

consistency of sampling and testing procedures used by FSIS and industry for *E. coli* O157:H7 in beef manufacturing trimmings and to solicit comment on how to improve uniformity and consistency in such sampling and testing. FSIS will also discuss the laboratory enrichment procedure that it began using in January 2008 (73 FR 53406; September 16, 2008) and its likely impact on sensitivity for identifying more positives in beef.

The discussion will also include the draft "Compliance Guideline for Sampling Beef Trimmings for *Escherichia coli* O157:H7." It can be found on the FSIS Web page at: [http://www.fsis.usda.gov/Significant\\_Guidance/index.asp](http://www.fsis.usda.gov/Significant_Guidance/index.asp). FSIS is particularly interested in discussing the importance of distinguishing the occasional or sporadic positive from a series of positive results that indicate a systemic cause or breakdown of the process controls ("high event days"). This determination is important for decisions regarding the microbiological independence of production lots and the disposition of product, as well as the necessary feedback loop between slaughter operations and further processing operations to ensure implementation of effective corrective and preventive actions.

FSIS will also discuss the draft guidance on the use of labels bearing *E. coli* O157:H7 testing claims (such as statements indicating that labeled product has been sampled under an N60 procedure). This guidance is also available on the FSIS Web page at [http://www.fsis.usda.gov/Significant\\_Guidance/index.asp](http://www.fsis.usda.gov/Significant_Guidance/index.asp). Such special label claims would be voluntary, and FSIS must approve the labels. The draft guidance provides information to establishments concerning the conditions they must meet to be able to use such claims on their raw beef products. Importantly, the use of such label claims could provide the further processor with greater assurance regarding prior controls for *E. coli* O157:H7 than certificates of analysis (COAs) currently provide. Many small and very small establishments have indicated that they have difficulty receiving COAs either from the distributor or supplier establishment.

In addition, presentations will be given on the training used by FSIS concerning proper sampling procedures for *E. coli* O157:H7 and the training developed by industry on N60 sampling procedures. FSIS also anticipates that the meeting will help identify issues of concern about pathogens other than *E. coli* O157:H7, including *Listeria monocytogenes* and *Salmonella*.

### Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to ensure that minorities, women, and persons with disabilities are aware of this notice, FSIS will announce it online through the FSIS Web page located at [http://www.fsis.usda.gov/regulations/2008\\_Notices\\_Index/](http://www.fsis.usda.gov/regulations/2008_Notices_Index/).

FSIS also will make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals and other individuals who have asked to be included. The Update is also available on the FSIS Web page. Through the Listserv and the Web page, FSIS is able to provide information to a much broader and more diverse audience. In addition, FSIS offers an e mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at [http://www.fsis.usda.gov/news\\_and\\_events/email\\_subscription/](http://www.fsis.usda.gov/news_and_events/email_subscription/). Options range from recalls to export information to regulations, directives and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

Done at Washington, DC on: October 7, 2008.

**Alfred V. Almanza,**  
Administrator.

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Conejos Peak Ranger District, Rio Grande National Forest; Colorado; Rio de los Pinos Vegetation Management Project

**AGENCY:** Forest Service, Rio Grande National Forest, USDA.

**ACTION:** Notice of intent to prepare an environmental impact statement.

**SUMMARY:** The project analyzes salvage harvesting of spruce beetle killed and infested trees on timber production areas in the Rio de los Pinos watershed.

This project will provide an opportunity to improve and relocate the Los Pinos Trailhead (Trail #736). This area was analyzed under the County Line Vegetation Management Project in June 2005, however changing forest conditions have warranted further analysis. An EA was initiated in 2007, and comments received during scoping and controversy surrounding similar projects on the Rio Grande National Forest indicate that an environmental impact statement (EIS) should be prepared.

**DATES:** Comments concerning the scope of the analysis must be received by 30 days from the date of this notice. The draft environmental impact statement is expected December 12, 2008 and the final environmental impact statement is expected February 2, 2009.

**ADDRESSES:** Send written comments to Mr. Jack Lewis, Team Leader, Rio Grande National Forest, Conejos Peak Ranger District, 15571 CR T.5, LaJara, CO 81140. Electronic mail (e-mail with subject, Rio de los Pinos comments) may be sent to [comments-rocky-mountain.rio-grande-conejos-peak@fs.fed.us](mailto:comments-rocky-mountain.rio-grande-conejos-peak@fs.fed.us) and a FAX may be sent to (719) 274-6301.

**FOR FURTHER INFORMATION CONTACT:** Same as above.

### SUPPLEMENTARY INFORMATION:

#### Purpose and Need for Action

The purpose of this action is to implement the Rio Grande National Forest's Forest Plan by making live and dead timber available to the timber industry as part of the Rio Grande National Forest's timber sale program.

This proposal has been initiated because existing conditions vary from the Desired Conditions defined in Forest Plan MAP 5.13. This disparity indicates a need for improved forest stand conditions, reforestation of areas severely impacted by spruce beetle, reducing long-term fuel buildup in areas severely impacted by spruce beetle, salvage of dead trees before they lose their economic value, and provision of wood products to benefit the local and regional economy.

When seeking to reduce the standing dead fuel component, the goal is to reduce the duration and intensity of a potential wildland fire, thus influencing the severity of its impact. Standing dead fuel is expected to become heavy down fuel within 20-50 years.

#### Proposed Action

The Rio Grande National Forest proposes to salvage Engelmann spruce trees that have been killed by, or are infested with, spruce beetle.

Additionally, we propose to perform ¼ to 5 acre patch cuts across the salvage units to enhance visual resources, and to regenerate areas heavily impacted by the spruce beetle by planting Engelmann spruce seedlings within the Rio de los Pinos Analysis Area. The proposed treatments would contribute toward providing a sustained yield of forest products from the Rio Grande National Forest and would ensure meeting or moving toward Forest Plan Desired Conditions for Management Area Prescriptions (MAP) 5.13. This proposed action would begin in 2009–2010.

Salvage harvesting of Engelmann spruce would occur on approximately 607 to 878 acres. Anywhere from 38 to 60 trees per acre 8" DBH and above will remain in the salvage units for scenic resources. Patch cuts would occur on approximately 60 acres, harvesting both Engelmann spruce and Subalpine fir. Ground-based logging systems would be utilized on the entire area, yielding 8–13.1 MMBF (16,000–26,200 ccf) timber volume. After harvest, reforestation would occur on approx. 200 acres of non-stocked and under-stocked areas. The exact planting area would depend how well existing natural regeneration meets Forest Plan stocking requirements.

Under this proposal, trees 8 inches DBH and larger would be considered for harvest. With the exception of the patch cuts, all live non-beetle infested trees not interfering with operations would be left. Rehabilitation of areas experiencing heavy spruce mortality would occur through natural and artificial regeneration.

Most of the treatment areas are accessible using the existing transportation system. Some road reconstruction, maintenance, and reopening one or more old unclassified roads would be required. Upon project completion, all classified roads that were closed to motor vehicle travel prior to the project would remain closed. Classified roads that are presently closed and old roads that would be reconstructed for log haul would be rehabilitated by subsoiling and seeding according to Project Design Criteria to reduce resource impacts and to put the road templates back into resource production.

Actions proposed in this EIS will provide an opportunity to relocate and improve the Los Pinos trailhead (Trail 736) which currently has little parking space and is only accessible by high clearance vehicles.

### Responsible Official

Roberto Martinez, District Ranger, Conejos Peak Ranger District, 15571 County Road T.5, La Jara, CO 81140.

### Nature of Decision To Be Made

The EIS discloses the environmental consequences of implementing the proposed action and alternatives to that action. A separate Decision Notice (DN), signed by the Responsible Official, will explain the management and environmental reasons for choosing the selected alternative; discuss the rationale for rejecting other alternatives; and disclose how the decision responds to the relevant issues.

The decision for the responsible officials to make in the DN is whether or not to implement some level of timber sale harvest and other activities described on all, part, or none of the Analysis Area given considerations of multiple-use goals and objectives. If the decision is made to authorize some level of harvest, the management framework will be described (including Standards and monitoring) to ensure that Desired Condition objectives are met or that movement occurs toward those objectives in an acceptable timeframe.

### Scoping Process

The Rio Grande National Forest invited public comment and participation regarding this project through the Schedule of Proposed Actions (SOPA), public notice in the Valley Courier (October 9, 2008)—the newspaper of record, and a scoping letter sent to potentially concerned public, tribal governments, State and other Federal agencies (October 9, 2008). Comments received in these previous scoping efforts will be retained and considered in this EIS.

An additional comment period will be provided during scoping for this EIS in the form of this notice in the **Federal Register**, the Schedule of Proposed Actions (SOPA), public notice in the Valley Courier—the newspaper of record, and letters sent to potentially concerned public, tribal governments, State and other Federal agencies.

### Comment Requested

This notice of intent initiates the scoping process which guides the development of the environmental impact statement. The Forest Service invites written comments on the proposed action, including any issues to consider, as well as any concerns relevant to the analysis. In order to be most useful, scoping comments should be received within 30 days of publication of this Notice of Intent. Comments received in response to this

notice, including names and addresses of those who comment, will be considered part of the public record on this Proposed Action and will be available for public inspection. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act (FOIA), you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law, but persons requesting such confidentiality should be aware that under the FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within a specified number of days. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to appeal the subsequent decision under 36 CFR part 215.

Comments and FS responses will be addressed and contained in the Final EIS.

*Early Notice of Importance of Public Participation in Subsequent Environmental Review:* A draft environmental impact statement will be prepared for comment. The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City*

of *Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Comments received, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection.

**Authority:** 40 CFR 1501.7 and 1508.22, 36 CFR 220.5(b) and Forest Service Handbook 1909.15, Section 21.

Dated: October 1, 2008.

**Roberto Martinez,**

*District Ranger/Field Office Manager.*

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### **Kaibab National Forest; AZ; Uranium Exploratory Drilling Project**

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of intent to prepare an environmental impact statement.

**SUMMARY:** The USDA Forest Service is preparing an Environmental Impact Statement (EIS) to consider and disclose the effects of proposed exploratory drilling for uranium on National Forest System (NFS) land. The proposed exploratory drilling project would occur on mining claims held by VANE Minerals, Inc. and Uranium One (with all exploratory drilling to be completed by VANE Minerals, Inc.) in the Tusayan Ranger District, Kaibab National Forest

within Townships 27, 28, 29 and 30 North, Ranges 2, 3, 4 and 5 East, Gila and Salt River Meridian, Coconino County, Arizona. Exploration is proposed by VANE Minerals, Inc. to determine whether uranium deposits exist on these mining claims. A total of 25 drill sites are planned by VANE Minerals, Inc. Shallow drill holes would be drilled to determine whether or not "breccia pipes" occur at the site. Breccia pipes are the geologic formations found in the Colorado Plateau region that can contain uranium minerals. Deep drill holes would be drilled to confirm the presence and extent of the breccia pipes and to gather additional information regarding the uranium concentrations found in these pipes. This EIS will include analyses and will disclose the potential environmental effects for future exploratory uranium drilling and accompanying ground-disturbing activities at the seven sites that were part of the VANE project challenged in *Center for Biological Diversity v. Stahn*, Civ. No. 08-8031-PCT-MHM (D. Ariz.).

**DATES:** Comments on this proposal must be received by the Kaibab National Forest (Forest) within 30 days following the publication of this notice in the **Federal Register**. The Draft EIS (DEIS) for the VANE Minerals Uranium Exploratory Drilling Project (Project) is expected to be available for public review in March 2009. At that time, the Environmental Protection Agency will publish a Notice of Availability (NOA) of the DEIS in the **Federal Register**. The NOA will begin a period of public review that will extend 45 days from the date of publication of the NOA in the **Federal Register**. The Final EIS (FEIS) and a Record of Decision (ROD) are scheduled to be completed in December 2009.

**ADDRESSES:** Written comments on this notice may be mailed or hand-delivered to Kaibab National Forest, *Attn:* VANE Minerals Uranium Exploratory Drilling Project, 800 S. 6th St., Williams, AZ 86046. Comments may also be submitted by facsimile to (928) 635-8208 and by electronic mail (e-mail) to *comments-southwestern-kaibab@fs.fed.us*. E-mail and facsimile comments must include the words "VANE Minerals Uranium Exploratory Drilling Project."

**FOR FURTHER INFORMATION CONTACT:** For further information on the VANE Minerals Uranium Exploratory Drilling Project (Project), please contact Tom Mutz, Lands and Minerals Staff Officer, in writing at Williams and Tusayan Ranger Districts, 742 S. Clover Rd., Williams AZ 86046 or by telephone at (928) 635-5600. Questions regarding the

Forest Service NEPA process may be directed to Alvin Brown, Forest NEPA Coordinator, at 800 S. 6th St., Williams, AZ 86046 and telephone (928) 635-8200.

**SUPPLEMENTARY INFORMATION:** The information presented in this notice is included to help reviewers determine if they are interested in or potentially affected by the proposed action.

#### **Purpose and Need for Action**

In 2006, VANE Minerals, Inc. submitted a Plan of Operations to the Forest Service to drill exploration holes for uranium at a total of (10) sites within the Tusayan Ranger District, Kaibab National Forest. A categorical exclusion from documentation under the National Environmental Protection Act (NEPA) was completed in December 2007, and the Forest Service approved VANE Minerals, Inc.'s plan to drill on seven (7) of the ten (10) sites, in areas accessible by Forest Service roads. Exploratory drill operations began in March 2008, and one site was completed.

A lawsuit was filed against the agency's use of a categorical exclusion and a Preliminary Injunction (PI) was ordered on further uranium exploratory drilling. The original agency decision has been withdrawn and an environmental impact statement will be completed on the balance of the original ten (10) sites (one site had exploratory drilling on it and was rehabilitated before the PI was instituted by the court), plus additional proposed sites VANE Minerals, Inc. submitted to the Forest Service in 2007.

The agency's purpose is to analyze the proposals from VANE Minerals, Inc. and any reasonable alternatives, including any mitigation measures to protect the surface resources in the areas of exploratory drilling in order to approve a plan of operations for exploration. The agency's need for action is based on statutes and policy that govern mining on NFS land.

Most NFS land is subject to the location of certain minerals under the Mining Law of 1872, as amended (30 U.S.C. 21-54, *et seq.*), and the directives in Forest Service Manual 2800. Prospecting, locating and developing the mineral resources on NFS land are also subject to other rules and regulations. These include, but are not limited to, the 1897 Organic Administration Act, the 1960 Multiple-Use Sustained-Yield Act, the 1970 Mining and Minerals Policy Act, and Regulations at Title 36, Code of Federal Regulations, part 228A which sets forth rules and procedures governing the use of NFS lands in conjunction with