

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; e.g., permitting electronic submission of responses.

*Estimate of burden:* The public reporting burden for this collection of information is estimated to average 0.476953 hours per response.

*Respondents:* Importers of certain plants and plant products.

*Estimated annual number of respondents:* 20,352.

*Estimated annual number of responses per respondent:* 21.

*Estimated annual number of responses:* 427,392.

*Estimated total annual burden on respondents:* 203,846 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 31st day of May 2012.

**Kevin Shea,**

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

[FR Doc. 2012-13758 Filed 6-5-12; 8:45 am]

**BILLING CODE 3410-34-P**

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. APHIS-2011-0130]

#### **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 the field release is to assess the effectiveness of gene constructs intended to confer cold tolerance, to test the efficacy of genes introduced to alter lignin biosynthesis, to test the efficacy of genes designed to alter growth, and

to test the efficacy of genes designed to alter flowering. After assessing the application for a permit for the field release, reviewing pertinent scientific information, and considering comments from the public, we have concluded that the field release is unlikely to pose a plant pest risk or to have a significant impact on the quality of the human environment. Based on the finding of no significant impact, the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared for this field release.

**DATES:** *Effective Date:* June 6, 2012.

**ADDRESSES:** You may read the documents referenced in this notice and the comments we received on the Regulations.gov Web site at <http://www.regulations.gov/#!docketDetail;D=APHIS-2011-0130>. The documents are also available on the Internet at [http://www.aphis.usda.gov/brs/biotech\\_ea\\_permits.html](http://www.aphis.usda.gov/brs/biotech_ea_permits.html). You may also view the documents and comments we received 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) 799-7039 before coming.

**FOR FURTHER INFORMATION CONTACT:** Mr. David S. Reinhold, Assistant Director, Environmental Risk Analysis Programs, Biotechnology Regulatory Services, APHIS, 4700 River Road, Riverdale, MD 20737-1236; (301) 851-3885. To obtain copies of the environmental assessment, finding of no significant impact, and responses to comments, contact Ms. Cynthia Eck at (301) 851-3892; email: [cynthia.a.eck@aphis.usda.gov](mailto: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 February 21, 2011, the Animal and Plant Health Inspection Service (APHIS) received a permit application (APHIS No. 11-052-101rm) from ArborGen, LLC, in Summerville, SC, for a controlled field release of genetically engineered *Eucalyptus* hybrids in six locations encompassing a total of 14.7 acres in the States of Alabama, Florida, Mississippi, and South Carolina.

Permit application 11-052-101rm describes *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 intended to confer cold tolerance; to test the efficacy of genes introduced to alter lignin biosynthesis; to test the efficacy of genes designed to alter growth; and to test the efficacy of genes designed to alter flowering. In addition, the trees have been engineered with a selectable marker that confers resistance to the antibiotic kanamycin. These DNA sequences were introduced into *Eucalyptus* trees using disarmed *Agrobacterium tumefaciens*.

The subject *Eucalyptus* trees are considered regulated articles under 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 genetically engineered *Eucalyptus* trees, APHIS prepared an environmental assessment (EA). APHIS announced the availability of the EA for public comment in a notice published in the **Federal Register** on February 10, 2012 (77 FR 7123-7124, Docket No. APHIS-2011-0130). Comments on the EA were required to be received on or before March 12, 2012. We received 246 comments by the close of the comment period. All expressed concerns about the permit or opposed granting the permit. APHIS reviewed all comments to identify new issues, alternatives, or information.

Pursuant to the regulations promulgated under the Plant Protection Act, APHIS has determined that this field release is unlikely to pose a risk of introducing or disseminating a plant pest. Additionally, based upon analysis described in the EA, APHIS has determined that the action proposed in Alternative B of the EA—issue the permit with supplemental permit conditions—is unlikely to have a

significant impact on the quality of the human environment. The EA and finding of no significant impact (FONSI) are available as indicated in the **ADDRESSES** section of this notice. Responses to the comments received on the EA are provided as an attachment to the FONSI.

The EA and FONSI were 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).

**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 31st day of May 2012.

**Kevin Shea**

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

[FR Doc. 2012–13760 Filed 6–5–12; 8:45 am]

**BILLING CODE 3410–34–P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### **Beaverhead-Deerlodge National Forest; Montana; Supplemental EIS for the Beaverhead-Deerlodge National Forest Land and Resource Management Plan To Comply With District of Montana Court Order**

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of intent to prepare a supplemental environmental impact statement.

**SUMMARY:** The Beaverhead-Deerlodge National Forest will prepare a Supplemental Environmental Impact Statement (SEIS) to the 2009 Beaverhead-Deerlodge National Forest Revised Land and Resource Management Plan (Forest Plan) environmental analysis in response to an April 2, 2012 Order, from the U.S. District Court for the District of Montana. The Court directed the Forest Service to apply the minimization criteria mandated by Executive Order (EO) 11644 “at the route-specific level where specific snowmobile routes are designated.” The supplement will evaluate the effects of specific snowmobile routes delineated on maps in the 2009 Forest Plan in order to make an informed decision in accordance with EO 11644.

**DATES:** Under 40 CFR 1502.9(c)(4), there is no formal scoping period for this proposed action. The Draft SEIS is expected June, 2012 and the Final SEIS is expected September, 2012.

**ADDRESSES:** The line officer responsible for the decision is Northern Region Regional Forester Faye Krueger.

**FOR FURTHER INFORMATION CONTACT:** Noelle Meier, Beaverhead-Deerlodge National Forest, 420 Barrett Street, Dillon, MT 59725, (406) 683–3900. 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 2009 Forest Plan provides management direction for activities on the Beaverhead-Deerlodge National Forest for the next 10 to 15 years, including direction on eight revision topics (vegetation, wildlife, aquatic resources, recreation and travel management, fire management, livestock grazing, timber and recommended wilderness). In 2010, Wildlands CPR, Inc., Friends of the Bitterroot Inc., and Montanans for Quiet Recreation filed a complaint in U.S. District Court for the District of Montana (Case 9:10–cv–00104–DWM) alleging inadequate analysis of the impacts of winter motorized travel when developing the Forest Plan and failure to analyze criteria intended to minimize off-road vehicle impacts. In an April 2, 2012 Order, the U.S. District Court for the District of Montana found the Forest Service had adequately applied the minimization criteria of EO 11644 for areas generally open to snowmobile use. However, the court found “to the extent that specific routes have been designated for snowmobile use”, the Forest Service failed to show it adequately applied the minimization criteria at the route-specific level. The court ordered as follows: “that this case is remanded to the Forest Service for the limited purpose of applying the minimization criteria mandated by EO 11644 at the route specific level where specific snowmobile routes are designated. The Forest Service shall perform this analysis and updated the Revised Forest Plan by September 30, 2012. A failure to do so will result in the suspension of the winter travel management portion of the Revised Forest Plan as of October 1, 2012.”

The SEIS will provide additional environmental analysis of three routes delineated in the Forest Plan as exceptions to winter, non-motorized areas. These routes are: (1) Snowmobile use in the vicinity of Thunderbolt Creek

and Cottonwood Lake (Jefferson County, Montana) as delineated on page 94 of the Forest Plan, (2) snowmobile use through the non-motorized area on the Road #056 corridor in the vicinity of Antelope Basin (Beaverhead County, Montana) as delineated on page 128 of the Forest Plan, and (3) snowmobile use on the route to Antone Cabin (open to motorized vehicles yearlong) in the southwest portion of the Snowcrest Mountains (Beaverhead County, Montana) as delineated on page 152 of the Forest Plan. The analysis will evaluate the potential effects from these routes on soil, watershed, vegetation, wildlife, and recreation users. This analysis will be used to determine if snowmobile use on these routes complies with EO 11644 or whether a change is warranted.

A Draft SEIS is expected to be available for public review and comment in late June 2012; and a Final SEIS in September 2012. The comment period for the Draft SEIS 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 supplemental environmental impact statement.

Dated: May 31, 2012.

**Victoria C. Christiansen,**  
*Regional Forester.*

[FR Doc. 2012–13669 Filed 6–5–12; 8:45 am]

**BILLING CODE 3410–11–P**