

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.

On November 19, 2003, APHIS received a petition (APHIS Petition Number 03-323-01p) from Monsanto Company of St. Louis, MO, and KWS SAAT AG of Einbeck, Germany (Monsanto/KWS), requesting a determination of nonregulated status under 7 CFR part 340 for sugar beet (*Beta vulgaris* ssp. *vulgaris*) designated as event H7-1, which has been genetically engineered for tolerance to the herbicide glyphosate. The Monsanto/KWS petition states that the subject sugar beet should not be regulated by APHIS because it does not present a plant pest risk. As described in the petition, sugar beet event H7-1 has been genetically engineered to express a 5-enolpyruvylshikimate-3-phosphate synthase protein from *Agrobacterium* sp. strain CP4 (CP4 EPSPS), which confers tolerance to the herbicide glyphosate. Expression of the added genes is controlled in part by the 35S promoter derived from the plant pathogen figwort mosaic virus. The *Agrobacterium tumefaciens* transformation method was used to transfer the added genes into the KWS proprietary sugar beet line 3S0057.

Sugar beet event H7-1 has been considered a regulated article under the regulations in 7 CFR part 340 because it contains gene sequences from plant pathogens. In the process of reviewing the notifications for field trials of the subject sugar beet, APHIS determined that the vectors and other elements were disarmed and that the trials, which were conducted under conditions of reproductive and physical confinement or isolation, would not present a risk of plant pest introduction or dissemination.

In § 403 of the Plant Protection Act (7 U.S.C. 7701-7772), 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 views this definition very broadly. The definition covers direct or indirect injury, disease, or damage not just to agricultural crops, but also to plants in general, for example, native species, as well as to organisms that

may be beneficial to plants, for example, honeybees, rhizobia, etc.

The U.S. Environmental Protection Agency (EPA) is responsible for the regulation of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (7 U.S.C. 136 *et seq.*). FIFRA requires that all pesticides, including herbicides, be registered prior to distribution or sale, unless exempt by EPA regulation. In cases in which genetically modified plants allow for a new use of a pesticide or involve a different use pattern for the pesticide, EPA must approve the new or different use. Accordingly, EPA has granted a registration for the use of glyphosate on glyphosate-tolerant sugar beet.

When the use of the pesticide on the genetically modified plant would result in an increase in the residues in a food or feed crop for which the pesticide is currently registered, or in new residues in a crop for which the pesticide is not currently registered, establishment of a new tolerance or a revision of the existing tolerance would be required. Residue tolerances for pesticides are established by EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended (21 U.S.C. 301 *et seq.*), and the Food and Drug Administration (FDA) enforces tolerances set by EPA under the FFDCA. EPA has determined that the existing residue tolerance for glyphosate-tolerant sugar beet is sufficient to support future use of glyphosate on event H7-1.

FDA published a statement of policy on foods derived from new plant varieties in the **Federal Register** on May 29, 1992 (57 FR 22984-23005). The FDA statement of policy includes a discussion of FDA's authority for ensuring food safety under the FFDCA, and provides guidance to industry on the scientific considerations associated with the development of foods derived from new plant varieties, including those plants developed through the techniques of genetic engineering. Monsanto/KWS has begun consultation with FDA on the subject sugar beet event.

To provide the public with documentation of APHIS' review and analysis of the environmental impacts and plant pest risk associated with a proposed determination of nonregulated status for the Monsanto/KWS event H7-1 sugar beet, an environmental assessment (EA) has been prepared. The 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 persons for a period of 60 days from the date of this notice. We are also soliciting written comments from interested persons on the EA prepared to examine any environmental impacts of the proposed determination for the subject sugar beet event. The petition and the EA and any comments received are available for public review, and copies of the petition and the EA are available as indicated in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

After the comment period closes, APHIS will review the data submitted by the petitioner, all written comments received during the comment period, and any other relevant information. After reviewing and evaluating the comments on the petition and the EA and other data and information, APHIS will furnish a response to the petitioner, either approving the petition in whole or in part, or denying the petition. APHIS will then publish a notice in the **Federal Register** announcing the regulatory status of the Monsanto/KWS glyphosate-tolerant sugar beet event H7-1 and the availability of APHIS' written decision.

Authority: 7 U.S.C. 1622n and 7701-7772; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 14th day of October 2004.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E4-2710 Filed 10-18-04; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Forest Service

Madera County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of Resource Advisory Committee Meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committee Act of 1972 (Pub. L. 92-463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106-393) the Sierra National Forest's

Resource Advisory Committee for Madera County will meet on Monday, October 18, 2004. The Madera Resource Advisory Committee will meet at the Forest Service Office, North Fork, CA 93643. The purpose of the meeting is: new member orientation and review FY 2004 RAC proposals.

DATES: The Madera Resource Advisory Committee meeting will be held Monday, October 18, 2004. The meeting will be held from 7 p.m. to 9 p.m.

ADDRESSES: The Madera County RAC meeting will be held at the Forest Service Office, 57003 Road 225, North Fork, CA 93644.

FOR FURTHER INFORMATION CONTACT: Dave Martin, U.S.D.A., Sierra National Forest, Bass Lake Ranger District, 57003 Road 225, North Fork, CA 93643 (559) 877-2218 ext. 3100; e-mail: dmartin05fs.fed.us.

SUPPLEMENTARY INFORMATION: Agenda items to be covered include: (1) New member orientation and (2) review of FY 2004 RAC proposals.

Dated: October 11, 2004.

David W. Martin,

District Ranger, Bass Lake Ranger District.

[FR Doc. 04-23363 Filed 10-18-04; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-846]

Brake Rotors From the People's Republic of China: Notice of Initiation of Changed Circumstances Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of initiation of changed circumstances review.

SUMMARY: The Department of Commerce has received information sufficient to warrant initiation of a changed circumstances review of the antidumping order on brake rotors from the People's Republic of China ("PRC"). The review will be conducted to determine whether Shanxi Fengkun Foundry Ltd., Co. ("Fengkun Foundry") is the successor-in-interest to Shanxi Fengkun Metallurgical Ltd., Co. ("Fengkun Metallurgical").

EFFECTIVE DATE: October 19, 2004.

FOR FURTHER INFORMATION CONTACT: Steve Winkates, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW.,

Washington, DC 20230; telephone: (202) 482-1904.

SUPPLEMENTARY INFORMATION:

Background

On April 17, 1997, the Department published in the *Federal Register* the antidumping duty order on brake rotors from the PRC (62 FR 18740). On August 27, 2004, Fengkun Foundry submitted information and documentation in support of its claim that it is the successor-in-interest to Fengkun Metallurgical and requested that the Department conduct a changed-circumstances review to determine whether Fengkun Foundry is the successor-in-interest to Fengkun Metallurgical and whether it should receive the same antidumping duty treatment as is accorded to Fengkun Metallurgical with respect to the subject merchandise.

On September 7, 2004, we informed Fengkun Foundry that in order to further consider its August 27, 2004, request for a changed circumstances review, it was required to provide a response to the Department's separate rates questionnaire for purposes of determining whether it was entitled to a separate rate (see September 7, 2004, memorandum from the team leader to the file, entitled "Telephone Conversation with Counsel for Fengkun Foundry and Fengkun Metallurgical"). On September 14, 2004, Fengkun Foundry provided its response to the Department's separate rates questionnaire.

On September 14, 2004, the petitioner requested that the Department publish a separate notice of initiation and refrain from simultaneously issuing a preliminary finding because (1) it claimed that the data provided in the public version of Fengkun Foundry's August 27, 2004, request did not provide the Department with sufficient information to conduct an expedited review; and (2) the petitioner was denied the ability to comment fully on Fengkun Foundry's initiation request until it is granted access to the business proprietary data contained in Fengkun Foundry's initiation request pursuant to an administrative protective order ("APO").

Scope of Review

The products covered by this review are brake rotors made of gray cast iron, whether finished, semifinished, or unfinished, ranging in diameter from 8 to 16 inches (20.32 to 40.64 centimeters) and in weight from 8 to 45 pounds (3.63 to 20.41 kilograms). The size parameters (weight and dimension) of the brake rotors limit their use to the following

types of motor vehicles: automobiles, all-terrain vehicles, vans, recreational vehicles under "one ton and a half," and light trucks designated as "one ton and a half."

Finished brake rotors are those that are ready for sale and installation without any further operations. Semifinished rotors are those rotors which have undergone some drilling and on which the surface is not entirely smooth. Unfinished rotors are those which have undergone some grinding or turning.

These brake rotors are for motor vehicles and do not contain in the casting a logo of an original equipment manufacturer ("OEM") which produces vehicles sold in the United States (e.g., General Motors, Ford, Chrysler, Honda, Toyota, and Volvo). Brake rotors covered in this review are not certified by OEM producers of vehicles sold in the United States. The scope also includes composite brake rotors that are made of gray cast iron which contain a steel plate but otherwise meet the above criteria. Excluded from the scope of the review are brake rotors made of gray cast iron, whether finished, semifinished, or unfinished, with a diameter less than 8 inches or greater than 16 inches (less than 20.32 centimeters or greater than 40.64 centimeters) and a weight less than 8 pounds or greater than 45 pounds (less than 3.63 kilograms or greater than 20.41 kilograms).

Brake rotors are currently classifiable under subheading 8708.39.5010 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of this review is dispositive.

Separate Rates

In proceedings involving non-market economy ("NME") countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and thus should be assessed a single antidumping duty deposit rate. Based on information contained in its September 14, 2004, submission, Fengkun Foundry is registered in the PRC as a limited liability company owned by private individuals. Thus, a separate rates analysis is necessary to determine whether Fengkun Foundry is independent from government control (see *Notice of Final Determination of Sales at Less Than Fair Value: Bicycles From the People's Republic of China*, 61 FR 19026 (April 30, 1996)).

To establish whether a firm is sufficiently independent from