

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. APHIS–2012–0040]

#### Notice of Affirmation of Addition of a Treatment Schedule for Methyl Bromide Fumigation of Cottonseed

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

**ACTION:** Notice.

**SUMMARY:** We are affirming our earlier determination that it was necessary to immediately add to the Plant Protection and Quarantine Treatment Manual a treatment schedule for methyl bromide fumigation of cottonseed for the fungal plant pathogen *Fusarium oxysporum* f. sp. *vasinfectum* (FOV). In a previous notice, we made available to the public for review and comment a treatment evaluation document that described the new treatment schedule and explained why we have determined that it is effective at neutralizing FOV, certain strains of which are quarantine pests.

**DATES:** *Effective Date:* Effective on March 6, 2013, we are affirming the addition to the Plant Protection and Quarantine Treatment Manual of the treatment described in the notice published at 77 FR 31564–31566 on May 29, 2012.

**FOR FURTHER INFORMATION CONTACT:** Mr. Marc Phillips, Import Specialist, Regulatory Coordination and Compliance, PPQ, APHIS, 4700 River Road Unit 156, Riverdale, MD 20737; (301) 851–2114.

#### SUPPLEMENTARY INFORMATION:

##### Background

The regulations in 7 CFR chapter III are intended, among other things, to prevent the introduction or dissemination of plant pests and noxious weeds into or within the United States. Under the regulations, certain

plants, fruits, vegetables, and other articles must be treated before they may be moved into the United States or interstate. The phytosanitary treatments regulations contained in part 305 of 7 CFR chapter III (referred to below as the regulations) set out standards for treatments required in parts 301, 318, and 319 of 7 CFR chapter III for fruits, vegetables, and other articles.

In § 305.2, paragraph (b) states that approved treatment schedules are set out in the Plant Protection and Quarantine (PPQ) Treatment Manual.<sup>1</sup> Section 305.3 sets out a process for adding, revising, or removing treatment schedules in the PPQ Treatment Manual. In that section, paragraph (b) sets out the process for adding, revising, or removing treatment schedules when there is an immediate need to make a change. The circumstances in which an immediate need exists are described in § 305.3(b)(1). They are:

- PPQ has determined that an approved treatment schedule is ineffective at neutralizing the targeted plant pest(s).
- PPQ has determined that, in order to neutralize the targeted plant pest(s), the treatment schedule must be administered using a different process than was previously used.
- PPQ has determined that a new treatment schedule is effective, based on efficacy data, and that ongoing trade in a commodity or commodities may be adversely impacted unless the new treatment schedule is approved for use.
- The use of a treatment schedule is no longer authorized by the U.S. Environmental Protection Agency or by any other Federal entity.

In accordance with § 305.3(b), we published a notice<sup>2</sup> in the **Federal Register** on May 29, 2012 (77 FR 31564–31566, Docket No. APHIS–2012–0040), announcing our determination that a new methyl bromide fumigation treatment schedule to neutralize the fungal pathogen *Fusarium oxysporum* f. sp. *vasinfectum* (FOV) on cottonseed

<sup>1</sup> The Treatment Manual is available on the Internet at [http://www.aphis.usda.gov/import\\_export/plants/manuals/index.shtml](http://www.aphis.usda.gov/import_export/plants/manuals/index.shtml) or by contacting the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Manuals Unit, 92 Thomas Johnson Drive, Suite 200, Frederick, MD 21702.

<sup>2</sup> To view the notice, the treatment evaluation document, and the comments we received, go to <http://www.regulations.gov/#:docketDetail;D=APHIS-2012-0040>.

(*Gossypium* spp.) is effective, based on evidence presented in a treatment evaluation document (TED) we made available with the notice. We also determined that ongoing trade in cottonseed would be adversely impacted unless the new treatment schedule is approved for use. The treatment was added to the PPQ Treatment Manual, but was subject to change based on public comment.

We solicited comments on the notice for 60 days ending July 30, 2012. We received four comments by that date. Three commenters supported the addition of this treatment to the PPQ Treatment Manual. The other commenter objected to the use of methyl bromide fumigation in general but did not present any evidence indicating that the treatment schedule described in the TED was not effective at neutralizing FOV on cottonseed.

Therefore, in accordance with the regulations in § 305.3(b)(3), we are affirming our addition of a methyl bromide treatment schedule to neutralize the FOV, as described in the TED made available with the previous notice. The treatment schedule is numbered T301–e. The treatment schedule will be listed in the PPQ Treatment Manual, which is available at the Web address and mailing address in footnote 1 of this document.

**Authority:** 7 U.S.C. 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 28th day of February 2013.

**Kevin Shea,**

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

[FR Doc. 2013–05142 Filed 3–5–13; 8:45 am]

**BILLING CODE 3410–34–P**

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. APHIS–2012–0061]

#### Availability of an Environmental Assessment and Finding of No Significant Impact for the Field Release of *Aphelinus glycinis* for the Biological Control of the Soybean Aphid in the Continental United States

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

**ACTION:** Notice.

**SUMMARY:** We are advising the public that the Animal and Plant Health Inspection Service has prepared an environmental assessment and finding of no significant impact relative to the release of *Aphelinus glycinis* for the biological control of soybean aphid, *Aphis glycines*, in the continental United States. Based on its finding of no significant impact, the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

**FOR FURTHER INFORMATION CONTACT:** Dr. Shirley A. Wager-Page, Chief, Pest Permitting Branch, Registration, Identification, Permitting, and Plant Safeguarding, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737-1236; (301) 851-2323.

**SUPPLEMENTARY INFORMATION:****Background**

The soybean aphid, *Aphis glycinis*, which is native to Asia, was found in North America in 2000 and has since become a major pest in America. It infested 42 million acres alone in 2003, resulting in decreased soybean yields and greatly increased control costs. The soybean aphid has invaded most soybean production regions in North America, including numerous U.S. States and three Canadian Provinces.

The Animal and Plant Health Inspection Service (APHIS) is proposing to issue permits for the field release of the insect *Aphelinus glycinis* to reduce the severity of soybean damage from infestations of soybean aphid in the United States. Permitting the release of this parasite species is necessary to determine its impact on soybean aphid populations and its ability to survive in the target area.

On August 3, 2012, we published in the **Federal Register** (77 FR 46373, Docket No. APHIS-2012-0061) a notice<sup>1</sup> in which we announced the availability, for public review and comment, of an environmental assessment (EA) that examined the potential environmental impacts associated with the proposed release of this biological control agent into the continental United States.

We solicited comments on the EA for 30 days ending September 4, 2012. We received one comment, from a private citizen. The commenter opposed the proposed action but did not offer a rationale or any information apart from that opposition.

<sup>1</sup> To view the notice, EA, and FONSI go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0061>.

In this document, we are advising the public of our finding of no significant impact (FONSI) regarding the release of *Aphelinus glycinis* into the continental United States for use as a biological control agent to reduce the severity of soybean aphid infestations. The finding, which is based on the EA, reflects our determination that release of this biological control agent will not have a significant impact on the quality of the human environment.

The EA and FONSI may be viewed on the Regulations.gov Web site (see footnote 1). Copies of the EA and FONSI are also 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. Persons wishing to inspect copies are requested to call ahead on (202) 799-7039 to facilitate entry into the reading room. In addition, copies may be obtained by calling or writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**.

The EA and FONSI have been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*); (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500-1508); (3) USDA regulations implementing NEPA (7 CFR part 1); and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Done in Washington, DC, this 28th day of February 2013.

**Kevin Shea,**

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

[FR Doc. 2013-05140 Filed 3-5-13; 8:45 am]

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

[Docket No. APHIS-2012-0060]

**Availability of an Environmental Assessment and Finding of No Significant Impact for a Biological Control Agent for Hemlock Woolly Adelgid**

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

**ACTION:** Notice.

**SUMMARY:** We are advising the public that the Animal and Plant Health Inspection Service has prepared an environmental assessment and finding of no significant impact relative to the

release of *Scymnus coniferarum* to control hemlock woolly adelgid. Based on its finding of no significant impact, the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

**FOR FURTHER INFORMATION CONTACT:** Dr. Shirley A. Wager-Page, Chief, Pest Permitting Branch, Registration, Identification, Permitting, and Plant Safeguarding, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737-1236; (301) 851-2323.

**SUPPLEMENTARY INFORMATION:****Background**

The Animal and Plant Health Inspection Service (APHIS) is proposing to issue permits for the release of *Scymnus coniferarum*, a native predaceous beetle from the western United States, into the eastern United States for use as a biological control agent to reduce the severity of hemlock woolly adelgid (*Adelges tsugae*) infestations on hemlock.

Hemlock woolly adelgid was accidentally introduced to the eastern United States from Asia. Although native to the western United States, in the eastern United States, hemlock woolly adelgid is a destructive pest of the eastern hemlock (*Tsuga canadensis*), where it causes needle loss, abortion of buds, and the eventual death of infested trees.

On August 3, 2012, we published in the **Federal Register** (77 FR 46373-46374, Docket No. APHIS-2012-0060) a notice<sup>1</sup> in which we announced the availability, for public review and comment, of an environmental assessment (EA) that examined the potential environmental impacts associated with the proposed release of this biological control agent into the eastern United States.

We solicited comments on the EA for 30 days ending September 4, 2012. We received 10 comments by that date. Nine of the commenters were supportive of the proposed action. The remaining commenter opposed the proposed action but did not offer a rationale or any information apart from that opposition.

In this document, we are advising the public of our finding of no significant impact (FONSI) regarding the release of *S. coniferarum* into the eastern United States for use as a biological control agent to reduce the severity of hemlock woolly adelgid infestations. The finding, which is based on the EA, reflects our

<sup>1</sup> To view the notice, EA, and FONSI go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0060>.