*Embassy of Chile*
*Office of the Ambassador*

November 17, 2005

Mr. George Kelhart
Marketing Order Administration Branch
Fruit and Vegetable Programs
Agricultural Marketing Service, USDA
1400 Independence Avenue SW
STOP 0237
Washington, DC 20250-0237

Re: **Request for Extension of Comment Period**
Docket Number FV03-925-1PR
Grapes Grown in a Designated Area of Southeastern California
And Imported Table Grapes; Proposed Change in Regulatory Periods

Dear Mr. Kelhart:

On behalf of the Government of Chile, I respectfully request a sixty (60) days extension of the comment period for the above-referenced proposed rulemaking for the following reasons.

1. USDA has not yet released all the information cited in the above-captioned proposed rule. ("Proposed Rule"). On June 3, 2005, at the direction of USDA, the Asociación de Exportadores de Chile (ASOEX, the Chilean Exporters Association) requested, under the Freedom of Information Act, a copy of all the material upon which USDA relied in publishing the Proposed Rule. On July 6, 2005, USDA issued an interim response. On July 26, 2005, almost two months after the initial request, USDA made only a partial production. USDA stated that it was in the process of obtaining and considering the views of the proprietary interest holder of the withheld documents, and that ASOEX would receive a response after consideration of any comments received from the proprietary interest holder. To date, USDA has not notified ASOEX of its final determination as to the disclosure of the withheld documents.

2. On August 30, 2005, ASOEX formally appealed the agency's FOIA response dated July 26, 2005. The appeal is still pending.

3. USDA failed to cite or provide data for "the previous year" contrary to the provisions of Agricultural Marketing Agreement Act, 7 U.S.C. §608e-1(b).

4. The United States Trade Representative and Chile's Direcon, the government agency responsible for international trade, are currently reviewing the implications of the Proposed Rule pursuant to Articles 3.17, 3.23, and 7.8 of the U.S.-Chile Free Trade Agreement ("FTA"). The discussions between the two governments are still ongoing.

The information initially withheld by the agency concerns voluntary USDA inspection data on Chilean imported table grapes. As the Proposed Rule placed a particular emphasis on the USDA inspection data as evidence of "circumvention" of grading standards by Chilean grapes, the agency must disclose all data relied upon by the agency in the Proposed Rule. Without full disclosure of the data, ASOEX and affiliated interests will not have a meaningful opportunity to comment and participate in the rulemaking process.

My authorities are following this issue closely and we are sure that its resolution will be fair and transparent. For that purpose, it is essential that ASOEX have at its disposal all the relevant information needed to prepare a comprehensive response to the proposed change of rule.

For all these reasons our government has instructed me to respectfully requests that the comment period for the above-referenced rulemaking be extended for an additional 60 days until January 30, 2006, so that USDA will be able to fully comply with its obligations to make full disclosure of the record upon which it relied in issuing the Proposed Rule.

Sincerely,

Andrés Bianchi
Ambassador