

The no action alternative (alternative 1 above) was rejected because continuation of this approach does not contribute to increased mitigation of present or future plant pest risks. It does provide a baseline for the present state of sterile insect technique in plant pest control programs, but it does not provide APHIS program managers the flexibility to apply new methods or new technologies for the control of fruit flies or pink bollworm. In particular, this alternative lacks clear options to expand the use of irradiation, to expand the use of fluorescent dye, to expand development and use of classical selective genetic gender selection processes, and to increase the overall fitness of released radiation-sterilized insects. Any improvement of the insect mass-rearing production as a result of genetic engineering would not occur under this alternative.

The alternative of expansion of existing programs (alternative 2 above) involves an increase in the present plant pest control actions and inputs to improve the effectiveness of sterile insect technique currently used in APHIS plant pest control programs. This alternative could include expansion of the pest insect mass-rearing operations, the irradiation treatment capacity, the development of classical genetic selection methods for separation of insect sexes for more fruit fly species, the use of sterile insect technique for more plant pest species, the sterile insect dispersal capacity, the monitoring and surveillance capacity, and the pest mitigation capacity including the increased use of chemical pesticides. Although this approach could meet the increasing demand for sterile insects, the selection of this alternative would incur higher program costs, greater mass-rearing facility construction, longer timeframes for development, and more extensive pest mitigation efforts than would be afforded by the integration of genetically engineered insects into APHIS sterile insect technique programs.

The preferred alternative (alternative 3 above), integration of genetically engineered insects into programs, provides program managers with several methods for pest risk reduction in an environmentally safe and efficient manner. Although the present plant pest control program benefits apply to fruit flies and pink bollworm, long-term program activities are likely to be extended to other plant pest species and new technologies. APHIS plant pest programs could augment their use of sterile insect technique by mass-rearing only male fruit flies that have a marker gene and are subject to sterilization by radiation, mass-rearing genetically sterilized male fruit flies that have a marker gene and that compete more effectively for mates than radiation-sterilized male insects, mass-rearing fruit flies that produce only male offspring which carry a sterility gene resulting in only males that pass on this sterility gene and no female offspring, mass-rearing both male and female pink bollworm that have a marker gene and are subject to sterilization by radiation, and mass-rearing of both male and female pink bollworm that are genetically sterile and more competitive in mating with wild bollworms than radiation-sterilized bollworms. The benefits to fruit fly

programs are long-term in consideration of the continuing introductions that occur from abroad. There are also long-term benefits to cotton growers from successful eradication of pink bollworm that may result from this new technology being incorporated into APHIS program actions.

Please see the FEIS for a full discussion of the reasons why APHIS is proposing to adopt the preferred alternative.

#### Factors in the Decision

APHIS' authority for action and cooperation with other agencies in these plant pest control programs is based upon the Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*), which authorizes the Secretary of Agriculture to carry out operations to eradicate insect pests and to use measures to prevent the dissemination of plant pests that are new or not known to be widely prevalent or distributed within or throughout the United States. There is an impending need for the development of more efficient, lower cost, and more effective control and eradication methods for the pink bollworm and invasive fruit fly species because of the continuing and increasing frequency of detection of fruit flies and other invasive and crop destructive insects. In order to achieve these objectives, the use of genetically engineered insects provides biological traits that are of value for use in sterile insect technique control methodologies. These novel biological traits are not available to present programs and could not be readily developed or adopted for program use by APHIS using other methods.

This record of decision authorizes the development and use of genetically engineered insects in sterile insect technique applications for APHIS plant pest control programs in order to achieve the mandates of the PPA. In addition, this selection of the environmentally preferable alternative for these control programs is in keeping with the ongoing effort at the agency to promote environmental quality through ongoing efforts to identify and add to our regulations valid technical and economically feasible alternatives to fulfill regulatory mandates.

#### Avoid or Minimize Environmental Harm

The environment can be harmed by the presence of invasive plant pest insect species and the mitigations applied to decrease the pest damage to crops. Actions such as those considered in the preferred alternative reduce pest risks through applications of sterile insect technique in control programs and preventive release programs. The extent to which such actions reduce the pest damage, reduce the need for use of chemical pesticides, and reduce the need to expand facilities and insect production are the basis for minimizing environmental impacts. Adequate enforcement of effective quarantine measures is required to protect the environment from these pest risks. APHIS is committed to monitoring these efforts through the NEPA process, and otherwise.

#### Other

A considerable amount of research and development of alternatives to ongoing program actions has been done since the early applications of sterile insect technique

over a half century ago. Much of this work has involved developing improved strains, developing more effective methods for handling and transport of insects, and developing more effective techniques of insect sterilization. APHIS has attempted to adapt new technologies to our pest control programs as these methods become available and logistically feasible for program applications. The use of genetically engineered insects to improve agency sterile release programs involves genetic engineering technologies that are new to the agency, but many of the sterile release methods have involved extensive testing over many years. The work on improved markers, more effective pest strains (including genetically engineered strains), improved handling, and more efficient rearing is expected to continue to be an important part of APHIS' future innovations to agency pest control programs.

In a notice summarizing EPA comments on recent environmental impact statements and proposed regulations that was published in the **Federal Register** on August 15, 2008 (73 FR 47947–47948), EPA expressed their lack of objection to the draft EIS and APHIS' adoption of the preferred alternative to permit integration of genetically engineered insects into the sterile insect release components of plant pest control programs.

The record of decision has been prepared in accordance with: (1) NEPA, (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 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

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

**Kevin Shea,**

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

[FR Doc. E9–10633 Filed 5–6–09; 8:45 am]

**BILLING CODE 3410–34–P**

## DEPARTMENT OF AGRICULTURE

### Natural Resources Conservation Service

#### Notice of Proposed Change to Section IV of the Virginia State Technical Guide

**AGENCY:** Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture.

**ACTION:** Notice of availability of proposed changes in the Virginia NRCS State Technical Guide for review and comment.

**SUMMARY:** It has been determined by the NRCS State Conservationist for Virginia that changes must be made in the NRCS State Technical Guide specifically in practice standards: #338, Prescribed

Burning; #391, Riparian Forest Buffer; #490, Tree/Shrub Site Preparation; and #666, Forest Stand Improvement. These practices will be used to plan and install conservation practices.

**DATES:** Comments will be received for a 30-day period commencing with this date of publication.

**FOR FURTHER INFORMATION CONTACT:** John A. Bricker, State Conservationist, Natural Resources Conservation Service (NRCS), 1606 Santa Rosa Road, Suite 209, Richmond, Virginia 23229-5014; Telephone number (804) 287-1691; Fax number (804) 287-1737. Copies of the practice standards will be made available upon written request to the address shown above or on the Virginia NRCS Web site: <http://www.va.nrcs.usda.gov/technical/draftstandards.html>.

**SUPPLEMENTARY INFORMATION:** Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 states that revisions made after enactment of the law to NRCS State technical guides used to carry out highly erodible land and wetland provisions of the law shall be made available for public review and comment. For the next 30 days, the NRCS in Virginia will receive comments relative to the proposed changes. Following that period, a determination will be made by the NRCS in Virginia regarding disposition of those comments and a final determination of change will be made to the subject standards.

Dated: April 23, 2009.

**John A. Bricker,**

*State Conservationist, Natural Resources Conservation Service, Richmond, Virginia.*

[FR Doc. E9-10605 Filed 5-6-09; 8:45 am]

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## COMMISSION ON CIVIL RIGHTS

### Sunshine Act Notice

**AGENCY:** United States Commission on Civil Rights.

**ACTION:** Notice of meeting.

**DATE AND TIME:** Friday, May 15, 2009; 9:30 a.m. EDT.

**PLACE:** 624 9th St., NW., Room 540, Washington, DC 20425.

### Meeting Agenda

This meeting is open to the public.

I. Approval of Agenda.

II. Approval of Minutes of April 17, 2009 Meeting.

III. Announcements.

IV. Staff Director's Report.

- Deputy Staff Director Position

V. Program Planning.

- Update on Status of 2009 Statutory Report
- Update on Briefing Report Backlog
- Approval of Briefing Report on Covert Wiretapping in the War on Terror

VI. Management & Operations.

- Motion Regarding Evaluation of Staff Director Performance (Melendez)
- Motion Regarding Staff Director's Provision of Quarterly Financial Reports to Commission (Melendez)
- Motion Regarding Commission Preparation of a Public Service Announcement (Melendez)
- Motion Regarding Review and Standardization of Agency Regulations, Administrative Instructions and Other Practices (Melendez)

VII. State Advisory Committee Issues.

- Connecticut SAC

VIII. Adjourn.

### CONTACT PERSON FOR FURTHER

**INFORMATION:** Lenore Ostrowsky, Acting Chief, Public Affairs Unit (202) 376-8582. TDD: (202) 376-8116.

Persons with a disability requiring special services, such as an interpreter for the hearing impaired, should contact Pamela Dunston at least seven days prior to the meeting at 202-376-8105. TDD: (202) 376-8116.

Dated: May 5, 2009.

**David P. Blackwood,**  
*General Counsel.*

[FR Doc. E9-10819 Filed 5-5-09; 4:15 pm]

**BILLING CODE 6335-01-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-904]

### Certain Activated Carbon From the People's Republic of China: Notice of Preliminary Results of the Antidumping Duty Administrative Review and Extension of Time Limits for the Final Results

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce ("Department") is conducting the first administrative review of the antidumping duty order on certain activated carbon from the People's Republic of China ("PRC") for the period October 11, 2006, through March 31, 2008. The Department has preliminarily determined that sales have been made below normal value ("NV") by the respondents. If these preliminary

results are adopted in our final results of this review, the Department will instruct U.S. Customs and Border Protection ("CBP") to assess antidumping duties on all appropriate entries of subject merchandise during the period of review.

Interested parties are invited to comment on these preliminary results. The Department intends to issue the final results no later than 180 days from the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("the Act"). See "Extension of the Time Limits for the Final Results" below.

**DATES:** *Effective Date:* May 7, 2009.

**FOR FURTHER INFORMATION CONTACT:** Julia Hancock, Irene Gorelik, or Bob Palmer, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-1394, (202) 482-6905 or (202) 482-9068, respectively.

### SUPPLEMENTARY INFORMATION:

#### Background

On April 27, 2007, the Department published in the **Federal Register** an antidumping duty order on certain activated carbon from the PRC. See *Notice of Antidumping Duty Order: Certain Activated Carbon from the People's Republic of China*, 72 FR 20988 (April 27, 2007) ("Order"). On April 1, 2008, the Department published in the **Federal Register** a notice of opportunity to request an administrative review of the antidumping duty order of certain activated carbon from the PRC for the period October 11, 2006, through March 31, 2008.<sup>1</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 73 FR 17317 (April 1, 2008). The Department received timely requests by Petitioners<sup>2</sup> to conduct a review of 90 companies. On June 4, 2008, the Department initiated this review with respect to all requested companies. See

<sup>1</sup> The Department does not include merchandise that entered the United States during the provisional measures gap period ("gap period"), i.e., April 9, 2007, and April 19, 2007, in our calculation because these entries are not subject to antidumping duties. See *Notice of Preliminary Results of Antidumping Duty Administrative Review: Low Enriched Uranium from France*, 69 FR 3883 (January 27, 2004). However, for the purposes of these preliminary results, we are basing the margin calculation on all reported U.S. sales made during the POR because we are unable to determine whether any reported U.S. sales entered during the gap period. We will request additional information from the respondents with respect to this issue.

<sup>2</sup> Norit Americas Inc. and Calgon Carbon Corporation.