

DEPARTMENT OF AGRICULTURE**Animal and Plant Health Inspection Service**

[Docket No. APHIS-2013-0009]

Notice of Availability of Treatment Evaluation Documents for Various Plant Commodities**AGENCY:** Animal and Plant Health Inspection Service, USDA.**ACTION:** Notice of availability and request for comments.

SUMMARY: We are advising the public that we have determined that it is necessary to immediately add to the Plant Protection and Quarantine Treatment Manual treatment schedules for various plant commodities. We have prepared four treatment evaluation documents that describe the new treatment schedules and explain why we have determined that they are effective at neutralizing certain target pests. We are making these treatment evaluation documents available to the public for review and comment.

DATES: We will consider all comments that we receive on or before May 27, 2014.

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

- Federal eRulemaking Portal: Go to <http://www.regulations.gov/#!documentDetail;D=APHIS-2013-0009-0001>.

- Postal Mail/Commercial Delivery: Send your comment to Docket No. APHIS-2013-0009, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road, Unit 118, Riverdale, MD 20737-1238.

Supporting documents and any comments we receive on this docket may be viewed at <http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0009> or in our reading room, which 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: Dr. Inder P.S. Gadh, Senior Risk Manager-Treatments, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737-1231; (301) 851-2018.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR chapter III are intended, among other things, to prevent the introduction or dissemination of plant pests and noxious weeds into or within the United

States. Under the regulations, certain plants, fruits, vegetables, and other articles must be treated before they may be moved into the United States or interstate. The phytosanitary treatments regulations contained in part 305 of 7 CFR chapter III (referred to below as the regulations) set out standards for treatments required in parts 301, 318, and 319 of 7 CFR chapter III for fruits, vegetables, and other articles.

In § 305.2, paragraph (b) states that approved treatment schedules are set out in the Plant Protection and Quarantine (PPQ) Treatment Manual.¹ Section 305.3 sets out the processes for adding, revising, or removing treatment schedules in the PPQ Treatment Manual. In that section, paragraph (b) sets out the process for adding, revising, or removing treatment schedules when there is an immediate need to make a change. The circumstances in which an immediate need exists are described in § 305.3(b)(1). They are:

- PPQ has determined that an approved treatment schedule is ineffective at neutralizing the targeted plant pest(s).
- PPQ has determined that, in order to neutralize the targeted plant pest(s), the treatment schedule must be administered using a different process than was previously used.
- PPQ has determined that a new treatment schedule is effective, based on efficacy data, and that ongoing trade in a commodity or commodities may be adversely impacted unless the new treatment schedule is approved for use.
- The use of a treatment schedule is no longer authorized by the U.S. Environmental Protection Agency or by any other Federal entity.

We have added five and removed one treatment schedule, and revised one treatment schedule. The proposed changes to the PPQ Treatment Manual are as follows:

Methyl Bromide Treatment of Asparagus Against External Pests

Treatment T101-b-1 in the PPQ Treatment Manual requires asparagus to be fumigated using 4 lbs MB/1,000 ft³ for 2 hours at 40–49 °F. APHIS has determined that treatment T101-b-1 is not effective against eggs of *Copitarsia* sp. and that a longer treatment or higher dose of methyl bromide is needed to ensure treatment efficacy for all stages of that pest. Therefore, APHIS has

¹The Treatment Manual is available at http://www.aphis.usda.gov/import_export/plants/manuals/index.shtml or by contacting the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Manuals Unit, 92 Thomas Johnson Drive, Suite 200, Frederick, MD 21702.

revised treatment schedule T101-b-1 by increasing the treatment duration by 30 minutes for all temperature ranges.

Hot Water Dip Treatment of Plant Material Not Tolerant to Chemical Fumigation

Special permit conditions authorize PPQ to import some otherwise prohibited plant material, subject to certain conditions. For plant material intolerant to fumigation, these conditions are described in treatment schedule T201-p-3. APHIS has determined that treatment T201-p-3 is not effective for many pests of concern and that an alternate hot water treatment with a higher temperature and a longer treatment period is more effective against a wide range of pests that may accompany consignments. For this reason, we are removing treatment schedule T201-p-3 from the treatment manual and adding new treatment schedule T201-p-4 requiring hot water treatment at 52 °C (125.6 °F) for 30 minutes.

Cold Treatment for Snails on Articles Used for Food or Feed

The treatment manual lists several cold treatments (T403-a-2-3, T403-a-6-1, T403-a-6-2, and T403-a-6-3) to control quarantine significant snails on non-food or non-feed type commodities. In the absence of approved cold treatments to control snails on food or feed commodities, APHIS has allowed the cold treatments approved for non-food/non-feed commodities to be used on a case-by-case basis on food and feed commodities. Because the use of cold treatment in these circumstances has not resulted in the snail's introduction, APHIS has determined that those treatments could be used effectively to control snails on food and feed commodities without causing significant injury to the treated commodities and cover more families or genera of exotic snails. Therefore, we are adding treatments T110-c-1, T110-c-2, and T110-c-3 for use on food and feed commodities.

Heat Treatment for Plant Pathogenic Bacteria and Fungi on Dried Plant Parts, Including Wood and Articles Made From Wood

Section 319.40 of the regulations lays out the requirements for the importation of wood and articles made with wood. Because there are no broad spectrum heat treatments for plant pathogenic bacteria and fungi on dried plant parts, dried plant parts including wood and articles made with wood that are found to be infested with plant pathogenic bacteria and fungi are destroyed or sent

back to the country of origin. APHIS has decided to add a new treatment schedule (T521) for plant pathogenic bacteria and fungi on dried plant parts, including wood and articles made with wood.

Therefore, in accordance with § 305.3(a)(1), we are providing notice that we have determined that it is necessary to make the changes described above to the treatment manual. In order to have minimum adverse impact on ongoing trade and using the immediate process as provided in § 305.3(b), these changes are effective immediately upon publication of this notice. These treatment schedules will be listed in the PPQ Treatment Manual, which will indicate that these changes were made through the immediate process described in paragraph (b) of § 305.3 and that they are subject to change or removal based on public comment.

The reasons for these revisions to the treatment manual are described in detail in the treatment evaluation documents (TEDs) we have prepared to support this action. The TEDs may be viewed on the Regulations.gov Web site or in our reading room (see **ADDRESSES** above for instructions for accessing Regulations.gov and information on the location and hours of the reading room). You may also request paper copies of the TEDs by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. Please refer to the subject of the TED when requesting copies.

After reviewing the comments we receive, we will announce our decision regarding the new treatment schedules described in the TEDs in a subsequent notice, in accordance with paragraph (b)(3) of § 305.3. If we do not receive any comments, or the comments we receive do not change our determination that the proposed changes are effective, we will affirm these changes to the PPQ Treatment Manual and make available a new version of the PPQ Treatment Manual reflecting these changes. If we receive comments that cause us to determine that additional changes need to be made to one or more of the treatment schedules discussed above, we will make available a new version of the PPQ Treatment Manual that reflects the changes.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 24th day of March 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–06948 Filed 3–27–14; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Forest Service

Black Hills National Forest, Bearlodge Ranger District; Wyoming; Bear Lodge Project

AGENCY: Forest Service, USDA.

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

SUMMARY: A Plan of Operation has been submitted by Rare Element Resources, Inc., for the purpose of constructing and operating a rare earth elements mine in the Black Hills National Forest, Bearlodge District in Crook County, Wyoming. The Bear Lodge Project proposed action consists of the Bull Hill Mine, the Miller Creek access road, the power line, and ongoing mineral exploration. The connected action, the Upton hydrometallurgical processing plant and the tailings storage facility are located 45 miles away on private lands outside of Upton in Weston County, Wyoming. Notice is hereby given that the U.S. Department of Agriculture, Forest Service, Black Hills National Forest, will prepare an Environmental Impact Statement (EIS) to determine and analyze the effects of construction and operation of a proposed rare earth elements mine and continued mineral exploration within mining claims held by Rare Element Resources, Inc. on National Forest System (NFS) land. While the Upton Plant is a connected action, there is no federal authorization for private land and therefore will not be analyzed in detail.

The Bear Lodge Project proposed action consists of the following components:

- Construction and operation of an open-pit mine operation at Bull Hill and associated support facilities, including, but not limited to, a Physical Upgrade (PUG) plant, access route, waste rock facility and sedimentation ponds, located approximately 12 miles (or 6 air miles) north of Sundance, Wyoming;
- Access road along County Roads 208, 266 and 8 and NFS Roads 854 and 851.

- A 69kV, above ground transmission line crossing approximately 1.5 miles NFS lands, while the remainder of the 13-mile line would be on private and State of Wyoming lands; and

- The continuation of mineral exploration by drilling, trenching and bulk sampling located on lands surrounding the proposed mine.

The Bear Lodge Project connected action includes:

- Construction and operation of a hydrometallurgical (Hydromet) plant for further concentration and recovery of the rare earth elements into a rare earth carbonate concentrate product on private land outside the city limits of Upton, Wyoming. This plant is recognized as a connected action, but will not be analyzed in detail in the EIS;
- DATES:** Comments concerning the scope of the analysis must be received by April 30, 2014. The draft environmental impact statement is expected January, 2015 and the final environmental impact statement is expected June, 2015.

ADDRESSES: Send written comments to Jeanette Timm, Project Coordinator, US Forest Service Black Hills National Forest; Bearlodge Ranger District; 101 S. 21st Street; PO Box 680 Sundance, WY 82729–0680; 307–283–1361. Electronic comments, with Bear Lodge Project on the subject line, may also be sent via email to: comments-rocky-mountain-black-hills-bearlodge@fs.fed.us, or via facsimile to 307–283–3727. Information will also be available on the project Web page at the Forest Service Web site: <http://www.fs.usda.gov/projects/blackhills/landmanagement/projects>.

FOR FURTHER INFORMATION CONTACT: Jeanette Timm, Project Coordinator, US Forest Service Black Hills National Forest Bearlodge Ranger District; 101 S. 21st Street; PO Box 680 Sundance, WY 82729–0680; jmtimm@fs.fed.us; 307–283–1361.

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:

Purpose and Need for Action

The purpose of this project is to allow a statutory right in a manner consistent with federal laws and the 1997 Revised Land and Resource Management Plan for the Black Hills National Forest, as Amended by the Phase II Amendment (Forest Plan) to construct a rare earth mine as proposed in the Bear Lodge Project Plan of Operation, modified February 2014, on NFS lands. The statutory right of Rare Element Resources, Inc. to develop a mine on federally administered lands is recognized in the General Mining Law of 1872, as amended. Forest Service