

at (301) 734-0667, e-mail: [cynthia.a.eck@aphis.usda.gov](mailto:cynthia.a.eck@aphis.usda.gov). Those documents are also available on the Internet at [http://www.aphis.usda.gov/brs/aphisdocs/08\\_33801p.pdf](http://www.aphis.usda.gov/brs/aphisdocs/08_33801p.pdf), [http://www.aphis.usda.gov/brs/aphisdocs/08\\_33801p\\_dea.pdf](http://www.aphis.usda.gov/brs/aphisdocs/08_33801p_dea.pdf), and [http://www.aphis.usda.gov/brs/aphisdocs/08\\_33801p\\_dpra.pdf](http://www.aphis.usda.gov/brs/aphisdocs/08_33801p_dpra.pdf).

#### 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 08-338-01p) from Pioneer Hi-Bred International, Inc. (Pioneer) of Johnston, IA, seeking a determination of nonregulated status for corn (*Zea mays* L.) designated as DP-32138-1, which has been genetically engineered to produce male sterile/female inbred plants for the generation of hybrid corn seed that is non-transgenic, stating that corn event DP-32138-1 is unlikely to pose a plant pest risk and, therefore, should not be a regulated article under APHIS' regulations in 7 CFR part 340.

As described in the petition, the controlled expression of a seed color marker gene and pollen fertility and sterility genes allows for the generation of red transgenic seed for seed increase of male sterile-female inbred lines and for the production of non-transgenic fertile pollen for use in non-transgenic hybrid commercial seed production. Corn event DP-32138-1 is currently regulated under 7 CFR part 340. Interstate movements and field tests of corn event DP-32138-1 have been

conducted under permits issued or notifications acknowledged by APHIS.

Field tests conducted under APHIS oversight allowed for evaluation in a natural agricultural setting while imposing measures to minimize the risk of persistence in the environment after completion of the test. Data are gathered on multiple parameters and used by the applicant to evaluate agronomic characteristics and product performance. These data are used by APHIS to determine if the new variety poses a plant pest risk. Pioneer has petitioned APHIS to make a determination that corn event DP-32138-1 shall no longer be considered a regulated article 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 corn event DP-32138-1 is 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 Pioneer, 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 corn event DP-32138-1 and it would continue to be a regulated article, or (2) grant nonregulated status to corn event DP-32138-1 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 corn event DP-32138-1. 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 of the deregulation of the subject corn line, 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 corn event DP-32138-1 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 27th day of December, 2010.

**Gregory L. Parham,**

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

[FR Doc. 2010-33083 Filed 12-30-10; 8:45 am]

**BILLING CODE 3410-34-P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Notice of Environmental Impact Statement; Withdrawal

**AGENCY:** Forest Service, USDA.

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

**SUMMARY:** The United States Department of Agriculture, Forest Service, Prescott National Forest, is withdrawing the March 2, 2010, **Federal Register** notice (75 FR 9388) which announced their intent to prepare an Environmental Impact Statement in accordance with the National Environmental Policy Act,

42 U.S.C. 4321 (NEPA), to analyze the environmental impacts of vegetation management treatments in the Prescott Basin area. The original proposal included vegetation treatments to reduce fuels exceeding 9" in diameter in Mexican Spotted Owl (MSO) Protected Activity Centers. This proposal would have been in conflict with the MSO recovery guidelines that had been incorporated into the Prescott National Forest's Land and Resource Management Plan. Subsequently the Forest Service entered into a new consultation with the United States Fish and Wildlife Service regarding the MSO and other threatened or endangered species. During this period of re-consultation, the responsible official on Prescott National Forest has determined that it would be unwise to pursue such vegetation treatments that could result in a negative impact to the MSO. Without these treatments in MSO protected activity centers, it was recognized that significant impacts to the environment would be highly unlikely, and therefore an Environmental Impact Statement would probably not be required and an Environmental Assessment would be prepared.

**DATES:** This withdrawal of the Notice of Intent is effective on the date of this publication in the **Federal Register**.

**ADDRESSES:** USDA Forest Service, Prescott National Forest, 344 S Cortez St., Prescott, AZ 86303.

**FOR FURTHER INFORMATION CONTACT:** Jodi Wetzstein, Prescott National Forest Silviculturalist; 928-443-8041.

Dated: December 20, 2010.

**Thomas Klabunde,**  
*Acting Forest Supervisor.*

[FR Doc. 2010-33130 Filed 12-30-10; 8:45 am]

**BILLING CODE 3410-11-P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Nye/White Pine County Resource Advisory Committee (RAC)

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Nye/White Pine County Resource Advisory Committee (RAC) will hold a meeting.

**DATES:** The meeting will be held on January 11th, 2011 and will begin at 10 a.m.

**ADDRESSES:** The meeting will be held in Nye County at the Bureau of Land Management, 1553 S. Erie Main Street, Tonopah, Nevada 89049.

**FOR FURTHER INFORMATION CONTACT:** Jose Noriega, RAC Coordinator, USDA, Humboldt-Toiyabe National Forest, Ely Ranger District, 825 Avenue E Ely, NV 89301 (775) 289-3031; e-mail [jnoriega@fs.fed.us](mailto:jnoriega@fs.fed.us).

**SUPPLEMENTARY INFORMATION:** Agenda items include: (1) Introductions, getting acquainted; (2) Understand the role of the committee under the Act; (3) Review operational guides; (4) Elect Chairperson; (5) Review and recommend funding allocation for proposed projects; (6) Determine timeframes for the next round of project proposals; and (7) Public Comment. The meeting is open to the public. Public input opportunity will be provided and individuals will have the opportunity to address the Committee at that time.

Dated: December 1, 2010.

**Steven Williams,**  
*Designated Federal Official.*

[FR Doc. 2010-32535 Filed 12-30-10; 8:45 am]

**BILLING CODE 3410-11-M**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Coconino Resource Advisory Committee

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Coconino Resource Advisory Committee will meet in Flagstaff, Arizona, to finalize the Project Submission Form, Project Evaluation Checklist, and discuss any additional last minute items to prepare to hear proposals in the future. No proposals will be heard at this meeting.

**DATES:** The meeting will be held January 27, 2011, beginning at 1 p.m. to approximately 4 p.m.

**ADDRESSES:** The meeting will be held in the Ponderosa Room of the Coconino County Health Department, 2625 N. King St., Flagstaff, Arizona 86004. Send written comments to Brady Smith, RAC Coordinator, Coconino Resource Advisory Committee, c/o Forest Service, USDA, 1824 S. Thompson St., Flagstaff, Arizona 86001 or electronically to [bradysmith@fs.fed.us](mailto:bradysmith@fs.fed.us).

**FOR FURTHER INFORMATION CONTACT:** Brady Smith, Coconino National Forest, (928) 527-3490.

**SUPPLEMENTARY INFORMATION:** Agenda items for this meeting include (1) Public Comment Period; (2) Project Submission Form discussion and finalization; (3) Project Evaluation Checklist discussion and finalization. The meeting is open to the public.

Dated: December 27, 2010.

**Paul Flanagan,**  
*Acting Forest Supervisor, Coconino National Forest.*

[FR Doc. 2010-33095 Filed 12-30-10; 8:45 am]

**BILLING CODE 3410-11-P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### National Urban and Community Forestry Advisory Council

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The National Urban and Community Forestry Advisory Council will meet in Washington, DC, January at the USDA Whitten Building. The purpose of the Council's meeting is to discuss finalizing their 2010 annual accomplishment report, recommendations for the Secretary of Agriculture, develop the 2011 plan of work, hear from some of the Urban and Community Forestry grant recipients on completed grant findings, and hear public input related to urban and community forestry.

**DATES:** The meeting will be held on January 26 and 27, 2011, 9 a.m. to 5 p.m. or until Council business is completed.

**ADDRESSES:** The meeting will be held at the USDA Whitten Building, 12th and Jefferson Drive, SW., Washington, DC 20250. Phone: 202-205-1054.

Written comments concerning this meeting should be addressed to Nancy Stremple, Executive Staff to National Urban and Community Forestry Advisory Council, 201 14th Street, SW., Yates Building (1 Central) MS-1151, Washington, DC 20250-1151. Comments may also be sent via e-mail to [nstremple@fs.fed.us](mailto:nstremple@fs.fed.us), or via facsimile to 202-690-5792.

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. Visitors are encouraged to call ahead to facilitate entry into the Forest Service building.

**FOR FURTHER INFORMATION CONTACT:** Mary Dempsey, Staff Assistant to National Urban and Community Forestry Advisory Council, 201 14th Street, SW., Yates Building (1 Central) MS-1151, Washington, DC 20250-1151, phone 202-205-1054.

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.