

products by *L. monocytogenes* and required that establishments adopt and implement one of these alternatives.

The use of FSIS Form 10,240-1, Production Information on Post-Lethality Exposed Ready-to-Eat Products, will facilitate collection of information about the RTE products produced by establishments. This information will be used in developing FSIS' annual sampling frequencies for establishments and RTE products. The annual collection of this information was addressed in the interim final rule (68 FR 34207) in 9 CFR 430.4(d). The Agency will use this information, along with the FSIS verification testing history of the establishment, to design a risk-based verification testing program, as stated in the preamble to the interim final rule and in FSIS Directive 10,240.4, Verification Procedures for the *Listeria monocytogenes* Regulation and Microbial Sampling of Ready-to-Eat (RTE) Products for the FSIS Verification Testing Program. In addition, FSIS will be issuing an FSIS notice to instruct FSIS inspection program personnel on how to verify that establishments are completing and submitting FSIS Form 10,240-1 to FSIS. At the first weekly meeting held after receipt of the FSIS notice, inspection program personnel are to inform plant management (1) about the availability of the form, (2) that the establishment is to complete and submit the form to meet the regulatory requirement at 9 CFR 430.4(d), and (3) that the establishment's failure to complete the form or to submit it to FSIS within 30 days from the date of the meeting may cause the Agency to seek appropriate enforcement actions against the establishment or responsible officials. The regulations at 9 CFR 430.4(d) state that "\* \* \* an establishment that produces post-lethality exposed RTE product shall provide FSIS \* \* \* with estimates of annual production volume and related information for the types of meat and poultry products processed \* \* \*" under 9 CFR part 430—Requirements for Specific Classes of Product.

In a memorandum of interview, inspection program personnel are to document who was present at the meeting, the date and time of the meeting, what was discussed, and any documents that were shared with management. Inspection program personnel are to maintain a copy of the memorandum in the official government file and provide a copy to the plant management.

After 30 days from the meeting at which inspection program personnel notified the establishment about

completing and submitting the form, inspection program personnel are to ask the establishment management whether it has completed FSIS Form 10,240-1 and submitted it to FSIS.

If an establishment has not completed the form, and does not indicate that it plans to do so in a timely manner, inspection program personnel are to notify the appropriate FSIS District Office through supervisory channels. The District Office will take the necessary follow-up actions.

FSIS Form 10,240-1 is available on the FSIS Web site at [www.fsis.usda.gov/Forms/index.asp](http://www.fsis.usda.gov/Forms/index.asp) and is also available to FSIS employees in the FAIM forms library. The form can either be printed and filled out, signed and mailed to FSIS/USDA or filled out online, printed, signed and mailed to FSIS/USDA. The full address is FSIS/USDA, Data Analysis and Statistical Support Staff, Cotton Annex Building, 300 12th Street, SW., Room 201, Washington, DC 20250, or faxed to (202) 690-0824. (The form can also be requested from the FSIS Data Analysis and Statistical Support Staff at the address above).

#### Paperwork Reduction Act

The Office of Management and Budget has approved the information collection and recordkeeping requirements under approval number 0583-0132.

As establishments continue to adapt to the regulatory approach embodied in the interim final rule, FSIS will evaluate the need for the specific information required and the frequency of its collection. The Agency will consider, for example, whether establishments with no change in *Listeria* control methods or products affected could simply verify the fact and report production volume.

Copies of this information collection assessment can be obtained from John O'Connell, Paperwork Reduction Act Coordinator, FSIS, USDA, 112 Annex, 300 12th Street, SW., Washington, DC 20250-3700.

#### Government Paperwork Elimination Act (GPEA) Compliance

FSIS is committed to compliance with the GPEA, which requires Government agencies, in general, to provide the public the option of submitting information or transacting business electronically to the maximum extent possible.

#### Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to ensure that the public and in particular minorities, women, and persons with

disabilities, are aware of this notice, FSIS will announce it on-line through the FSIS Web page located at <http://www.fsis.usda.gov>.

FSIS also will make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and other types of information that could affect or would be of interest to our constituents and stakeholders. The update is communicated via Listserv, a free e-mail subscription service consisting of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals who have requested to be included. The update also is available on the FSIS Web page. Through Listserv and the Web page, FSIS is able to provide information to a much broader, more diverse audience.

Done at Washington, DC, on September 17, 2004.

**Barbara J. Masters,**  
*Acting Administrator.*

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BILLING CODE 3410-DM-P

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Sierra National Forest, California, Kings River Project

**AGENCY:** Forest Service, USDA.

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

**SUMMARY:** The Forest Service will prepare an environmental impact statement on a proposal to conduct a sustainable forest ecosystem study that examines the response of an array of ecosystem elements to uneven-aged, small group selection and prescribed fire. The intention is to implement these activities in suitable locations over time and to monitor and perform research studies on the response of physical, chemical, and biological features of the Big Creek and Dinkey Creek watersheds. The study is a collaborative effort between the Sierra National Forest and the Pacific Southwest Research Station.

**DATES:** A public field trip will be conducted on September 14, 2004 to provide further information about the Kings River Project. Comments concerning the scope of the analysis must be received by October 9, 2004. Mail comments to Kings River Project Coordinator, c/o High Sierra Ranger District, PO Box 559 (29688 Auberry

Road), Prather, CA 93651. The draft environmental impact statement is expected June 2005 and the final environmental impact statement is expected October 2005.

**FOR FURTHER INFORMATION CONTACT:** Ross Peckinpah, Acting Kings River Project Coordinator, (559) 855-5355 x3350.

**SUPPLEMENTARY INFORMATION:**

**Purpose and Need for Action**

The Kings River Project is a key part of the adaptive management program for the Sierra Nevada that is designed to address questions that relate to the uncertainties associated with management activities and their effects on wildlife habitat, watershed condition and modified wildlife behavior.

**Proposed Action**

The Sierra National Forest proposes to implement the Kings River Project that initially involves analyzing in detail eight management units for treatment between 2006 and 2008 (the ninth management unit, South of Shaver, already had NEPA completed and is scheduled for implementation in 2004). The remaining 71 management units (of which 10 are planned as no treatment-controls and the remaining 61 for implementation between 2011 and 2033) will be examined based on existing condition and the potential for cumulative effects on the Kings River Project. Thus the EIS will be programmatic for the entire project with a focused piece for the initial eight management units. The EIS will address the five planned research studies (Kings River experimental watershed, California spotted owl, fisher, air quality, and uneven-aged management) while incorporating the National Fire Plan objectives (April 2000), USDA Forest Service Strategic Plan and the Sierra Nevada Framework for Conservation and Collaboration Record of Decision (January 2001), as amended on January 21, 2004.

**Lead and Cooperating Agencies**

The Kings River Project is a collaborative effort between the Sierra National Forest and the Pacific Southwest Research Station (PSW). The Sierra National Forest is the lead agency.

**Responsible Official**

Ed Cole, Forest Supervisor, Sierra National Forest, 1600 Tollhouse Ave., Clovis, CA 93612.

**Nature of Decision To Be Made**

The decision to be made is whether to implement the planned treatment and

associated studies, an alternative or select no action.

**Scoping Process**

The Sierra National Forest will conduct a 30-day public scoping period that coincides with this notice.

**Comment Requested**

This notice of intent initiates the scoping process which guides the development of the environmental impact statement. The scoping period will be conducted for 30 days from the date of this notice. The Sierra National Forest is seeking comments regarding this proposal to identify issues that may be presently unknown to the agency.

**Early Notice of Importance of Public Participation in Subsequent Environmental Review**

A draft environmental impact statement will be prepared for comment. The comment period of the draft environmental impact statement will be 60 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, 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 by the close of the 60-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 environmental impact statement.

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

chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the 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.

Comments received, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection.

**Authority:** 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21.

Dated: September 30, 2004.

**Mark T. Smith,**

*Acting Forest Supervisor.*

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**DEPARTMENT OF COMMERCE**

**Foreign-Trade Zones Board**

[Order No. 1352]

**Approval of Manufacturing Authority, Foreign-Trade Zone 134, Sofix Corporation (Colorformer Chemicals), Chattanooga, TN**

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

*Whereas*, the Chattanooga Chamber Foundation, grantee of FTZ 134, on behalf of Sofix Corporation, requesting authority to manufacture black colorformer chemicals under FTZ procedures within FTZ 134—Site 2 (FTZ Docket 58-2003, filed 11/04/03);

*Whereas*, notice inviting public comment has been given in the **Federal Register** (68 FR 64853, 11/17/03);

*Whereas*, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that approval of the request, is in the public interest;

*Now, therefore*, the Board hereby orders:

The application, on behalf of Sofix Corporation, requesting authority to manufacture black colorformer chemicals under FTZ procedures within FTZ 134—Site 2 is approved, subject to the FTZ Act and the Board's regulations, including § 400.28.