

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-2008-0059]

ArborGen, LLC; Availability of an Environmental Assessment for Controlled Release of a Genetically Engineered *Eucalyptus* Hybrid

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 for a proposed controlled field release of a genetically engineered clone of a *Eucalyptus* hybrid. The purpose of this release is to continue research on the effectiveness of gene constructs which are intended to confer cold tolerance; to test the efficacy of a gene introduced to alter lignin biosynthesis; and to test the efficacy of a gene designed to alter fertility. We are making the environmental assessment available to the public for review and comment.

DATES: We will consider all comments that we receive on or before July 6, 2009.

ADDRESSES: You may submit comments by either of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2008-0059> to submit or view comments and to view supporting and related materials available electronically.

- **Postal Mail/Commercial Delivery:** Please send two copies of your comment to Docket No. APHIS-2008-0059, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your

comment refers to Docket No. APHIS-2008-0059.

Reading Room: You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 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.

Other Information: Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.

FOR FURTHER INFORMATION CONTACT: Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737-1236; (301) 734-7324. To obtain copies of the environmental assessment, contact Ms. Cynthia Eck at (301) 734-0667; e-mail: cynthia.a.eck@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

The regulations in 7 CFR part 340, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests," regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered organisms and products are considered "regulated articles." A permit must be obtained or a notification acknowledged before a regulated article may be introduced. The regulations set forth the permit application requirements and the notification procedures for the importation, interstate movement, or release in the environment of a regulated article.

On January 11, 2008, the Animal and Plant Health Inspection Service (APHIS) received a permit application (APHIS No. 08-011-106rm) from ArborGen, LLC, in Summerville, SC, for a controlled field release of genetically engineered *Eucalyptus* hybrids in 19 locations. On January 14, 2008, APHIS received a second permit application (APHIS No. 08-014-101rm) from ArborGen for another controlled release

of genetically engineered *Eucalyptus* hybrids in 10 additional locations. Under these permits for a total of 29 sites, trees planted under previously approved permits (APHIS Nos. 06-325-111r, 08-039-102rm, and 08-151-101r) would be allowed to flower.

Permit applications 08-11-106rm and 08-014-101rm describe *Eucalyptus* trees derived from a hybrid of *Eucalyptus grandis* X *Eucalyptus urophylla*. The purpose of the field tests is to assess the effectiveness of gene constructs which are intended to confer cold tolerance; to test the efficacy of a gene introduced to alter lignin biosynthesis; and to test the efficacy of a gene designed to alter fertility. In addition, the trees have been engineered with the kanamycin resistance selectable marker gene (*nptII*). These DNA sequences were introduced into *Eucalyptus* trees using disarmed *Agrobacterium tumefaciens*.

The subject *Eucalyptus* trees are considered regulated articles under the regulations in 7 CFR part 340 because they were created using donor sequences from plant pests.

To provide the public with documentation of APHIS' review and analysis of any potential environmental impacts and plant pest risks associated with the proposed release under permit of these transgenic *Eucalyptus* trees, APHIS has prepared an environmental assessment (EA). The EA was 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 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

The EA may be viewed on the Regulations.gov Web site or in our reading room. (Instructions for accessing Regulations.gov and information on the location and hours of the reading room are provided under the heading **ADDRESSES** at the beginning of this notice.) In addition, copies may be obtained by calling or writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Done in Washington, DC, this 28th day of May 2009.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E9-12928 Filed 6-2-09; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Forest Service

Kootenai National Forest, Lincoln County, MT; Flower Creek Project

AGENCY: Forest Service, USDA.

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

SUMMARY: The Forest Service will prepare an Environmental Impact Statement (EIS) to disclose the environmental effects of fuel and vegetation management through commercial timber harvest, precommercial thinning and fuel grinding; road storage; temporary road construction; and trail construction. The project is located in the Flower Creek Watershed on the Libby Ranger District, Kootenai National Forest, Lincoln County, Montana, and south of Libby, Montana.

DATES: Comments concerning the scope of the analysis must be received by 45 days from the date of publication in the **Federal Register**. The draft environmental impact statement is expected December 2009 and the final environmental impact statement is expected March 2010.

ADDRESSES: Send written comments to Malcolm R. Edwards, District Ranger, Libby Ranger District, 12557 Hwy 37, Libby, MT 59923. Comments may also be sent via e-mail to *comments-northern-kootenai-libby@fs.fed.us*.

It is important that reviewers provide their comments at such times and in such a way that they are useful to the Agency's preparation of the EIS. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions. The submission of timely and specific comments can affect a reviewer's ability to participate in subsequent administrative review or judicial review.

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however, anonymous comments will not provide the

respondent with standing to participate in subsequent administrative review or judicial review.

FOR FURTHER INFORMATION CONTACT:

Denise Beck, Team Leader, Libby Ranger District, 12557 Hwy 37, Libby, MT 59923; phone: (406) 293-7773.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The project area is approximately 3 air miles south of Libby, Montana, within all or portions of T30N, R31W, Sections 3, 4, 5, 15, 16, 17, 18, 19, 20, 21, 28, 29 and 30; T30N, R32W, Sections 3, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35 and 36 PMM, Lincoln County, Montana. The area contains the Flower Creek Watershed.

Purpose and Need for Action

The purpose and need for this project is to: (1) Trend vegetation in the Flower Creek Watershed towards conditions that are resilient to fire thereby reducing the risk of stand replacing wildfire and associated post-fire effects to the municipal watershed.

Proposed Action

To meet this purpose and need this project proposes:

(1) Vegetation treatments, including commercial timber harvest and associated fuel reduction, fuel reduction in stands that are not economically viable for commercial harvest, pre-commercial thinning, yarding tops to the landing in commercial harvest units, grinding landing piles and spot fuel grinding or mastication with and without associated timber harvest. Vegetation treatments total 990 acres of treated area.

(2) Access management includes road storage and construction of temporary road. Approximately 1.81 miles of road storage is proposed. Approximately 1 mile of temporary road construction to access treatment units is proposed.

(3) Construction of a non-system trail tread to form a walking loop in the project area for a total of 0.23 miles.

Possible Alternatives

The Forest Service will consider a range of alternatives. One of these will be the "no action" alternative in which none of the proposed activities will be implemented. Additional alternatives will examine varying levels and locations for the proposed activities to achieve the proposal's purposes, as well as to respond to the issues and other resource values.

Responsible Official

Forest Supervisor of the Kootenai National Forest, 31374 U.S. Highway 2 West, Libby, MT 59923. As the Responsible Official, I will decide if the proposed project will be implemented. I will document the decision and reasons for the decision in the Record of Decision. I have delegated the responsibility for preparing the DEIS and FEIS to Malcolm R. Edwards, District Ranger, Libby Ranger District.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the environmental impact statement. A public meeting will be held June 16 in Libby, Montana followed by a public field trip on June 18.

It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the environmental impact statement. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions. The submission of timely and specific comments can affect a reviewer's ability to participate in subsequent administrative appeal or judicial review.

Dated: May 21, 2009.

Paul Bradford,

Forest Supervisor, Kootenai National Forest.

[FR Doc. E9-12724 Filed 6-2-09; 8:45 am]

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DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Gulf of Mexico Electronic Logbook.

Form Number(s): None.

OMB Approval Number: 0648-0543.

Type of Request: Regular submission.

Burden Hours: 300.

Number of Respondents: 500.

Average Hours per Response: 30 minutes for the initial installation and 1 minute x 6 for the removal/reinstallation of the electronic logbook (ELB).