

# Notices

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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

### Submission for OMB Review; Comment Request

October 6, 2009.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), [OIRA\\_Submission@OMB.EOP.GOV](mailto:OIRA_Submission@OMB.EOP.GOV) or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720-8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to

the collection of information unless it displays a currently valid OMB control number.

### National Agricultural Statistics Service

*Title:* Vegetable Surveys.

*OMB Control Number:* 0535-0037.

*Summary of Collection:* The primary function of the National Agricultural Statistics (NASS) is to prepare and issue current official state and national estimates of crop and livestock production. Vegetable estimates are an integral part of this function. The vegetable program is complex in that some crops are processing only, some are fresh market only, and others are dual crops (both processing and fresh market). Vegetable processors are surveyed the first week of April for their intended acreage of vegetables for processing and the first week of July for acreage contracted. The fresh market vegetable program consists of weekly estimates during the growing season for tomatoes in Florida. NASS will collect information using surveys.

*Need and Use of the Information:*

NASS will collect information to estimate acreage planted and harvested, production, price, and utilization for the various crops. The estimates provide vital statistics for growers, processors, and marketers to use in making production and marketing decisions.

*Description of Respondents:* Farms; business or other for-profit.

*Number of Respondents:* 31,120.

*Frequency of Responses:* Reporting: Annually; other (seasonally).

*Total Burden Hours:* 4,640.

### National Agricultural Statistics Service

*Title:* 2009 Census of Horticultural Specialties.

*OMB Control Number:* 0535-0236.

*Summary of Collection:* The census of horticultural specialties is one of a series of census special studies for the Census of Agriculture which provides more detailed statistics relating to a specific subject. The census of horticultural specialties is an integral part of the 2007 Census of Agriculture and is authorized by the Food, Conservation, and Energy Act of 2008 (Title X—Horticulture and Organic Agriculture). The Census of Horticultural Specialties has been conducted approximately every 10 years to show how the industry has changed over time. It was last conducted in 1998 for the reference period of 1997.

Horticultural crops are high value crops which farmers could grow to diversify their farming operations. Using data from the 2007 Census of Agriculture, NASS will collect information from every respondent who reported production and sales of \$10,000 or more of horticultural specialty crops, and is still in business in 2009.

*Need and Use of the Information:*

NASS will collect information on the number and value of plants grown and sold, the value of land, buildings, machinery and equipment, selected production expenses, irrigation, marketing channels, hired labor, area used for production, and type of structure. Horticulture is one of the fastest growing segments in the agriculture sector. The primary objective of the horticultural specialties census is to obtain a comprehensive and detailed picture of the horticultural sector of the economy. Without the census of horticultural specialties, government policy makers and planners would lack valuable information needed to accomplish their missions.

*Description of Respondents:* Farms; business or other for-profit.

*Number of Respondents:* 37,700.

*Frequency of Responses:* Reporting: One time.

*Total Burden Hours:* 46,405.

**Charlene Parker,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. E9-24487 Filed 10-9-09; 8:45 am]

**BILLING CODE 3410-20-P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Clear Prong Project, Boise National Forest, Idaho

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of Intent to Prepare Environmental Impact Statement.

**SUMMARY:** The Cascade Ranger District of the Boise National Forest will prepare an Environmental Impact Statement (EIS) for the Clear Prong Project. The entire project area is located in watersheds that drain into Clear Creek, which in turn drains into the North Fork of the Payette River downstream of Cascade Reservoir. The 11,056 acre project area is located 10 miles east of Cascade, Idaho, and about 120 miles

north of Boise, Idaho. The agency invites written comments and suggestions on the scope of the analysis. The agency also hereby gives notice of the environmental analysis and decision-making process that will occur on the proposal so interested and affected people are aware of how they may participate and contribute to the final decision. At this time no public meetings to discuss the project are planned.

**Proposed Action:** Seven objectives have been identified for the project: (1) Move toward restoration of historic vegetative conditions by manipulating the forest structure, density, and species composition in order to accelerate development of larger tree size class stands and old forest habitat; (2) Consistent with Objective #1, reduce the level of heavy dwarf mistletoe infection in Douglas-fir trees where deemed necessary to accelerate development of larger tree size class stands and old forest habitat; (3) Move stands toward their historic conditions by reducing fuel loads and ladder fuels through the use of prescribed fire where such an action could be accomplished without substantial mortality of the overstory trees and where topographic features would make the use of prescribed fire a practical management action; (4) Improve the health, vigor, and sustainability of aspen clones by eliminating competing conifer and brush species; (5) Utilize wood products created by restoration treatments to support local and regional economies as an outcome of pursuing Objectives #1 and #2 above; (6) Reduce management-induced sediment and recurring maintenance needs, and address the intent of the TMDL, by graveling road surfaces and replacing under-sized culverts; and (7) Reduce the potential for sedimentation and future maintenance needs, and address the intent of the TMDL, by decommissioning roads not needed for the long-term management of the Forest.

The Proposed Action would implement silvicultural activities, including thinning of sub-merchantable trees, prescribed fire, and aspen enhancement on 2,204 acres. An estimated 8.4 MMBf would be removed using tractor/off-road jammer, skyline, and helicopter yarding systems. The Proposed Action would employ a variety of silvicultural prescriptions including commercial thin, commercial thin with prescribed fire, sanitation/improvement, sanitation/improvement with prescribed fire, individual tree selection, thinning of sub-merchantable trees, prescribed fire to abate natural fuels, and aspen enhancement activities.

The Proposed Action would restore an estimated 0.8 miles of the #409 road through maintenance activities to reduce sedimentation. Specifically, gravel would be applied to the surface of the #409 road from near the #409/#409D intersection to Clear Creek Summit. In addition, 12 under-sized culverts along the #409 road would be replaced with culverts sufficient in size to accommodate a 100-year flow event, and designed to allow fish passage where habitat exists upstream. Roughly 1.1 miles of temporary road would be constructed to facilitate harvest activities.

An estimated 4.4 miles of existing road (#405B, #405B2, #405C, #405D, and #417HX1) not needed for the long term management of the area would be decommissioned to reduce future maintenance needs and to reduce sedimentation. Decommissioned sections of these five roads would be removed from the transportation system.

**Preliminary Issues:** Preliminary concerns with the Proposed Action include potential impacts on water quality and terrestrial wildlife species.

**Possible Alternatives to the Proposed Action:** One alternative to the Proposed Action that has been discussed thus far is a no action alternative. Other alternatives will likely be developed as issues are identified and information received.

**Decisions To Be Made:** The Boise National Forest Supervisor will decide the following: (1) Should vegetation be managed within the project area at this time, and if so, which stands should be treated and what silvicultural systems applied? (2) Should temporary roads be built at this time, and if so, how many miles should be built and where should they occur within the project area? (3) Should existing classified roads within the project area receive maintenance activities to reduce sedimentation, and if so, where within the project area? (4) Should portions of roads #405B, #405B2, #405C, #405D, and #417HX1 be decommissioned at this time? (5) Based on the completed Clear Prong Project Roads Analysis, which roads should be adopted as the minimum transportation system? (6) What design features, mitigation measures, and/or monitoring should be applied to the project?

**DATES:** Comments concerning the proposed project and analysis are encouraged and should be postmarked or received within 30 days following publication of this announcement in the **Federal Register**.

**ADDRESSES:** Comments should be addressed to the Cascade Ranger

District, ATTN: Keith Dimmett, P.O. Box 696, Cascade, ID 83611 or sent electronically to [comments-intermtn-boise-cascade@fs.fed.us](mailto:comments-intermtn-boise-cascade@fs.fed.us). Electronic comments must be submitted in plain text or another format compatible with Microsoft Word. Comments may also be delivered to the above address during regular business hours of 8 a.m. to 4:30 p.m. Monday–Friday. Comments can also be submitted by phone at 208–382–7400 or FAX to 208–382–7480. Comments received in response to this request will be available for public inspection and will be released in their entirety if requested pursuant to the Freedom of Information Act.

**FOR FURTHER INFORMATION CONTACT:** Further information can be obtained from Keith Dimmett at the address mentioned above or by calling 208–382 7400.

**Schedule:** Draft Environmental Impact Statement (DEIS), January 2010. Final Environmental Impact Statement (FEIS), April 2010.

**SUPPLEMENTARY INFORMATION:** An estimated 2,194 acres of the Peace Rock Inventoried Roadless Area (IRA) and an additional 252 acres of the Stony Meadows IRA lie within the Clear Prong Project Area. With the exception of a small portion of the prescribed fire, none of the activities associated with the Proposed Action would occur within either IRA.

The entire project area drains into Clear Creek which appears on the State of Idaho's 303(d) and 305(b) Integrated Report. The North Fork Payette River Subbasin Assessment and Total Maximum Daily Load (TMDL) was completed in July 2005 by the Idaho Department of Environmental Quality (IDEQ) and approved by the U.S. Environmental Protection Agency in August 2005. That document states that the beneficial uses of "Upper Clear Creek" (i.e. that portion that occurs within the project area) do not appear impacted, but may be threatened by increasing sediment levels.

The entire project area lies within Management Area 17 (North Fork Payette River), discussed on pages 111–290 through 111–301 in the Forest Plan.

The comment period on the DEIS 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 the DEIS 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 DEIS stage but are not raised until after completion of the FEIS may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F.2d 1016, 1002 (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 DEIS 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 FEIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the DEIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft 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.

*Responsible Official:* Cecilia R. Seesholtz, Forest Supervisor, Boise National Forest, 1249 South Vinnell Way, Suite 200, Boise, ID 83709.

Dated: October 6, 2009.

**Cecilia R. Seesholtz,**

*Forest Supervisor.*

[FR Doc. E9-24523 Filed 10-9-09; 8:45 am]

**BILLING CODE M**

## DEPARTMENT OF AGRICULTURE

### Agricultural Research Service

#### Notice of Intent To Grant Exclusive License

**AGENCY:** Agricultural Research Service, USDA.

**ACTION:** Notice of intent.

**SUMMARY:** Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to NutriGrown, LLC of Baltimore, Maryland, an exclusive license to U.S. Patent Application Serial No. 11/504,401, "Fertilizer Formulation for Reduction of Nutrient and Pesticide Leaching", filed on August 14, 2006.

**DATES:** Comments must be received on or before November 12, 2009.

**ADDRESSES:** Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Rm. 4-1174, Beltsville, Maryland 20705-5131.

**FOR FURTHER INFORMATION CONTACT:** June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301-504-5989.

**SUPPLEMENTARY INFORMATION:** The Federal Government's patent rights in this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as NutriGrown, LLC of Baltimore, Maryland, has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within thirty (30) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

**Richard J. Brenner,**

*Assistant Administrator.*

[FR Doc. E9-24484 Filed 10-9-09; 8:45 am]

**BILLING CODE 3410-03-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, October 28-29, 2009. The purpose of the meeting is to discuss emerging issues in urban and community forestry, work on Council administrative items and hear public input related to urban and community forestry.

**DATES:** The meeting will be held on October 28-29, 2009, 9 a.m. to 5 p.m. or until Council business is completed.

**ADDRESSES:** The meeting will be held at the Franklin Court Building, Washington, DC, 1099 14th Street, NW., Suite 5500 W, Washington, DC, Phone: 202-273-4695. Written comments concerning this meeting should be addressed to Nancy Stremple, Executive Staff to National Urban and Community Forestry Advisory Council, 201 14th St., 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. The public may inspect comments received at 201 14th St., SW., Yates Building (1 Central) MS-1151, Washington, DC. Visitors are encouraged to call ahead to 202-205-1054 to facilitate entry into the building.

#### FOR FURTHER INFORMATION CONTACT:

Nancy Stremple, Executive Staff to National Urban and Community Forestry Advisory Council, 201 14th St., 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.

**SUPPLEMENTARY INFORMATION:** The meeting is open to the public. Those interested in attending should contact Nancy Stremple to be placed on the list at the lobby security desk. Council discussion is limited to Forest Service staff and Council members; however, persons who wish to bring urban and community forestry matters to the attention of the Council may file written statements with the Council staff (201 14th St., SW., Yates Building (1 Central) MS-1151, Washington, DC 20250-1151, e-mail: [nstremple@fs.fed.us](mailto:nstremple@fs.fed.us)) before or after the meeting. Public input sessions will be provided at the meeting.

Public comments will be compiled and provided to the Secretary of Agriculture along with the Council's recommendations.

Dated: September 28, 2009.

**James E. Hubbard,**

*Deputy Chief, State and Private Forestry.*

[FR Doc. E9-24607 Filed 10-9-09; 8:45 am]

**BILLING CODE 3410-11-P**

## DEPARTMENT OF AGRICULTURE

### Rural Business-Cooperative Service

#### Notice of Solicitation of Applications (NOSA) for Inviting Rural Business Enterprise Grant Program Preapplications for Technical Assistance for Rural Transportation Systems

**AGENCY:** Rural Business-Cooperative Service, USDA.

**ACTION:** Notice.