

(NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

In accordance with 7 CFR 340.6(d), we are publishing this notice to inform the public that APHIS will accept written comments regarding the petition for a determination of nonregulated status from interested or affected persons for a period of 60 days from the date of this notice. During the same comment period, we are also soliciting written comments from interested or affected persons on the plant pest risk assessment and on the EA prepared to examine any environmental impacts of the proposed deregulation determination for the subject soybean event. The petition, plant pest risk assessment, EA, and any comments we receive are available for public review, and copies of the petition, plant pest risk assessment, and EA are available as indicated in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

After the comment period closes, APHIS will review all written comments received during the 60-day comment period and any other relevant information. All public comments received regarding the petition, plant pest risk assessment, and draft EA will be available for public review. After reviewing and evaluating the comments on the petition, plant pest risk assessment, draft EA, and other data, APHIS will furnish a response to the petitioner, either approving in whole or denying the petition. APHIS will then publish a notice in the **Federal Register** announcing the regulatory status of Pioneer's 305423 soybean and the availability of APHIS' written decision.

**Authority:** 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.8, and 371.3.

Done in Washington, DC, this 26th day of August 2009.

**Kevin Shea,**

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

[FR Doc. E9–21277 Filed 8–31–09; 11:15 am]

**BILLING CODE 3410–34–P**

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. APHIS–2008–0119]

### Implementation of Revised Lacey Act Provisions

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** The Food, Conservation, and Energy Act of 2008 amended the Lacey Act to provide, among other things, that importers submit a declaration at the time of importation for certain plants and plant products. The declaration requirements of the Lacey Act became effective on December 15, 2008, and enforcement of those requirements is being phased in. The purpose of this notice is to inform the public of the Federal Government's revised plan to phase in enforcement of the declaration requirement and other implementation plans.

**DATES:** We will consider all comments that we receive on or before November 2, 2009.

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

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2008-0119> to submit or view comments and to view supporting and related materials available electronically.

- **Postal Mail/Commercial Delivery:** Please send two copies of your comment to Docket No. APHIS–2008–0119, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2008–0119.

**Reading Room:** You may read any comments that we receive on this docket in our reading room. The reading room 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) 690–2817 before coming.

**Other Information:** Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Alex Belano, Branch Chief, Risk Management and Plants for Planting

Policy, RPM, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1231; (301) 734–8758.

### SUPPLEMENTARY INFORMATION:

#### Background

The Lacey Act (16 U.S.C. 3371 *et seq.*), first enacted in 1900 and significantly amended in 1981, is the United States' oldest wildlife protection statute. The Act combats trafficking in “illegal” wildlife, fish, or plants. The Food, Conservation, and Energy Act of 2008, effective May 22, 2008, amended the Lacey Act by expanding its protection to a broader range of plants and plant products (Section 8204, Prevention of Illegal Logging Practices). As amended, the Lacey Act now makes it unlawful to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any plant, with some limited exceptions, taken in violation of the laws of a U.S. State or any foreign law that protects plants. The Lacey Act also now makes it unlawful to make or submit any false record, account, or label for, or any false identification of, any plant. In addition, Section 3 of the Lacey Act, as amended (16 U.S.C. 3372), makes it unlawful to import certain plants and plant products without an import declaration. The declaration must contain, among other things, the scientific name of the plant, value of the importation, quantity of the plant, and name of the country from where the plant was harvested. For paper and paperboard products containing recycled content, the declaration also must include the average percent of recycled content without regard for species or country of harvest.

#### Comment Analysis

On October 8, 2008, we published a notice in the **Federal Register** (73 FR 58925–58927, Docket No. APHIS–2008–0119) announcing our plans to begin phased-in enforcement of the declaration requirement on April 1, 2009, and provided dates and products covered for the first three phases of enforcement. We solicited comments on the proposed phase-in plan for 60 days ending on December 8, 2008, and received 124 comments by that date. On February 3, 2009, we published a second notice in the **Federal Register** (74 FR 5911–5913, Docket No. APHIS–2008–0119) and provided a revised, more detailed phase-in schedule based on comments we received in response to the October notice. We solicited comment on the revised phase-in plan for 60 days ending on April 6, 2009, and received 41 comments by that date. The comments covered a range of topics,

including the scope of the declaration requirement, the specific products covered in each phase, definitions of terms, length of phases, effects on trade/industry, and enforcement issues. While we will not specifically address each of the comments in this notice, we have revised the phase-in schedule based on the comments we received and our experience with implementation to date. We will also publish a separate notice in the **Federal Register** to respond to the substantive comments that we have received to date. We will continue to take into account public comments as we continue to implement the provisions related to the declaration requirement of the Lacey Act.

#### Revised Phase-in Schedule

After review of the comments received, further internal consideration, and experience with implementation of the first phase of enforcement of the declaration requirement, we have revised the phase-in schedule, which

covers the period from December 15, 2008, to August 31, 2010. In our February notice, we committed to providing affected individuals and industry with at least 6 months' notice for any products that would be added to the phase-in schedule. Although we have modified phase III, which is scheduled to begin on October 1, 2009, we have only removed items from this phase. Phase IV, scheduled to begin April 1, 2010, has been substantially revised. Those changes were based on information supplied by commenters and further consideration within the interagency group of the products that would supply the most valuable information to inform the Federal Government as we continue to implement the statute and develop recommendations for Congress as required by the Act.

Several commenters contended that identifying composite and recycled or reused materials (*e.g.*, medium density fiberboard, particleboard, and scrap

wood) to the genus and/or species level would be difficult and in some cases impossible. In response to those comments, we have decided to further delay enforcement of the declaration for such products. We currently propose to begin enforcing the declaration for those products no earlier than September 1, 2010. This delay in enforcement of the declaration requirement will allow the Federal Government more time to evaluate options for enforcing the declaration for these goods.

The revised phased-in enforcement schedule through August 31, 2010, is described in the table below with the date that enforcement of the declaration requirement begins listed at the top of each column. It is important to note that while enforcement of the declaration requirement is being phased in, the other Lacey Act amendments are already effective, and actions to enforce provisions of the Act other than the declaration requirement may be taken at any time.

#### PHASE-IN SCHEDULE OF ENFORCEMENT OF THE DECLARATION REQUIREMENT FOR GOODS OF, OR CONTAINING, PLANTS OR PLANT PRODUCTS\*

II April 1, 2009	III October 1, 2009	IV April 1, 2010
HTS Chapters: Ch. 44 Headings (wood & articles of wood) .... 4401—(Fuel wood) ..... 4403—(Wood in the rough) .....  4404—Hoopwood; poles, piles, stakes) ..... 4406—Railway or tramway sleepers) ..... 4407—(Wood sawn or chipped lengthwise)  4408—(Sheets for veneering) ..... 4409—(Wood continuously shaped) ..... 4417—(Tools, tool handles, broom handles). 4418—(Builders' joinery and carpentry of wood).	HTS Chapters: Ch. 44 Headings (wood & articles of wood) 4402—Wood charcoal ..... 4412—Plywood, veneered panels, except 44129906 and 44129957. 4414—Wooden frames ..... 4419—Tableware & kitchenware of wood 4420—Wood marquetry, caskets, statues.        PLUS PHASE II .....	HTS Chapters: Ch. 44 Headings (wood & articles of wood) 4421—Other articles of wood. Ch. 66 Headings (umbrellas, walking sticks, riding crops). 6602—Walking sticks, whips, crops. Ch. 82 Headings (tools, implements). 8201—Hand tools.  Ch. 92 Headings (musical instruments). 9201—Pianos. 9202—Other stringed instruments.  Ch. 93 Headings (arms and ammunition).  9302—Revolvers and pistols. 93051020—Parts and accessories for revolvers and pistols. Ch. 94 Headings (furniture, etc.). 940169—Seats with wood frames. Ch. 95 Headings (toys, games, & sporting equipment). 950420—Articles and accessories for billiards. Ch. 97 Headings (works of art). 9703—Sculptures. PLUS PHASES II & III.

\* Declaration requirements were effective as of December 15, 2008. All declarations submitted must be accurate; false statements may be referred for enforcement. Failure to submit a declaration will not be prosecuted, and customs clearance will not be denied for lack of a declaration until after the phase-in date above.

Federal enforcement will address failures to file declarations for entries of products in the Harmonized Tariff Schedule (HTS) subchapters listed in the above phase-in schedule, unless APHIS publishes another notice in the

**Federal Register** announcing an amended implementation plan. We recognize that many of the headings listed in phase IV of the phase-in schedule contain goods that are not composed of wood or other plant

material. We wish to clarify that a declaration is not required for products that have no wood or other plant content. For example, both metal hammers and hammers with wooden handles are included in HTS Chapter

82. In that example, only the hammers with wooden handles would require a declaration as of April 1, 2010.

There will be no further additions to phases III or IV. We intend to provide at least 6 months' notice to persons and industries affected by changes to the phase-in schedule to facilitate compliance with the new requirements. Changes will be announced in the **Federal Register**. We invite public comment on the revised schedule for enforcement of the declaration.

We also seek comment on the following HTS chapters/subchapters currently under consideration for subsequent phases that would be scheduled to begin on or after September 1, 2010:

- Ch. 44 Headings (wood & articles of wood)
  - 4405—Wood wool [excelsior]
  - 4410—Particle board
  - 4411—Fiberboard of wood
  - 4412—Plywood, including 44129906 and 44129957
  - 4413—Densified wood
  - 4415—Packing cases, boxes, crates, drums
  - 4416—Casks, barrels, vats, tubs
- Ch. 47 Headings (wood pulp)
  - 4701—Mechanical wood pulp
  - 4702—Chemical wood pulp, dissolving
  - 4703—Chemical wood pulp, sulfate
  - 4704—Chemical wood pulp, sulfite
  - 4705—Combination mechanical and chemical
- Ch. 92 Headings (musical instruments)
  - 9205—Wind musical instruments
- Ch. 48 Headings (paper & articles of)
  - 4801—Newsprint
  - 4802—Uncoated writing paper
  - 4803—Toilet or facial tissue stock
  - 4804—Uncoated kraft paper
  - 4805—Other uncoated paper and board
  - 4806—Vegetable parchment, etc.
  - 4807—Composite paper and board
  - 4808—Corrugated paper and board
  - 4809—Carbon paper
  - 4810—Coated paper and board
  - 4811—Paper coated, etc.
- Ch. 66 Headings (umbrellas, walking sticks, riding crops)
  - 6601—Umbrellas
  - 6603—Umbrella parts
- Ch. 94 Headings (furniture, etc.)
  - 9401—Seats
  - 940330—Wooden office furniture
  - 940340—Wooden kitchen furniture
  - 940350—Wooden bedroom furniture
  - 940360—Other wooden furniture
  - 940381—Furniture of cane, osier, bamboo, rattan, or similar materials
- Ch. 95 Headings (toys, games & sporting equipment)

- 9504—Articles for arcade, table, or parlor games

We continue to consider the applicability of the declaration requirement to other products not included in the revised phase-in schedule or listed above. In particular, we seek comment on how the declaration requirement should be enforced as to additional goods classified under the following HTS headings:

- Ch. 48 Paper & articles of
- Ch. 82 Tools, implements
- Ch. 89 Ships, boats, & floating structures
- Ch. 93 Arms and ammunition
- Ch. 94 Furniture, etc.
- Ch. 95 Toys, games, & sporting equipment
- Ch. 96 Brooms, pencils, buttons

As noted in the February 2009 **Federal Register** notice, the Federal Government is also conducting studies on other HTS headings to inform its implementation of the Lacey Act.

#### Blanket Declarations

Several commenters requested that APHIS consider the use of blanket declarations instead of shipment-by-shipment declarations. Blanket declarations could be used to declare routine and/or repeat shipments. The commenters noted that such declarations would reduce the paperwork burden on affected entities, reduce costs, and could, in addition, improve the quality and usefulness of the information collected. Some commenters provided detailed descriptions of possible blanket declaration programs.

The Federal Government is making every effort to implement the amended Lacey Act, including the declaration requirement, in a manner that is consistent with the Act and, at the same time, recognizes the burden of compliance on industry. We also have an objective of improving the overall quality of the information contained in the import declarations. In that context, we are currently evaluating options for blanket certification programs. We recently announced a pilot blanket declaration program for participants in Customs and Border Protection's expedited border release programs, Automated Line Release (ALR) or Border Release Advance Screening and Selectivity (BRASS). This pilot program will test the feasibility of collecting the information required through the use of a periodic "blanket" declaration, with subsequent reconciliation reports. Information on how to participate in this program is available on APHIS'

Lacey Act Web page [http://www.aphis.usda.gov/plant\\_health/lacey\\_act/index.shtml](http://www.aphis.usda.gov/plant_health/lacey_act/index.shtml).

#### Use of Spp. To Identify Species of Imported Plants

Several commenters proposed that APHIS allow for importers to provide only the genus name in circumstances where the individual species would be difficult to identify. The commenters contended that in some circumstances, the individual species used to manufacture the product would be impossible to identify and that they would therefore have to list dozens or even hundreds of possible species. The commenters contended that this information would be of little value to the Federal Government as it relates to enforcement of the declaration requirement and that it would result in significantly greater filing costs for them. Along similar lines, some of those commenters asked that APHIS allow for the use of common nomenclature for species identification. One example provided is SPF, a common grade of lumber manufactured from varying proportions of spruce, pine, or fir species in Canada. SPF imports from Canada are a combination of several distinct species, but identifying the particular species in any individual shipment would be difficult. The commenter recommended that APHIS develop a list of shorthand designations that would satisfy the requirement to provide genus and species information for these common nomenclature groups.

The amended Lacey Act explicitly states that the import declaration must contain both the genus and the species of the imported plant material. Further, the Act states that if a species is unknown, then the declaration should contain a list of all of the possible species that may be present in the product. Therefore, in circumstances where the list of possible species in a particular product includes all species in a genus, it is acceptable to use "spp." following the genus name on the import declaration form. However, when reference to all possible species in a genus is not accurate (based on geographical or other factors), importers are expected to provide either the single genus and species, or a specific list on the import declaration form of all possible species that may have been used to produce the plant product.

With regard to the use of shorthand group designations like SPF, the Federal Government is currently considering this approach. Specifically, we are considering criteria that might be used to define genus and species groups and the extent to which we might accept the

use of group designations on the import declaration either under our current authority or through the regulatory authority provided in the amended Lacey Act.

#### Declaration Form

A printable declaration form is currently available for voluntary submission on the Internet at [http://www.aphis.usda.gov/plant\\_health/lacey\\_act/index.shtml](http://www.aphis.usda.gov/plant_health/lacey_act/index.shtml) or from the person listed under **FOR FURTHER INFORMATION CONTACT**. We will continue to revise the declaration form to make editorial changes and otherwise clarify the requirements for the form. To ensure that you are using the most updated form, please visit the APHIS Web site to verify the current version. You may submit completed declaration forms by mail to: The Lacey Act, c/o U.S. Dept of Agriculture, Box 10, 4700 River Road, Riverdale, MD 20737.

As indicated previously, we encourage importers to file the data required by the amended Lacey Act electronically through the Automated Commercial System (ACS). If a paper declaration is used, please submit the original. The declaration form cannot be submitted online or by e-mail.

#### Additional Information

APHIS will continue to provide the latest information regarding the Lacey Act on our Web site, [http://www.aphis.usda.gov/plant\\_health/lacey\\_act/index.shtml](http://www.aphis.usda.gov/plant_health/lacey_act/index.shtml). The Web site currently contains the Lacey Act, as amended; a slideshow covering background and context, new requirements, commodities and products covered, information on prohibitions, and the current status of implementation of the declaration requirement of the Lacey Act; frequently asked questions; the phase-in implementation plan; and the paper declaration form. The Web site will be updated as new materials become available. We encourage persons interested in receiving timely updates on APHIS' Lacey Act efforts to register for our stakeholder registry at <https://web01.aphis.usda.gov/PPQStakeWeb2.nsf> and select "Lacey Act Declaration" as a topic of interest.

Done in Washington, DC, this 27th day of August 2009.

**Kevin Shea,**

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

[FR Doc. E9-21216 Filed 9-1-09; 8:45 am]

**BILLING CODE 3410-34-P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Glenn/Colusa County Resource Advisory Committee

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Glenn/Colusa County Resource Advisory Committee (RAC) will meet in Willows, California. Agenda items covered include: (1) Introductions, (2) Approve Minutes, (3) Public Comment, (4) Project Presentations for FY08 and FY09, (5) Project Voting by RAC Members, (6) General Discussion, (7) Next Agenda.

**DATES:** The meeting will be held on September 28, 2009, from 1:30 p.m. and end at approximately 4:30 p.m.

**ADDRESSES:** The meeting will be held at the Mendocino National Forest Supervisor's Office, 825 N. Humboldt Ave., Willows, CA 95988. Individuals who wish to speak or propose agenda items send their names and proposals to Eduardo Olmedo, Designated Federal Official, 825 N. Humboldt Ave., Willows, CA 95988.

**FOR FURTHER INFORMATION CONTACT:** Matt Ellis, Committee Coordinator, USDA, Mendocino National Forest, Grindstone Ranger District, 825 N. Humboldt Ave., Willows, CA 95988. (530) 934-3316; e-mail [matthewellis@fs.fed.us](mailto:matthewellis@fs.fed.us).

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public. Committee discussion is limited to Forest Service staff and Committee members. However, persons who wish to bring matters to the attention of the Committee will file written statements with the Committee staff before or after the meeting. Public input sessions are provided and individuals who made written requests by September 21, 2009 have the opportunity to address the committee at those sessions.

Dated: August 25, 2009.

**Eduardo Olmedo,**

*Designated Federal Official.*

[FR Doc. E9-21073 Filed 9-1-09; 8:45 am]

**BILLING CODE 3410-11-M**

## COMMISSION ON CIVIL RIGHTS

### Agenda and Notice of Public Meeting of the Missouri Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a planning meeting of the

Missouri Advisory Committee to the Commission will convene by conference call at 1:30 p.m. and adjourn at approximately 2:30 p.m. on Monday, September 21, 2009. The purpose of this meeting is to plan activities for a public meeting titled "Educational Opportunities in Urban Public School Settings and Education Reform in Missouri \* \* \* Kansas City and St. Louis Public School Districts."

This meeting is available to the public through the following toll-free call-in number: (866) 364-7584, conference call access code number 26870820. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1-800-977-8339 and providing the Service with the conference call number and contact name Farella E. Robinson.

To ensure that the Commission secures an appropriate number of lines for the public, persons are asked to register by contacting Corrine Sanders of the Central Regional Office and TTY/TDD telephone number, by 4 p.m. on September 14, 2009.

Members of the public are entitled to submit written comments. The comments must be received in the regional office by October 21, 2009. The address is U.S. Commission on Civil Rights, 400 State Avenue, Suite 908, Kansas City, Kansas 66101. Comments may be e-mailed to [frobinson@usccr.gov](mailto:frobinson@usccr.gov). Records generated by this meeting may be inspected and reproduced at the Central Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, <http://www.usccr.gov>, or to contact the Central Regional Office at the above email or street address.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.

Dated in Washington, DC, August 27, 2009.

**Peter Minarik,**

*Acting Chief, Regional Programs  
Coordination United States Commission on Civil Rights.*

[FR Doc. E9-21130 Filed 9-1-09; 8:45 am]

**BILLING CODE 6335-01-P**