTARY INFORMATION:

Background

The pale cyst nematode (PCN) (*Globodera pallida*) is a major pest of potato crops in cool-temperature areas. Other solanaceous hosts include tomatoes, eggplants, peppers, tomatillos, and some weeds. The PCN is thought to have originated in Peru and is now widely distributed in many potato-growing regions of the world. PCN infestations may be expressed as patches of poor growth. Affected potato plants may exhibit yellowing, wilting, or death of foliage. Even with only minor symptoms on the foliage, potato tuber size can be affected. Unmanaged infestations can cause potato yield loss ranging from 20 to 70 percent. The spread of this pest in the United States

could result in a loss of domestic or foreign markets for U.S. potatoes and other commodities.

The PCN quarantine regulations (§§ 301.86 through 301.86–9, referred to below as the regulations) set out procedures for determining the areas quarantined for PCN and impose restrictions on the interstate movement of regulated articles from quarantined areas.

Section 301.86–3 of the regulations sets out the procedures for determining the areas quarantined for PCN.

Paragraph (a) of § 301.86–3 states that, in accordance with the criteria listed in § 301.86–3(c), the Administrator will designate as a quarantined area each field that has been found to be infested with PCN, each field that has been found to be associated with an infested field, and any area that the Administrator considers necessary to quarantine because of its inseparability for quarantine enforcement purposes from infested or associated fields.

Paragraph (c) provides that the Administrator will designate a field as an infested field when PCN is found in the field. Paragraph (c) also provides that the Administrator will designate a field as an associated field when PCN host crops, as listed in § 301.86–2(b), have been grown in the field in the last 10 years and the field shares a border with an infested field; the field came into contact with a regulated article listed in § 301.86–2 from an infested field within the last 10 years; or, within the last 10 years, the field shared ownership, tenancy, seed, drainage or runoff, farm machinery, or other elements of shared cultural practices with an infested field that could allow spread of the PCN, as determined by the Administrator.

Paragraph (b) describes the conditions for the designation of an area less than an entire State as a quarantined area. Less than an entire State will be designated as a quarantined area only if the Administrator determines that:

1. The State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles that are equivalent to those imposed by the regulations on the interstate movement of regulated articles; and

2. The designation of less than the entire State as a quarantined area will prevent the interstate spread of PCN.

We have determined that it is not necessary to designate the entire State of Idaho as a quarantined area. Idaho has adopted and is enforcing restrictions on the intrastate movement of regulated articles from that area that are equivalent to those we are imposing on

the interstate movement of regulated articles.

Paragraph (d) provides for the removal of fields from quarantine. An infested field will be removed from quarantine when a 3-year biosurvey protocol approved by the Animal and Plant Health Inspection Service has been completed and the field has been found to be free of PCN. An associated field will be removed from quarantine when the field has been found to be free of PCN according to a survey protocol approved by the Administrator as sufficient to support removal from quarantine. Any area other than infested or associated fields which has been quarantined by the Administrator because of its inseparability for quarantine enforcement purposes from infested or associated fields will be removed from quarantine when the relevant infested or associated fields are removed from quarantine.

Paragraph (a) of § 301.86–3 further provides that the Administrator will publish the description of the quarantined area on the Plant Protection and Quarantine (PPQ) Web site, http://www.aphis.usda.gov/plant_health/plant_pest_info/potato/pcn.shtml. The description of the quarantined area will include the date the description was last updated and a description of the changes that have been made to the quarantined area. The description of the quarantined area may also be obtained by request from any local office of PPQ; local offices are listed in telephone directories. Finally, paragraph (a) establishes that, after a change is made to the quarantined area, we will publish a notice in the **Federal Register** informing the public that the change has occurred and describing the change to the quarantined area.

We are publishing this notice to inform the public of changes to the PCN quarantined area in accordance with § 301.86–3(a). On February 10, 2009, we updated the quarantined area to remove approximately 2,721 acres. This acreage was composed of associated fields that were found to be free of PCN according to a survey protocol approved by the Administrator, under § 301.86–3. The fields removed from quarantine were in Bingham, Bonneville, and Jefferson Counties.

We also added approximately 4,976 acres to the PCN quarantined area. This acreage was composed of fields that we determined to be associated with a field that was quarantined as an infested field on December 11, 2008. The fields added to the quarantined area were in Bingham and Bonneville Counties.

The current map of the quarantined area can be viewed on the PPQ Web site

at http://www.aphis.usda.gov/plant_health/plant_pest_info/potato/pcn.shtml.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 1st day of May 2009.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2006–0166]

Use of Genetically Engineered Fruit Fly and Pink Bollworm in APHIS Plant Pest Control Programs; Record of Decision

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice advises the public of the Animal and Plant Health Inspection Service's record of decision for the Use of Genetically Engineered Fruit Fly and Pink Bollworm in APHIS Plant Pest Control Programs Final Environmental Impact Statement.

ADDRESSES: Copies of the record of decision and the final environmental impact statement on which the record of decision is based are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 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.

The record of decision may also be viewed on the APHIS Web site at http://www.aphis.usda.gov/plant_health/ea/geneng.shtml. Supporting and related materials, including the final environmental impact statement, may also be viewed on the Internet at <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2006-0166>.

FOR FURTHER INFORMATION CONTACT: Mr. David A. Bergsten, APHIS Interagency NEPA Contact, Environmental Services, PPD, APHIS, 4700 River Road, Unit 149, Riverdale, MD 20737–1238; (301) 734–6103.

SUPPLEMENTARY INFORMATION: This notice advises the public that the Animal and Plant Health Inspection Service (APHIS) has prepared a record