

U.S.C. 7701 *et seq.*), the regulations in 7 CFR part 340, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests," regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered organisms and products are considered "regulated articles."

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. Paragraphs (b) and (c) of § 340.6 describe the form that a petition for a determination of nonregulated status must take and the information that must be included in the petition.

APHIS has received a petition (APHIS Petition Number 09-233-01p) from Dow AgroScience LLC (Dow) of Indianapolis, IN, seeking a determination of nonregulated status of corn (*Zea mays*) designated as event DAS-40278-9, which has been genetically engineered for increased resistance to broadleaf herbicides in the phenoxy auxin group (such as the herbicide 2,4-D) and resistance to grass herbicides in the aryloxyphenoxypropionate acetyl coenzyme A carboxylase inhibitor group (such as quizalofop herbicides), stating that this corn is unlikely to pose a plant pest risk and, therefore, should not be a regulated article under APHIS' regulations in 7 CFR part 340.

As described in the petition, corn event DAS-40278-9 has been genetically engineered to express the aryloxyalkanoate dioxygenase protein AAD-1. Corn event DAS-40278-9 is currently regulated under 7 CFR part 340. Interstate movements and field tests of corn event DAS-40278-9 have been conducted under permits issued or notifications acknowledged by APHIS.

Field tests conducted under APHIS oversight allowed for evaluation in a natural agricultural setting while imposing measures to minimize the risk of persistence in the environment after completion of the test. Data are gathered on multiple parameters and used by the applicant to evaluate agronomic characteristics and product performance. These and other data are used by APHIS to determine if the new variety poses a plant pest risk.

In section 403 of the Plant Protection Act, "plant pest" is defined as any

living stage of any of the following that can directly or indirectly injure, cause damage to, or cause disease in any plant or plant product: A protozoan, a nonhuman animal, a parasitic plant, a bacterium, a fungus, a virus or viroid, an infectious agent or other pathogen, or any article similar to or allied with any of the foregoing. APHIS has prepared a plant pest risk assessment to determine if corn event DAS-40278-9 is unlikely to pose a plant pest risk.

APHIS has also prepared a draft environmental assessment (EA) in which it presents two alternatives based on its analyses of data submitted by Dow, a review of other scientific data, and field tests conducted under APHIS oversight. APHIS is considering the following alternatives: (1) Take no action, *i.e.*, APHIS would not change the regulatory status of corn event DAS-40278-9 and it would continue to be a regulated article, or (2) make a determination of nonregulated status of corn event DAS-40278-9.

The draft EA has been prepared to provide the APHIS decisionmaker with a review and analysis of any potential environmental impacts associated with the proposed determination of nonregulated status of corn event DAS-40278-9. The draft EA was prepared in accordance with (1) the National Environmental Policy Act of 1969 (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 § 340.6(d) of the regulations, 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. We are also soliciting written comments from interested or affected persons on the plant pest risk assessment and the draft EA prepared to examine any potential environmental impacts of the proposed determination for the deregulation of the subject corn line. The petition, draft EA, and plant pest risk assessment are available for public review, and copies of the petition, draft EA, and plant pest risk assessment are available as indicated under **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** above.

After the comment period closes, APHIS will review all written comments received during the comment period and any other relevant information. All

comments received regarding the petition, draft EA, and plant pest risk assessment will be available for public review. After reviewing and evaluating the comments on the petition, the draft EA, plant pest risk assessment, and other data, APHIS will furnish a response to the petitioner, either approving or denying the petition. APHIS will also publish a notice in the **Federal Register** announcing the regulatory status of corn event DAS-40278-9 and the availability of APHIS' written environmental decision and regulatory determination.

Authority: 7 U.S.C. 7701-7772 and 7781-7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 19th day of December 2011.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2011-33009 Filed 12-22-11; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS-2011-0028]

Food Source Attribution; Public Meeting

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: The Food Safety and Inspection Service (FSIS), in collaboration with the Food and Drug Administration (FDA), and the Centers for Disease Control and Prevention (CDC), is hosting a public meeting to discuss Federal efforts to advance tri-agency understanding of food source attribution and develop harmonized food source attribution estimates useful to informing targeted food safety strategies. The public meeting will also introduce the Interagency Food Safety Analytics Collaboration (IFSAC), which was formed to collaborate on analytic projects. The meeting will also serve as a platform to introduce IFSAC's draft Strategic Plan. Foodborne illness attribution was selected as the initial focus in light of the CDC foodborne illness burden estimates released in 2011 and in response to stakeholder input to develop a unified approach to attribution. FSIS, FDA, and CDC are also interested in input from stakeholders regarding existing data and methods for food source attribution in the United States and the opportunities and challenges in implementing the IFSAC Strategic Plan.

DATES: The public meeting will be held on Tuesday, January 31, 2012, 8:30 a.m. to 4 p.m.

ADDRESSES: The meeting will be held at the South Building Cafeteria, U.S. Department of Agriculture (USDA), 14th & Independence Avenue SW., Washington, DC 20250. Non-USDA employees must enter through wing 2, located at 12th and C Street SW. Attendees must provide a photo ID to enter the building.

FOR FURTHER INFORMATION CONTACT: For questions about registration, to register orally, or to submit a notice of participation by mail, fax, or by email: Courtney Treece, Planning Professionals, Ltd., 1210 W. McDermott, Suite 111, Allen, TX 75013, telephone: (704) 258-4983, fax: (469) 854-6992, email: ctreece@planningprofessionals.com.

For questions about the meeting, to request an opportunity to make public comments, or to submit the full text, comprehensive outline or summary of an oral presentation, contact: Juanita Yates, FDA, Center for Food Safety and Applied Nutrition, telephone: (240) 402-1731, email:

juanita.yates@fda.hhs.gov. To request special accommodations due to a disability, contact Juanita Yates by January 25, 2012.

For logistical information about the meeting, contact Joan Lindenberger, Office of Public Affairs and Consumer Education, FSIS, telephone: (202) 720-6755, or by email at joan.lindenberger@fsis.usda.gov.

For technical information about the meeting, contact Dr. David Goldman, Assistant Administrator, Office of Public Health Science, USDA, FSIS, telephone: (202) 690-6462, fax: (202) 690-6337, email: David.Goldman@fsis.usda.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Estimating the number of illnesses, hospitalizations, and deaths caused by major foodborne pathogens is an important step in the prioritization of disease control programs. Estimating the proportions of these illnesses that are caused by specific food sources (food source attribution) is a necessary additional step in measuring progress toward public health goals resulting from food safety policies and interventions. The number of illnesses and their food source attribution are used together to inform strategic planning and policy decisions to allocate Federal resources towards pressing public health concerns.

Currently, work by Scallan et al (2011)¹ provides estimates of the annual number of foodborne illnesses caused by 31 major pathogens and was informed by a variety of data sources. Estimating the most common sources of these foodborne illnesses (food source attribution) also relies on multiple data sources and analytic methods. Data from foodborne outbreak investigations have always been an important source of attribution information because many of these investigations determine the specific food associated with illnesses. However, most foodborne illness is not associated with detected outbreaks, and some causes of foodborne illness, such as *Toxoplasma* and *Campylobacter*, are never or rarely associated with foodborne outbreaks. Consequently, additional data sources and analytic methods are needed to enhance food source attribution estimates and inform their interpretation. These may include studies of laboratory-confirmed illnesses, expert elicitations, and risk assessments.

In response to President Obama's Food Safety Working Group Key Findings on "Improved Organization of Federal Food Safety Responsibilities," FSIS, FDA, and CDC formed IFSAC in February 2011 to meet the crucial need for strengthening Federal collaboration by addressing cross-cutting priorities for food safety data collection, analysis, and use. Additionally, as a part of tri-Agency public meetings on the development of feasible and effective food safety performance metrics held in March, July, and October 2010, stakeholders identified the need for the three Federal food safety agencies to work together and harmonize food source attribution efforts. This includes working jointly to advance the science and methods available for estimating attribution. As a result, IFSAC chose food source attribution as its first food safety analytical challenge.

The initial objective of IFSAC is the estimation of source attribution of foodborne infections to specific foods and settings. This includes the understanding that continuous improvements to data and the analytic methods available for generating attribution estimates will provide more accurate assessments of the attribution of foodborne illnesses across the broad range of commodities and points in the food safety chain. In Summer 2011, the three agencies worked together to

develop a cohesive description of specific needs related to food source attribution, which includes both short-term needs such as developing shared attribution estimates for decision-making, as well as long-term needs that focus on plans for reducing the uncertainty, improving data and analytic methods, and obtaining comprehensive estimates of attribution that are informed by multiple data sources and analytic approaches. These needs, and the strategy for meeting these needs, were captured in the draft IFSAC Strategic Plan for Attribution.

In October 2011, this plan was reviewed by three food safety experts independent of the U.S. government, who did not provide any consensus recommendations or advice, and in November 2011, it was presented to members of the Food Safety Modernization Act (FSMA) surveillance workgroup. IFSAC also sought advice from the FDA Risk Communication Advisory Committee (RCAC) on August 15-16, 2011, on how to best communicate to stakeholders on the evolving methodology and complex data sources involved in food source attribution. Meeting materials, transcripts and meeting minutes from the RCAC meeting on August 15-16, 2011, are available at <http://www.fda.gov/AdvisoryCommittees/CommitteesMeetingMaterials/RiskCommunicationAdvisoryCommittee/ucm249108.htm>. Based on the feedback received on the Strategic Plan and communication challenges, IFSAC is developing new strategies and communication materials to meet the needs of the three agencies and food safety stakeholders.

The agencies will present the IFSAC Strategic Plan for Attribution and will seek input on the opportunities and challenges to improve food source attribution efforts in the United States. An agenda for the meeting and the draft IFSAC Strategic Plan will be finalized on or before the public meeting date and will be posted at http://www.fsis.usda.gov/News_&_Events/meetings_&_events.

II. Registration

Due to limited space, FSIS encourages all persons who wish to attend the meeting to register online at http://www.fsis.usda.gov/News_&_Events/meetings_&_events by January 25, 2012.

III. Comments

Stakeholders will have an opportunity to provide oral comments. Interested persons and organizations who desire an opportunity to make an oral presentation during the time allotted for

¹ Scallan E, Hoekstra RM, Angulo FJ, Tauxe RV, Widdowson M-A, Roy SL, et al. Foodborne illness acquired in the United States—major pathogens. *Emerg Infect Dis* [serial on the Internet]. 2011 Jan [cited 11/15/2011]. <http://www.cdc.gov/EID/content/17/1/7.htm>.

public comments at the meeting are encouraged to register in advance by January 9, 2012. Anyone registering to provide a public comment must also provide a brief description of the comment and any material to be used during the presentation by January 25, 2012.

In addition to this meeting, interested persons may submit comments on or before March 1, 2012, using either of the following methods:

Federal eRulemaking Portal: Go to <http://www.regulations.gov> and follow the online instructions at that site for submitting comments.

Mail, including CD-ROMS: Send to Docket Clerk, USDA, FSIS Docket Room, 1400 Independence Avenue SW., Patriots Plaza 3, Mailstop 3782, Room 8-163A, Washington, DC 20250-3700.

Hand- or courier-delivered items: Deliver to the Docket Clerk, USDA, FSIS Docket Room at Patriots Plaza 3, 355 E. Street SW., Room 8-164, Washington, DC 20250 between 8:30 a.m. and 4:30 p.m., Monday through Friday.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS-2011-0028. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to <http://www.regulations.gov>.

Docket: For access to background documents or comments received, go to the FSIS Docket Room at Patriots Plaza 3, 355 E. Street SW., Room 8-164, Washington, DC 20250 between 8:30 a.m. and 4:30 p.m., Monday through Friday.

IV. Transcripts

As soon as the meeting transcripts are available, they will be accessible on the FSIS Web site at http://www.fsis.usda.gov/news/meetings_&_events. The transcripts may also be viewed at the FSIS Docket Room at the address listed above.

Additional Public Notification

FSIS will announce this notice online through the FSIS Web page located at http://www.fsis.usda.gov/regulations_&_policies/Federal_Register_Notices/index.asp.

FSIS will also 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, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is

communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. In addition, FSIS offers an electronic mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at http://www.fsis.usda.gov/News_&_Events/Email_Subscription/. Options range from recalls to export information to regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

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Done at Washington, DC on December 19, 2011.

Alfred V. Almanza,
Administrator.

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DEPARTMENT OF AGRICULTURE

Forest Service

Los Padres National Forest: California; Environmental Impact Statement for the Removal of the Noxious Weed Tamarisk on the Los Padres National Forest

AGENCY: Forest Service, USDA.

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

SUMMARY: The USDA, Forest Service, Los Padres National Forest, gives notice of intent to conduct analysis and prepare an Environmental Impact

Statement (EIS) for the removal of the noxious weed Tamarisk across the Los Padres National Forest: this notice announces the beginning of scoping, describes the proposed action, decisions to be made, and estimates the dates for filing the draft and final EIS. This notice also provides information concerning public participation, and the names and addresses of the Agency officials who can provide information.

DATES: Comments concerning the scope of the analysis will be received for 45 days from publication in the **Federal Register**. The draft environmental impact statement is expected October 17, 2011 and the final environmental impact statement is expected April 30, 2012.

ADDRESSES: Send written comments to Los Padres National Forest, 6755 Hollister Avenue, Suite 150, Goleta, CA 93117, attention: Lloyd Simpson, Forest Botanist. Comments may also be sent via email to: comments-pacificsouthwest-los-padres-ojai@fs.fed.us, or via facsimile to (805) 646-0408.

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.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action may be directed to Project Team Leader, Lloyd Simpson, Los Padres National Forest, Ojai Ranger District, 1190 E. Ojai Ave., Ojai, CA 93023; or by telephone: (805) 646-4348 ext. 316. Email: commentspacificsouthwest-los-padres-ojai@fs.fed.us.

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 Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

There is a need to eradicate the noxious weed tamarisk from Piru Creek, Lockwood Creek, Cuyama River, Santa Ynez River, Sisquoc River, and Arroyo Seco River in order to restore and maintain habitat for riparian dependent species such as the federally listed arroyo toad, California red-legged frog, and steelhead trout. The purpose of this project is to eradicate tamarisk in a timely manner and with an approach that is pest-specific, cost effective, and safe for the human and aquatic environments.

The project area is on the Los Padres National Forest in portions of the Piru Creek, Lockwood Creek, Cuyama River,