

Notices

Federal Register

Vol. 69, No. 21

Monday, February 2, 2004

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. 03-091-1]

Availability of a Draft Commodity Risk Assessment for the Importation of Potatoes From Mexico

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability and request for comments.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared a draft commodity risk assessment relative to a request we have received to amend the regulations to allow the importation of potatoes from Mexico into the continental United States. We are making this draft commodity risk assessment available to the public for review and comment.

DATES: We will consider all comments that we receive on or before April 2, 2004.

ADDRESSES: You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 03-091-1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. 03-091-1. If you use e-mail, address your comment to regulations@aphis.usda.gov. Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and "Docket No. 03-091-1" on the subject line.

You may read any comments that we receive on the draft commodity risk assessment 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.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

FOR FURTHER INFORMATION CONTACT: Mr. Robert L. Griffin, Director, Plant Epidemiology and Risk Analysis Laboratory, Center for Plant Health Science and Technology, PPQ, APHIS, 1017 Main Campus Drive Suite 1550, Raleigh, NC 27606-5202; (919) 513-1590.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR part 319 (referred to below as the regulations) prohibit or restrict the importation of various articles into the United States from certain parts of the world to prevent the introduction and dissemination of plant pests that are new to or not widely distributed within the United States.

The Animal and Plant Health Inspection Service is considering a request to amend the regulations to allow the importation of potatoes (*Solanum tuberosum* L.) from Mexico into the continental United States for consumption. To evaluate the risks associated with the importation of potatoes from Mexico, a draft commodity risk assessment, entitled "Importation of Fresh Potato (*Solanum tuberosum* L.) Tubers from Mexico into the Continental United States" (November 2003), has been prepared. We are making the draft commodity risk assessment available to the public for review and comment. We will consider all comments that we receive on or before the date listed under the heading **DATES** at the beginning of this notice.

The draft commodity risk assessment may be viewed on the Internet at <http://www.aphis.usda.gov/ppq/pra/>. You may request paper copies of the draft commodity risk assessment by calling or writing to the person listed under **FOR**

FURTHER INFORMATION CONTACT. Please refer to the title of the draft commodity risk assessment when requesting copies. The draft commodity risk assessment is also available for review in our reading room (information on the location and hours of the reading room is provided under the heading **ADDRESSES** at the beginning of this notice).

Authority: 7 U.S.C. 450 and 7701-7772; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 27th day of January 2004.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 04-2022 Filed 1-30-04; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Food Safety Inspection Service

[Docket No. 03-049N]

National Advisory Committee on Microbiological Criteria for Foods

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of public meeting; request for comments.

SUMMARY: The National Advisory Committee on Microbiological Criteria for Foods (NACMCF) will hold a public meeting of the full committee on February 13, 2004. The committee will discuss: (1) Performance standards for broilers (young chickens)/ground chicken, (2) the scientific basis for establishing safety-based "use by" date labeling for refrigerated ready-to-eat foods, and (3) scientific criteria for redefining pasteurization. Subcommittees will also meet as follows:

February 10th—Microbiological Performance Standards for Broilers (young chicken)/Ground Chicken 8:30 a.m.–5 p.m.

February 11th—Criteria for Refrigerated Shelf-Life Based on Safety 8:30 a.m.–5 p.m.

February 12th—Scientific Criteria for Redefining Pasteurization 8:30 a.m.–12 p.m. and Criteria for Refrigerated Shelf-Life Based on Safety 1 p.m.–5 p.m.

DATES: The full Committee will hold an open meeting on Friday, February 13,

2004 from 8:30 a.m.–12 p.m. Subcommittee meetings will be held on Tuesday, Wednesday, and Thursday, February 10, 11 and 12, 2004. Subcommittee meetings are open to the public.

Note: FSIS was not able to publish notification of this public meeting in the **Federal Register** at least 15 days prior to the meeting, as required by Departmental Regulation 1041–001, due to late changes in the agenda.

ADDRESSES: The February 10–13 sub- and full-committee meetings will be held at the Sheraton Buckhead, 3405 Lenox Road; NE, Atlanta, GA 30326; telephone number 404–261–9250. Public comments and all documents related to full committee meetings will be available for public inspection in the FSIS Docket Room between 8:30 a.m. and 4:30 p.m., Monday through Friday. The comments and NACMCF documents will also be available on the Internet at <http://www.fsis.usda.gov/OPPDE/rdad/Publications.htm>.

FSIS will finalize an agenda on or before the meeting date and post it to its Internet web page. Send an original and two copies of comments to the Food Safety and Inspection Service Docket Room: Docket #03–049N, Room 102 Cotton Annex Building, 300 12th Street, SW., Washington, DC 20250. Comments may also be sent by facsimile to (202) 205–0381. The comments and official transcripts of the February 13, 2004 full committee meeting, when they become available, will be kept in the FSIS Docket Room at the above address and will also be posted on <http://www.fsis.usda.gov/OPHS/NACMCF/transcripts>.

FSIS intends to post all comments associated with this docket on its web page in the near future. The comments will also be made available in the FSIS Docket Room. See the disclaimer section below regarding modifications that may be necessary due to the presentation of the comments.

FOR FURTHER INFORMATION CONTACT:

Persons interested in making a presentation, submitting technical papers, or providing comments should contact Karen Thomas, phone (202) 690–6620, Fax (202) 690–6334, e-mail address: karen.thomas@fsis.usda.gov, or mailing address: Food Safety and Inspection Service, Department of Agriculture, Office of Public Health and Science, Aerospace Center, Room 333, 1400 Independence Avenue, SW., Washington, DC 20250–3700. Persons requiring a sign language interpreter or other special accommodations should notify Ms. Thomas by January 30, 2004.

SUPPLEMENTARY INFORMATION:

Background

The NACMCF was established on April 18, 1988, in response to a recommendation of the National Academy of Sciences for an interagency approach to microbiological criteria for food, and in response to a recommendation of the U.S. House of Representatives Committee on Appropriations, as expressed in the Rural Development, Agriculture, and Related Agencies Appropriation Bill for fiscal year 1988. The Charter for the NACMCF is available for viewing on the FSIS Internet Web page at http://www.fsis.usda.gov/OA/programs/nacmcf_chart.htm

The NACMCF provides scientific advice and recommendations to the Secretary of Agriculture and the Secretary of Health and Human Services on public health issues relative to the safety and wholesomeness of the U.S. food supply including development of microbiological criteria and review and evaluation of epidemiological and risk assessment data and methodologies for assessing microbiological hazards in foods. The Committee also provides advice to the Centers for Disease Control and Prevention and the Departments of Commerce and Defense.

Dr. Merle Pierson, Deputy Under Secretary for Food Safety, USDA, is the Committee Chair, Dr. Robert E. Brackett, Director of Food and Drug Administration's Center for Food Safety and Applied Nutrition (CFSAN), is the Vice-Chair, and Gerri Ransom, FSIS, is the Executive Secretariat.

At the February 13, 2004, meeting, the Committee will:

- Discuss performance standards work on the commodities of broilers (young chickens)/ground chicken
- Discuss continuing work on the scientific basis for establishing safety-based “use by” date labeling for refrigerated ready-to-eat foods
- Discuss continuing work on the scientific criteria for redefining pasteurization.

Documents Reviewed by NACMCF

FSIS intends to make available to the public all materials that are reviewed and considered by NACMCF regarding its deliberations. Generally, these materials will be made available as soon as possible after the full committee meeting. Further, FSIS intends to make these materials available in both electronic format on the FSIS Web page, as well as in hard copy format in the docket room. Often, an attempt is made to make the materials available at the start of the full committee meeting when

sufficient time is allowed in advance to do so.

DISCLAIMER: For electronic copies, all NACMCF documents and comments are electronic conversions from a variety of source formats into HTML that may have resulted in character translation or format errors. Readers are cautioned not to rely on this HTML document. Minor changes to materials in electronic format may be necessary in order to meet the electronic and information technology accessibility standards contained in Section 508 of the Rehabilitation Act in which graphs, charts, and tables must be accompanied by a text descriptor in order for the vision-impaired to be made aware of the content. FSIS will add these text descriptors along with a qualifier that the text is a simplified interpretation of the graph, chart, or table. Portable Document Format (PDF) and/or paper documents of the official text, figures, and tables can be obtained from the FSIS Docket Room.

Copyrighted documents will not be posted on the FSIS Web site, but will be available for inspection in the FSIS docket room.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to better ensure that minorities, women, and persons with disabilities are aware of this notice; FSIS will announce it and make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is communicated via Listserv, a free e-mail subscription service. In addition, the update is available on-line through the FSIS Web page located at: <http://www.fsis.usda.gov>. The update is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and other types of information that could affect or would be of interest to our constituents and stakeholders. The constituent Listserv consists of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals that have requested to be included. Through the Listserv and Web page, FSIS is able to provide information to a much broader, more diverse audience.

For more information contact the Congressional and Public Affairs Office, at (202) 720–9113. To be added to the free e-mail subscription service (Listserv) go to the “Constituent Update” page on the FSIS Web site at <http://www.fsis.usda.gov/oa/update/update.htm>. Click on the “Subscribe to

the Constituent Update Listserv" link, then fill out and submit the form.

Done at Washington, DC, on January 29, 2004.

Garry L. McKee,
Administrator.

[FR Doc. 04-2131 Filed 1-29-04; 1:41 pm]

BILLING CODE 3410-DM-P

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Trade Adjustment Assistance for Farmers

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice.

The Administrator, Foreign Agricultural Service (FAS), today accepted a petition filed by a group of five citrus producers for trade adjustment assistance. The group represents growers of navel oranges in the state of California. The Administrator will determine within 40 days whether or not imports of clementines contributed importantly to a decline in domestic producer prices of more than 20 percent during the November 2002–May 2003 marketing year. If the determination is positive, all producers represented by the group will be eligible to apply to the Farm Service Agency for technical assistance at no cost and adjustment assistance payments.

FOR FURTHER INFORMATION CONTACT: Jean-Louis Pajot, Coordinator, Trade Adjustment Assistance for Farmers, FAS, USDA, (202) 720-2916, e-mail: trade.adjustment@fas.usda.gov.

Dated: January 19, 2004.

A. Ellen Terpstra,
Administrator, Foreign Agricultural Service.
[FR Doc. 04-2021 Filed 1-30-04; 8:45 am]

BILLING CODE 3510-10-M

DEPARTMENT OF AGRICULTURE

Forest Service

Supplement to the Final Environmental Impact Statement for Amendment of National Forest Management Plans

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare a supplement to a Final Environmental Impact Statement.

SUMMARY: The Forest Service, Southwestern Region, is preparing a Supplement to the Final Environmental Impact Statement (FEIS) for

Amendment of Forest Plans in Arizona and New Mexico to disclose, review, and assess scientific arguments challenging the agency's conclusions over the northern goshawk's habitat preferences. The supplement will update the FEIS which amended the eleven Forest Plans in the Region for northern goshawk, Mexican spotted owl, and old growth standards and guidelines in June 1996.

DATES: The Draft Supplement to the Final Environmental Impact Statement is expected in March 2004 and the Final Supplement is expected in June 2004.

FOR FURTHER INFORMATION CONTACT: Lou Woltering, Assistant Director of Wildlife, Southwestern Region, 333 Broadway SE., Albuquerque, NM 87102.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action and Nature of Decision To Be Made

The Supplement to the FEIS is being prepared in accordance with an opinion filed November 18, 2003, by the Ninth Circuit Court of Appeals (CV-00-01711-RCB) which held that the Final EIS failed to disclose responsible scientific opposition that was addressed in the project record. The Original Notice of intent for this plan amendment was published in the **Federal Register** on June 24, 1992 (57 FR 28171). The Supplement will address the issue of scientific arguments over the northern goshawk's habitat preference and update the Final EIS for Amendment of National Forest Management Plans in the Southwestern Region. The Final EIS includes guidelines for management of habitat for the Mexican spotted owl and northern goshawk. The Final EIS was noticed for availability in the **Federal Register** on November 3, 1995 (60 FR 55841). The Record of Decision was signed June 5, 1996.

Responsible Official

The Responsible Official is the Southwestern Regional Forester, Harv Forsgren, at 333 Broadway SE., Albuquerque, New Mexico, 87102.

Public Involvement Process

The Draft Supplement to the FEIS will be circulated for a comment period following Council of Environmental Quality regulations at 40 CFR 1502.9(c)(4).

Early Notice of Importance of Public Participation in Subsequent Environmental Review: A Draft Supplemental Environmental Impact Statement will be prepared for comment. The comment period on the Draft Supplement 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; Forest Service Handbook 1909.15, Section 21)

Dated: January 27, 2004.

Abel Camarena,

Deputy Regional Forester, Southwestern Region, USDA Forest Service.

[FR Doc. 04-2046 Filed 1-30-04; 8:45 am]

BILLING CODE 3410-11-P