

# Notices

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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.

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. APHIS-2010-0040]

#### Florigene Pty., Ltd.; Availability of Petition and Environmental Assessment for Determination of Nonregulated Status for Altered Color Roses

**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 received a petition from Florigene Pty., Ltd., seeking a determination of nonregulated status for roses designated as IFD-524Ø1-4 and IFD-529Ø1-9, which have been genetically engineered to produce novel flower color. The petition has been submitted in accordance with our regulations concerning the introduction of certain genetically engineered organisms and products. In accordance with those regulations, we are soliciting comments on whether these genetically engineered roses are likely to pose a plant pest risk. We are also making available for public comment an environmental assessment for the proposed determination of nonregulated status.

**DATES:** We will consider all comments that we receive on or before June 13, 2011.

**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-2010-0040> to submit or view comments and to view supporting and related materials available electronically.

- *Postal Mail/Commercial Delivery:* Please send one copy of your comment

to Docket No. APHIS-2010-0040, 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-2010-0040.

**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.

**Availability of Documents:** The petition, draft environmental assessment, and plant pest risk assessment are on available on the Regulations.gov Web site (see link above) or on the APHIS Web site at [http://www.aphis.usda.gov/brs/aphisdocs/08\\_31501p.pdf](http://www.aphis.usda.gov/brs/aphisdocs/08_31501p.pdf), [http://www.aphis.usda.gov/brs/aphisdocs/08\\_31501p\\_ea.pdf](http://www.aphis.usda.gov/brs/aphisdocs/08_31501p_ea.pdf), and [http://www.aphis.usda.gov/brs/aphisdocs/08\\_31501p\\_pra.pdf](http://www.aphis.usda.gov/brs/aphisdocs/08_31501p_pra.pdf).

**FOR FURTHER INFORMATION CONTACT:** Mr. Evan Chestnut, Policy Analyst, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737-1236; (301) 734-0942, e-mail: [evan.a.chestnut@aphis.usda.gov](mailto:evan.a.chestnut@aphis.usda.gov). To obtain copies of the petition, draft environmental assessment, or plant pest risk assessment, contact Ms. Cindy Eck at (301) 734-0667, e-mail: [cynthia.a.eck@aphis.usda.gov](mailto:cynthia.a.eck@aphis.usda.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

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."

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. Paragraphs (b) and (c) of § 340.6 describe the form that a petition for a determination of nonregulated status must take and the information that must be included in the petition.

APHIS has received a petition (APHIS Petition Number 08-315-01p) from Florigene Pty., Ltd. of Victoria, Australia, seeking a determination of nonregulated status for two hybrid rose lines designated as IFD-524Ø1-4 and IFD-529Ø1-9, which have been genetically engineered to produce novel flower color, stating that these rose lines are unlikely to pose a plant pest risk and, therefore, should not be regulated articles under APHIS' regulations in 7 CFR part 340.

As described in the petition, the addition of genes from pansy and wishbone flower produces blue pigments in the rose lines, altering the flower color. Hybrid rose lines IFD-524Ø1-4 and IFD-529Ø1-9 are currently regulated under 7 CFR part 340. Importation and testing of hybrid rose lines IFD-524Ø1-4 and IFD-529Ø1-9 have been conducted under permits issued or notifications acknowledged by APHIS.

Trials conducted under APHIS oversight allowed for evaluation in a typical horticultural setting while imposing measures to minimize the risk of persistence in the environment after completion of the test. Data were gathered on multiple parameters and used by the applicant to evaluate phenotypic characteristics and product performance. These data are used by APHIS to determine if the new variety poses a plant pest risk. Florigene has petitioned APHIS to make a determination that hybrid rose lines IFD-524-1-4 and IFD-529-1-9 shall no longer be considered regulated articles under 7 CFR part 340.

In section 403 of the Plant Protection Act (7 U.S.C. 7701 *et seq.*), "plant pest" is defined as any living stage of any of the following that can directly or indirectly injure, cause damage to, or cause disease in any plant or plant product: A protozoan, a nonhuman animal, a parasitic plant, a bacterium, a fungus, a virus or viroid, an infectious

agent or other pathogen, or any article similar to or allied with any of the foregoing. APHIS has prepared a plant pest risk assessment to determine if hybrid rose lines IFD-524Ø1-4 and IFD-529Ø1-9 are unlikely to pose a plant pest risk.

APHIS has also prepared a draft environmental assessment (EA) in which it presents two alternatives based on its analyses of data submitted by Florigene, a review of other scientific data, and field tests conducted under APHIS oversight. APHIS is considering the following alternatives: (1) Take no action, *i.e.*, APHIS would not change the regulatory status of hybrid rose lines IFD-524Ø1-4 and IFD-529Ø1-9 and they would continue to be regulated articles, or (2) grant nonregulated status to hybrid rose lines IFD-524Ø1-4 and IFD-529Ø1-9 in whole.

The draft EA has been prepared to provide the APHIS decisionmaker with a review and analysis of any potential environmental impacts associated with the proposed determination of nonregulated status for hybrid rose lines IFD-524Ø1-4 and IFD-529Ø1-9. The draft 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).

In accordance with § 340.6(d) of the regulations, we are publishing this notice to inform the public that APHIS will accept written comments regarding the petition for a determination of nonregulated status from interested or affected persons for a period of 60 days from the date of this notice. We are also soliciting written comments from interested or affected persons on the draft EA prepared to examine any potential environmental impacts of the proposed determination for the deregulation of the subject hybrid rose lines, and the plant pest risk assessment. The petition, draft EA, and plant pest risk assessment are available for public review, and copies of the petition, draft EA, and plant pest risk assessment are available as indicated under **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** above.

After the comment period closes, APHIS will review all written comments received during the comment period and any other relevant information. All comments received regarding the petition, draft EA, and plant pest risk assessment will be available for public

review. After reviewing and evaluating the comments on the petition, the draft EA, plant pest risk assessment, and other data, APHIS will furnish a response to the petitioner, either approving or denying the petition. APHIS will then publish a notice in the **Federal Register** announcing the regulatory status of hybrid rose lines IFD-524Ø1-4 and IFD-529Ø1-9 and the availability of APHIS' written environmental decision and regulatory determination.

**Authority:** 7 U.S.C. 7701-7772 and 7781-7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 7th day of April 2011.

**Gregory L. Parham,**

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

[FR Doc. 2011-8775 Filed 4-12-11; 8:45 am]

**BILLING CODE 3410-34-P**

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Central Montana Resource Advisory Committee

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Central Montana Resource Advisory Committee will meet in Stanford, Montana. The committee is meeting as authorized under the Secure Rural Schools and Community Self Determination Act (Pub. L. 110-343) and in compliance with the Federal Advisory Committee Act. The purpose is to hold the first meeting of the newly formed committee.

**DATES:** The meeting will be held April 29, 2011 and will begin at 7 p.m.

**ADDRESSES:** The meeting will be held at the Judith Ranger District, located at 109 Central Avenue, Stanford, MT. Written comments should be sent to Ron Wiseman, Lewis and Clark National Forest, 109 Central Avenue, Stanford, Montana 59479. Comments may also be sent via e-mail to [rwiseman@fs.fed.us](mailto:rwiseman@fs.fed.us).

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Lewis and Clark National Forest, 109 Central Avenue, Stanford, Montana 59479. Visitors are encouraged to call ahead to (406) 566-2292 to facilitate entry into the building.

**FOR FURTHER INFORMATION CONTACT:** Ron Wiseman, Designated Federal Official, USDA, Lewis and Clark National Forest, 109 Central Avenue, Stanford, MT

59479; (406) 566-2292; E-mail [rwiseman@fs.fed.us](mailto:rwiseman@fs.fed.us).

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 Standard Time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** The meeting is open to the public. The following business will be conducted: (1) Introductions of all committee members, replacement members and Forest Service personnel; (2) Selection of a chairperson by the committee members; (3) Receive materials explaining the process for considering and recommending Title II projects; and (4) Public Comment. Persons who wish to bring related matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting.

Dated: April 7, 2011.

**Ronald B. Wiseman,**

*Designated Federal Officer.*

[FR Doc. 2011-9006 Filed 4-12-11; 8:45 am]

**BILLING CODE 3410-11-P**

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## DEPARTMENT OF AGRICULTURE

### Rural Utilities Service

#### Oglethorpe Power Corporation: Proposed Biomass Power Plant

**AGENCY:** Rural Utilities Service, USDA.

**ACTION:** Notice of Availability of a Draft Environmental Impact Statement and Notice of Public Hearing.

**SUMMARY:** Notice is hereby given that the Rural Utilities Service (RUS), has prepared a Draft Environmental Impact Statement (EIS) to meet its responsibilities under the National Environmental Policy Act (NEPA) and 7 CFR part 1794 related to possible financial assistance to Oglethorpe Power Corporation (Oglethorpe) for the construction of a 100 megawatt (MW) biomass plant and related facilities (Proposal) in Warren County, Georgia.

The purpose of the Proposal is to provide a reliable, long-term supply of renewable and sustainable energy at a reasonable cost to meet part of the electric energy needs of Oglethorpe's members. Oglethorpe may request financial assistance in the future from the RUS for the Proposal.

**DATES:** Written comments on the Draft EIS must be received on or before May 31, 2011. RUS will conduct a public meeting May 5, 2011, from 6 to 8 p.m. at the Warren County Community Service Building, located at: 48 Warren Street, Warrenton, Georgia 30828. The