

will help producers and animal health officials respond quickly and effectively to animal disease events in the United States. The ultimate long-term goal of the NAIS is to provide State and Federal officials with the capability to identify all animals and premises that have had direct contact with a disease of concern within 48 hours after its discovery.

On December 19, 2007, we published in the **Federal Register** a notice<sup>1</sup> (Docket No. APHIS-2007-0148, 72 FR 71871-71873) in which we made available for review and comment a draft Business Plan to Advance Animal Disease Traceability. The Business Plan recommended seven strategies and options to enable existing State and Federal regulated and voluntary animal health programs, industry-administered management and marketing programs, and various identification methods to work in harmony with the NAIS, with the goal of creating a comprehensive animal-disease traceability infrastructure in order to facilitate 48-hour traceback.

We solicited comments on the draft Business Plan through the NAIS Web site (<http://animalid.aphis.usda.gov/nais/>) for 118 days, through April 15, 2008. We received 183 comments by that date, from national, regional, and State industry groups, State departments of agriculture, national veterinary organizations, the operator of a horse racetrack, manufacturers and distributors of animal identification devices, veterinarians, extension agents, university professors, producers, and private citizens. In response to the comments we received, we have modified the draft plan in several places:

- We now specify throughout the Business Plan that the long-term focus of the NAIS is full traceability within the cattle industries (both beef and dairy), based on the consistent recording of all animal movements. The draft Business Plan focused on implementing a "book-end" approach, based on knowledge of the premises of origin and the most recent premises for the animal, with fewer references to the recording of animal movements.

- We now specify throughout the Business Plan that, while all producers can benefit from choosing to participate in national animal health safeguarding efforts, NAIS standards apply to the administration of disease programs.

- We now separate out implementation strategies for the sheep industry from those for the goat industry

to reflect that they are separate and distinct industries and species.

- We have added an explanation of how NAIS participation provides producers with options for meeting forthcoming country of origin labeling requirements.

- We now explain future plans for requiring radio frequency identification (commonly referred to as RFID) of animals destined for import and export when such animals are subject to individual identification.

- We have added a formal acknowledgement of the importance of official brands, and a clarification that the NAIS is not in conflict with, or a replacement for, existing brand programs.

- We have updated the budget for the NAIS to reflect the allocation for fiscal year 2008, have adjusted the benchmarks and timelines for implementation of animal traceability by species and for registration of critical location points, and have made other, nonsubstantive changes throughout the plan.

It is important to note, however, that the final version of the Business Plan retains the seven core strategies for harmonizing the NAIS with existing programs and methods that we outlined in our draft Business Plan.

We are making the final version of the Business Plan available on the NAIS Web site. Paper copies may be obtained by writing to the following address: NAIS Program Staff, VS, APHIS, 4700 River Road Unit 200, Riverdale, MD 20737.

Done in Washington, DC, this 17th day of September 2008.

**Kevin Shea,**

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

[FR Doc. E8-22192 Filed 9-22-08; 8:45 am]

**BILLING CODE 3410-34-P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Notice of Intent To Prepare an Environmental Impact Statement

**AGENCY:** Forest Service, USDA.

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

**SUMMARY:** The Forest Service will prepare a Draft Environmental Impact Statement (Draft EIS) to evaluate the environmental impacts of authorizing Leavell-McCombs Joint Venture (LMJV) to access 287.5 acres of private property surrounded by National Forest System land. The Forest Service must provide

adequate access for the reasonable use and enjoyment of private land. LMJV intends to construct a resort and other facilities known as the Village at Wolf Creek on their property, which lies entirely within the Wolf Creek Ski Area. An alternative that evaluates combining the access for both the Village at Wolf Creek and the Wolf Creek Ski Area into a single grade-separated interchange will be analyzed.

**DATES:** Comments concerning the scope of the analysis must be received by October 31, 2008. The draft EIS is expected May 2009; the final EIS is expected December 2009.

**ADDRESSES:** Send written comments to Wolf Creek Access EIS, C/O Content Analysis Group, 1584 South 500 West, Suite 202, Woods Cross, UT, 84010, or [wolfcreek@contentanalysisgroup.com](mailto:wolfcreek@contentanalysisgroup.com). Fax: 801-397-5628. Electronic copies of the scoping packet will be available on the World Wide Web at <http://www.fs.fed.us/r2/riogrande/projects/forcomment/index.shtml>.

**FOR FURTHER INFORMATION CONTACT:** Becky Bryan, Wolf Creek Access Project Leader, 401 Fairgrounds Road, Rolla, MO 65401.

**SUPPLEMENTARY INFORMATION:** LMJV acquired 300 acres surrounded by National Forest System lands within the Wolf Creek Ski Area (Ski Area) boundary in a land-for-land exchange with the Forest Service in 1987. Subsequently, LMJV transferred 12.5 acres of that parcel to the Wolf Creek Ski Corporation for the development of new ski lifts and ski trails. Mineral County Board of County Commissioners, the regulatory authority on private property development, approved LMJV's Final Planned Use Development (PUD) for a year-round resort village, known as the Village at Wolf Creek, on the remaining 287.5 acres in 2004. A lawsuit challenging the PUD resulted in the following court order: "[We] conclude that [the state statute] requires at a minimum year-around wheeled vehicle access between State Highway 160 and the Village." *Wolf Creek Ski Corp. v. Board of County Com'rs of Mineral County*, 170 P.3d 821, 830 (Colo.App. 2007). The result of the state court litigation was to void the county approval of LMJV's PUD. While no PUD is currently in effect, the Forest Service takes note that the state court litigation upheld the PUD on all issues other than access.

In March 2006, Forest Supervisor Peter Clark (retired), of the Rio Grande National Forest (RGNF) signed a Record of Decision (ROD) and issued a Final Environmental Impact Statement (Final EIS) for the Application for the

<sup>1</sup> To view the notice, go to <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2007-0148>.

Transportation and Utilities Systems and Facilities for the Village at Wolf Creek. A lawsuit was filed against the U.S. Forest Service, challenging the 2006 ROD and Final EIS. All parties involved reached a settlement agreement on February 19, 2008 to resolve the litigation in which the Forest Service agreed to withdraw the 2006 ROD and initiate a new scoping process and preparation of a new draft and final EIS in connection with LMJV's application. In June 2008, LMJV submitted an amended Application for Transportation and Utility Systems and Facilities on Federal Lands (application). This NOI initiates the new EIS preparation.

### Purpose and Need for Action

The purpose of this action is to provide safe and efficient road access compatible with Ski Area operations to the private property surrounded by NFS lands. This action is needed to meet the mandate of the *Alaska National Interest Lands Conservation Act* (ANILCA) (Pub. L. 96-487) to provide access to private land. Section 1323(a) of ANILCA provides that the Forest Service must grant access across federal lands as the Forest Service deems adequate to secure the owners the reasonable use and enjoyment of their land, subject to Forest Service rules and regulations. However, the Forest Service does not have regulatory authority over the density of development on the private land and any parcel of private land surrounded by Forest Service land could have a range of reasonable uses. The Forest Service does not decide which use of the private property within the range of reasonable uses will be allowed. However, the Forest Service must provide access over National Forest System lands that are adequate to allow use and enjoyment of the private property within that range of reasonable uses.

A key purpose for the 1987 land exchange decision was to provide for private land to be developed for residential and commercial uses in a manner that would complement the ski area. Based on the previously referenced State of Colorado appellate court ruling, Mineral County could not approve subdivision of the Village property for purposes of residential and commercial development without "year-around wheeled vehicle" access. Therefore, the Forest Service concludes that ANILCA requires it to grant "year-around wheeled vehicle access" so that LMJV may use its property for residential and commercial purposes as contemplated by the 1987 land exchange. This conclusion does not prejudice the

density of development that Mineral County may approve.

### Proposed Action

The Proposed Action is to authorize the construction and use of a safe and efficient road, approximately 1,650 feet in length, across NFS land to provide "year-around wheeled vehicle access" to LMJV for their reasonable use and enjoyment of the property. The proposal includes authorization of rights-of-way adjacent to the access road for the installation of utilities to service the Village property.

### Possible Alternatives

In addition to the Proposed Action and No Action Alternative, where the access road and Village at Wolf Creek would not be constructed, one alternative being considered would combine the LMJV Village at Wolf Creek access and Wolf Creek Ski Area access into one integrated access using a single grade-separated interchange access point from U.S. Highway 160.

### Lead and Cooperating Agencies

The Forest Service is the lead agency. Cooperating agencies may include Colorado Department of Transportation (CDOT), Army Corps of Engineers (ACOE), Mineral County, U.S. Fish & Wildlife Service, Colorado Public Utilities Commission, Environmental Protection Agency, Colorado Division of Water Resources, Colorado Department of Health and Environmental Resources, and Colorado Water Conservation Board.

### Responsible Official

Dan S. Dallas, Forest Supervisor of the Rio Grande National Forest, 1803 West Hwy 160, Monte Vista, CO 81144.

### Nature of Decision To Be Made

Access must be granted to private inholdings in accordance with ANILCA, so the decision is not whether to grant access. The decisions to be made are: (1) The means, mode, and route of safe and efficient access across NFS lands that is adequate for the Applicant to exercise the reasonable use and enjoyment of the private property; and (2) whether to authorize rights-of-way for utility facilities across NFS lands, and if so, the location and specifications of such rights-of-way.

### Open House Scoping Meetings

The public is invited to attend any of three open house scoping meetings to obtain more information and provide written comment about the project. Each open house scoping meeting will begin at 5 p.m. and end at 7:30 p.m. Dates and

locations for the open house scoping meetings are:

October 7—Creede Mining Museum, 503 Forest Service Road 9, Creede, CO 81130.

October 8—Rio Grande County Annex, 965 6th St., Del Norte, CO 81132.

October 9—Pagosa Springs Community Building, 451 Hot Springs Blvd., Pagosa Springs, CO 81147.

### Preliminary Issues

Preliminary issues, which will be refined from this public involvement and analysis process, include (1) Compatibility with the Wolf Creek Ski Area operations, (2) public safety associated with the traffic levels at U.S. Highway 160 intersection, (3) public access to Alberta Park Reservoir, and (4) potential impacts to wetlands and fens.

### Permits or Licenses Required

LMJV will need to obtain a Highway Access Permit from Colorado Department of Transportation. LMJV may also need to obtain an individual 404 permit from the Army Corps of Engineers.

### Comment Requested

This notice of intent initiates the scoping process which guides the development of the environmental impact statement. To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the proposed action should be as specific as possible. In addition, the Forest Service welcomes comments on the alternative of a single grade-separated interchange access point from U.S. Highway 160 for both the Wolf Creek Ski Area and Village at Wolf Creek.

### Importance of Public Participation in This and Subsequent Environmental Review

It is important that reviewers provide their comments at such times and in such a way that they are useful to the Agency's preparation of the EIS. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions. The submission of timely and specific comments can affect a reviewer's ability to participate in subsequent administrative review or judicial review.

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and

considered; however, anonymous comments will not provide the respondent with standing to participate in subsequent administrative review or judicial review.

**Authority:** 40 CFR 1501.7 and 1508.22, 36 CFR 220.5(b) and Forest Service Handbook 1909.15, Section 21.

Dated: September 11, 2008.

**Dan S. Dallas,**

*Forest Supervisor.*

[FR Doc. E8-22150 Filed 9-22-08; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-552-802]

#### **Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Extension of Time Limit for the Preliminary Results of the New Shipper Review**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**EFFECTIVE DATE:** April 4, 2008.

**FOR FURTHER INFORMATION CONTACT:**

Emeka Chukwudebe, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-0219.

**SUPPLEMENTARY INFORMATION:**

#### **Background**

On April 4, 2008 the Department published a notice of initiation of the new shipper review of certain frozen warmwater shrimp from the Socialist Republic of Vietnam covering the period February 1, 2007 through January 1, 2008. *See Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Initiation of Antidumping Duty New Shipper Review*, 73 FR 18510 (April 4, 2008). The preliminary results of this new shipper review are currently due no later than September 22, 2008.

#### **Statutory Time Limits**

Section 751(a)(2)(B)(iv) of the Tariff Act of 1930, as amended (the "Act"), provides that the Department will issue the preliminary results of a new shipper review of an antidumping duty order within 180 days after the day on which the review was initiated. *See also* 19 CFR 351.214 (i)(1). The Act further provides that the Department may extend that 180-day period to 300 days if it determines that the case is

extraordinarily complicated. *See* 19 CFR 351.214 (i)(2).

#### **Extension of Time Limit of Preliminary Results**

The Department determines that this new shipper review involves extraordinarily complicated methodological issues regarding the use of an intermediate input methodology, potential affiliation issues, the examination of importer information and the evaluation of the *bona fide* nature of company sales. Therefore, in accordance with section 751(a)(2)(B)(iv) of the Act and 19 CFR 351.214(i)(2), the Department is extending the time limit for these preliminary results by 120 days, until no later than January 20, 2009. The final result continues to be due 90 days after the publication of the preliminary result.

We are issuing and publishing this notice in accordance with sections 751(a)(2)(B)(iv) and 777(i) of the Act.

Dated: September 17, 2008.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. E8-22289 Filed 9-22-08; 8:45 am]

**BILLING CODE 3510-DS-S**

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## DEPARTMENT OF COMMERCE

### **National Institute of Standards and Technology**

#### **NIST Blue Ribbon Commission on Management and Safety**

**AGENCY:** National Institute of Standards and Technology, Department of Commerce.

**ACTION:** Notice of public meeting.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that the NIST Blue Ribbon Commission on Management and Safety, National Institute of Standards and Technology (NIST) will meet Monday, October 6, from 9 a.m.-4 p.m., in the NIST laboratory in Boulder, CO. This notice is the second meeting of the Blue Ribbon Commission on Management and Safety.

The purpose of this meeting is to continue a high level review of NIST's management structure and systems as they relate to safety at the Institute. The Commission will ultimately provide consensus advice to the Department of Commerce on whether (a) The training, safety, security, and response protocols, (b) the implementation of those protocols and internal controls, and (c) the management structure at NIST are

appropriate to ensure safe operations of all NIST programs. The agenda for this meeting will focus on NIST safety and management structure at the Boulder laboratories. The agenda may change to accommodate Commission business. The final agenda will be posted on the NIST Web site at <http://www.nist.gov/director/blueribbon/index.html>.

**DATES:** The meeting will convene on October 6, 2008 at 9 a.m., and will adjourn at 4 p.m.

**ADDRESSES:** The meeting will be held in Building 1, Room 1103/1105, at the National Institute of Standards and Technology, Boulder, Colorado 80305.

To enable NIST to make arrangements to admit visitors to the NIST campus, anyone wishing to attend this meeting should submit name, e-mail address and phone number to Mary Lou Norris ([marylou.norris@nist.gov](mailto:marylou.norris@nist.gov)) no later than October 2, 2008.

**FOR FURTHER INFORMATION CONTACT:**

Mary Lou Norris, National Institute of Standards and Technology, Building 101, MS 1071, 100 Bureau Drive, Gaithersburg, MD 20899; telephone: (301) 975-2002; e-mail: [marylou.norris@nist.gov](mailto:marylou.norris@nist.gov).

Dated: September 18, 2008.

**Patrick D. Gallagher,**

*Deputy Director.*

[FR Doc. E8-22351 Filed 9-19-08; 11:15 am]

**BILLING CODE 3510-13-P**

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## DEPARTMENT OF COMMERCE

### **National Oceanic and Atmospheric Administration**

#### **Availability of Seats for the Monterey Bay National Marine Sanctuary Advisory Council**

**AGENCY:** National Marine Sanctuary Program (NMSPP), National Ocean Service (NOS), National Oceanic and Atmospheric Administration, Department of Commerce (DOC).

**ACTION:** Notice and request for applications.

**SUMMARY:** The Monterey Bay National Marine Sanctuary (MBNMS or Sanctuary) is seeking applicants for the Tourism alternate on its Sanctuary Advisory Council. Applicants chosen as the Tourism alternate should expect to serve until February 2011. Applicants are chosen based upon their particular expertise and experience in relation to the alternate position for which they are applying; community and professional affiliations; philosophy regarding the protection and management of marine resources; and possibly the length of