

Avenue, SW., Room 1661 South Building, STOP 0240, Washington, DC 20250-0240, Fax (202) 720-8871 or call (202) 720-2185; E-mail [Cheri.Emery@usda.gov](mailto:Cheri.Emery@usda.gov). The revised United States Standards for Grades of Sweet Peppers will be available either through the address cited above or by accessing the Fresh Products Branch website at <http://www.ams.usda.gov/standards/stanfrfv.htm>.

**SUPPLEMENTARY INFORMATION:** Section 203(c) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), as amended, directs and authorizes the Secretary of Agriculture "To develop and improve standards of quality, condition, quantity, grade and packaging and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices." The Agricultural Marketing Service (AMS) is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and makes copies of official standards available upon request. The United States Standards for Grades of Fruits and Vegetables not connected with Federal Marketing Orders or U.S. Import Requirements, no longer appear in the Code of Federal Regulations, but are maintained by USDA/AMS/Fruit and Vegetable Programs.

AMS is revising the voluntary U.S. Standards for Grades of Sweet Peppers using procedures that appear in Part 36 Title 7 of the Code of Federal Regulations (7 CFR part 36). These standards were last revised in 1989.

### Background

On June 15, 2004, AMS published a notice in the **Federal Register** (69 FR 33345) soliciting comments on the possible revision to the United States Standards for Grades of Sweet Peppers. AMS received three comments in response to the notice. Two comments were in favor of revising the decay tolerance. The decay tolerance will be revised to include only those sweet peppers which are affected by decay on the wall and/or calyx. Decay affecting only stems will no longer fall under the restricted two percent decay tolerance, it will be scored against the five percent serious damage tolerance for U.S. Fancy and U.S. No 1 grades and against the five percent restrictive tolerance for the U.S. No. 2 grade. The third comment was not in favor of changing the decay tolerance. In addition, this commenter requested changes for sizing and color issues within the standard.

A second notice was published in the March 11, 2005, **Federal Register** (70 FR 12176-7) based on three comments

received from the first notice. AMS received two comments in response to the second notice. One comment was in favor of the proposed revision to the standards changing the scoring of decay by separating stem decay from decay affecting the walls and/or calyxes. The other comment was opposed to those changes. The comments are available by accessing AMS's Home Page on the Internet at <http://www.ams.usda.gov/fv/fpbdoctlist.htm>.

One comment from an industry association which represents growers, packers and shippers, is in favor of the revision to the decay tolerance. The commenter stated the change will have a positive impact on the marketing of sweet peppers.

One comment opposing the revision to the decay tolerance stated that all decay has a serious negative impact on the appearance and marketability of the product and requested not to change the decay scoring and reporting. The commenter also stated that decay affecting the stems, walls, and calyxes should be scored against any grade (requirements and tolerances). AMS has reviewed stem decay affecting various commodities and believes the proposed changes would bring sweet peppers in line with other grade standards with respect to stem decay. Decay affecting the stem only does not affect the edible portion of the sweet pepper, and does not affect the marketability to the same degree as decay affecting the wall and/or calyx. AMS believes a revision to the decay tolerance is warranted to best serve the industry.

Current marketing practices for specialty packs which include mixed varieties and/or colors of sweet peppers would not meet the similar varietal characteristic requirements for all grades in the standards. Accordingly, AMS is revising the similar varietal requirement to allow mixed varieties and/or colors of sweet peppers when containers are marked with more than one variety and/or color.

AMS will also eliminate the unclassified category. This section is not a grade and only serves to show that no grade has been applied to the lot. This section will be removed from all fresh fruit and vegetable standards. It is no longer considered necessary.

AMS requested comments on industry terms for size based on 1½ bushel containers. AMS received a comment in favor of developing size requirements. The commenter also requested size definitions (small, medium, large, extra large and jumbo) for peppers packed in 1½ bushel containers which are based on a count per container, as well as minimum diameters and lengths for

each category. Further, the commenter requested marking requirements which would require cartons to be marked by count and/or size. AMS is not changing the current size requirements. The commenter's study submitted was based on only twenty-two cartons that contained five size categories. A greater number of statistical samples of each size would need to be submitted for consideration. Further, AMS believes it would be impractical to apply such requirements due to the various varietal characteristics of sweet peppers regarding shape and size, and the lack of a standardized container within the industry.

The official grade of a lot of sweet peppers covered by these standards are determined by the procedures set forth in the Regulations Governing Inspection, Certification, and Standards of Fresh Fruits, Vegetables and Other Products (Sec. 51.1 to 51.61).

The U.S. Standards for Grades of Sweet Peppers will become effective 30 days after publication of this notice in the **Federal Register**.

**Authority:** 7 U.S.C. 1621-1627.

Dated: October 13, 2005.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

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**BILLING CODE 3410-02-P**

## DEPARTMENT OF AGRICULTURE

### Foreign Agricultural Service

#### Trade Adjustment Assistance for Farmers

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

**ACTION:** Notice.

The Administrator, Foreign Agricultural Service (FAS), today terminated the certification of petitions for trade adjustment assistance (TAA) that was filed by salmon producers in Alaska and Washington. Salmon producers in these states are no longer eligible for TAA benefits in fiscal year 2006.

**SUPPLEMENTARY INFORMATION:** Upon investigation, the Administrator determined that the average salmon prices during the 2004 marketing year was \$0.343/pound, which is 85 percent of the base 5-year average price. During that same marketing year, imports declined by 1.4 percent. Therefore, the average price for the most recent marketing year was not less than 80 percent of the average price for the base period and imports were no longer

contributing factors for program eligibility.

**FOR FURTHER INFORMATION CONTACT:** Jean-Louis Pajot, Coordinator, Trade Adjustment Assistance for Farmers, FAS, USDA, (202) 720-2916, e-mail: [trade.adjustment@fas.usda.gov](mailto:trade.adjustment@fas.usda.gov).

Dated: October 6, 2005.

**A. Ellen Terpstra,**

*Administrator, Foreign Agricultural Service.*

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### **Fuel Reduction Activities Within the City of Bozeman's Municipal Watershed on the Gallatin National Forest and City of Bozeman Lands, Montana; Gallatin National Forest; Gallatin County, MT**

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice; intent to prepare environmental impact statement.

**SUMMARY:** The USDA, Forest Service, will prepare an environmental impact statement (EIS) to disclose the environmental effects of a proposed fuels reduction project that will help maintain the water supply to the City of Bozeman. The project's purpose and need is to begin reducing the potential severity and extent and future wildland fires in the Bozeman and Hyalite Municipal Watersheds, begin creating vegetation and fuel conditions that will reduce the risk of excess sediment and ash reaching the municipal water treatment plant in the event of a severe wildland fire, begin creating vegetation and fuel conditions that will provide for firefighter and public safety by modifying potential fire behavior, and reduce fuel conditions in the wildland/urban interface (WUI). A range of 3 to 5 alternatives are targeted for consideration in this planning process.

**DATES:** Initial comments on this proposal should be received by November 11, 2005.

**ADDRESSES:** Written comments should be sent to Jim Devitt, Gallatin National Forest Supervisors Office, P.O. Box 130, Bozeman, Montana 59771-0130.

**FOR FURTHER INFORMATION CONTACT:** Jim Devitt, Bozeman Municipal Watershed Project Interdisciplinary Team Leader, Gallatin National Forest Supervisors Office, (406) 587-6749.

**SUPPLEMENTARY INFORMATION:** The purpose of this project, as identified by the Gallatin National Forest and the City of Bozeman, is to maintain a high-

quality, long term, and predictable water supply for Bozeman area residents. The Bozeman Municipal Watershed analysis area is a landscape dominated by steep canyons and timbered slopes. The two drainages are very popular and receive heavy use for outdoor recreation activities such as pleasure driving, hiking, biking, camping, picnicking, fishing, and hunting, to name a few. The Bozeman Municipal Water project will apply to portions of National Forest System Lands and City of Bozeman land within the Bozeman and Hyalite Watersheds. There are several homes and subdivisions within one half mile of the forest boundary or within the WUI. Fire simulation models showed that a large fire started in either Bozeman Creek or Hyalite Creek could easily burn into the adjacent drainage, resulting in a situation where both major sources of city water supply are simultaneously impacted. The Forest Service and City of Bozeman believe it is timely to begin addressing this project's purpose. The purpose and need for this project would be achieved by (1) Maintaining low fire severity conditions through prescribed burning. (2) Maintaining the effectiveness of the riparian filtration zone by removing or cutting conifers to invigorate shrub communities. (3) Treating invasive weed species to maintain native communities and allow the riparian area to function as efficiently as possible.

The Forest Service is looking for ways to do innovative treatments to address this project's purpose and need. Potential fuel activities being considered include treating up to 6,000 total acres, including a small portion of the Gallatin Divide Inventoried Roadless Area in the Bozeman Creek watershed, and treating up to 3,000 acres in the Hyalite Creek watershed with a combination of prescribed burning, thinning, brush cutting, and commercial tree harvest.

To facilitate public comment, the Forest Service has prepared a scoping document. This document identifies a one possible set of treatment options and can be viewed on the Gallatin National Forest Web site at <http://www.fs.fed.us/r1/gallatin>. A copy can be also be obtained by calling or writing the contact person identified above. The scoping comment period will end November 11, 2005.

Comments on the scoping document from the public and other agencies will be used in preparation of a Draft Environmental Impact Statement (DEIS). More specifically, comments will be used to modify and refine the alternatives and identify potential

resources issues (environmental effects) that should be considered in analysis.

The Draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and available for public review in June of 2006. At that time, the EPA will publish a Notice of Availability of the Draft EIS in the **Federal Register**. The comment period on the Draft EIS is estimated to be 45 days from the date the EPA's notice of availability appears in the **Federal Register**. The Final EIS is scheduled for completion in the spring of 2007.

To assist the Forest Service in identifying and considering issues, comments should be specific to concerns associated with the fuel reduction activities within a municipal watershed. 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 structuring comments.

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, 533 (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 during comment periods provided so that substantive comments and objections are made available to the Forest Service at a time when they can meaningfully consider them. To assist the Forest Service in identifying and considering issues, comments should be specific to concerns associated with the management of roads and trails on the Gallatin National Forest. 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 structuring comments.

I am the responsible official for this Environmental Impact Statement and