

# Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

July 15, 2005.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA*

\_Submission@OMB.EOP.GOV or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC. 20250-7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720-8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to

the collection of information unless it displays a currently valid OMB control number.

### Animal and Plant Health Inspection Service

*Title:* NAHMS Chronic Wasting Disease 2005 Study (CWD 2005).

*OMB Control Number:* 0579-NEW.

*Summary of Collection:* 7 U.S.C. 391, the Animal Industry Act of 1884, which established the precursor of the Animal and Plant Health Inspection Service (APHIS), Veterinary Services, the Bureau of Animal Industry, mandates collection and dissemination of animal health and information. APHIS plans to initiate a national study titled the Chronic Wasting Disease (CWD) 2005. CWD is a fatal, neurological disease that occurs in deer and elk populations. The study will collect information from cervid producers nationwide.

*Need and Use of the Information:* The purpose of the CWD study is to support the farmed/captive cervid industry by collecting baseline data to: (1) Describe general health and management practices; (2) describe the farmed/captive cervid industry; and (3) identify the most efficient and effective ways to contact producers for outreach purposes. Without this type of data, APHIS ability to detect trends in management, production, and health status that increase/decrease farm economy, either directly or indirectly, would be reduced or nonexistent.

*Description of Respondents:* Individuals or households; Farms; Business or other for-profit.

*Number of Respondents:* 5,600.

*Frequency of Responses:* Reporting: Other (One time).

*Total Burden Hours:* 5,600.

**Ruth Brown,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 05-14295 Filed 7-19-05; 8:45 am]

**BILLING CODE 3410-34-M**

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. 04-051-2]

### Syngenta Seeds, Inc.; Determination of Nonregulated Status for Cotton Genetically Engineered for Insect Resistance

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

**ACTION:** Notice.

**SUMMARY:** We are advising the public of our determination that cotton designated as transformation Event COT102, which has been genetically engineered for insect resistance, is no longer considered a regulated article under our regulations governing the introduction of certain genetically engineered organisms. Our determination is based on our evaluation of data submitted by Syngenta Seeds, Inc., in its petition for a determination of nonregulated status, our analysis of other scientific data, and comments received from the public in response to a previous notice. This notice also announces the availability of our written determination and our finding of no significant impact.

**EFFECTIVE DATE:** July 6, 2005.

**ADDRESSES:** You may read a copy of the determination, the environmental assessment and finding of no significant impact, the petition for a determination of nonregulated status submitted by Syngenta Seeds, Inc., and all comments received on the petition and the environmental assessment 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:* You may view APHIS documents published in the **Federal Register** and related information on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

**FOR FURTHER INFORMATION CONTACT:** Dr. Margaret Jones, Biotechnology Regulatory Services, APHIS, 4700 River

Road Unit 147, Riverdale, MD 20737; (301) 734-4880. To obtain copies of the determination, the environmental assessment (EA) and finding of no significant impact (FONSI), and the petition, contact Ms. Ingrid Berlinger at (301) 734-5715; e-mail: [ingrid.e.berlinger@aphis.usda.gov](mailto:ingrid.e.berlinger@aphis.usda.gov). The petition and the EA, including the FONSI and determination, are also available on the Internet at: [http://www.aphis.usda.gov/brs/aphisdocs/03\\_15501p.pdf](http://www.aphis.usda.gov/brs/aphisdocs/03_15501p.pdf) and [http://www.aphis.usda.gov/brs/aphisdocs/03\\_15501p\\_ea.pdf](http://www.aphis.usda.gov/brs/aphisdocs/03_15501p_ea.pdf).

#### SUPPLEMENTARY INFORMATION:

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.

On June 4, 2003, APHIS received a petition (APHIS Petition Number 03-155-01p) from Syngenta Seeds, Inc. (Syngenta) of Research Triangle Park, NC, requesting a determination of nonregulated status under 7 CFR part 340 for cotton (*Gossypium hirsutum* L.) designated as transformation event COT102, which has been genetically engineered for selective lepidopteran insect resistance. The Syngenta petition states that the subject cotton should not be regulated by APHIS because it does not present a plant pest risk.

On January 28, 2005, APHIS published a notice in the **Federal Register** (70 FR 4085-4086, Docket No. 04-051-1) announcing that the Syngenta petition and an environmental assessment (EA) were available for public review. That notice also discussed the role of APHIS, the Environmental Protection Agency, and the Food and Drug Administration in

regulating the subject cotton and food products developed from it.

We solicited comments concerning the petition and EA for 60 days ending March 29, 2005. We received nine comments by that date, submitted by seven individuals (one commenter submitted three copies of the same comment). The comments were from a university professor, three private individuals, and three anonymous commenters. Two of the commenters discussed field trials of genetically modified rice, and a third commenter discussed field trials of Syngenta cotton but did not address the petition for nonregulated status. None of the four remaining commenters supported granting nonregulated status to Syngenta's insect-resistant cotton event COT102. The issues raised in the comments are addressed in an attachment to the finding of no significant impact (FONSI).

#### Background

As described in the petition, Event COT102 cotton has been genetically engineered to contain an insecticidal *Vip3A(a)* gene derived from *Bacillus thuringiensis* (Bt) strain AB88 under the control of the actin-2 promoter derived from *Arabidopsis thaliana*, which confers expression of the VIP3A(a) protein throughout the plant with the exception of the fiber and nectar. Event COT102 cotton also contains the selectable marker gene *aph4* derived from *Escherichia coli*. The *aph4* gene encodes the enzyme hygromycinB phosphotransferase and its expression is controlled by the ubiquitin-3 promoter from *A. thaliana*. Agrobacterium-mediated gene transfer was used to transfer the added genes into the recipient Coker 312 cotton variety. The petitioner states that while the VIP3A protein shares no homology with known Cry proteins, testing has shown that VIP3A is similarly specific in toxicity only to the larvae of certain lepidopteran species. However, the VIP3A apparently targets a different receptor than the Cry1 proteins in sensitive species and therefore may be useful in the management of pest resistance.

Event COT102 has been considered a regulated article under the regulations in 7 CFR part 340 because it contains gene sequences from the plant pathogen *Agrobacterium tumefaciens*. This cotton event has been field tested since 2000 in the United States under APHIS notifications. In the process of reviewing the notifications for field trials of the subject cotton, APHIS determined that the vector was 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.

#### Determination

Based on its analysis of the data submitted by Syngenta Seeds, Inc., a review of other scientific data, field tests of the subject cotton, and comments submitted by the public, APHIS has determined that COT102 cotton: (1) Exhibits no plant pathogenic properties; (2) is no more likely to become weedy than the nontransgenic parental line or other cultivated cotton; (3) is unlikely to increase the weediness potential of any other cultivated or wild species with which it can interbreed; (4) will not cause damage to raw or processed agricultural commodities; (5) will not harm threatened or endangered species or organisms that are beneficial to agriculture; and (6) should not reduce the ability to control pests and weeds in cotton or other crops. Therefore, APHIS has concluded that the subject cotton and any progeny derived from hybrid crosses with other non-transformed cotton varieties will be as safe to grow as cotton in traditional breeding programs that are not subject to regulation under 7 CFR part 340. The effect of this determination is that Syngenta's COT102 cotton is no longer considered a regulated article under APHIS' regulations in 7 CFR part 340.

Therefore, the requirements pertaining to regulated articles under those regulations no longer apply to the subject cotton or its progeny. However, importation of COT102 cotton and seeds capable of propagation are still subject to the restrictions found in APHIS' foreign quarantine notices in 7 CFR part 319 and imported seed regulations in 7 CFR part 361.

#### National Environmental Policy Act

An EA was prepared to examine any potential environmental impacts associated with the proposed determination of nonregulated status for the subject cotton. 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). Based on that EA, APHIS has reached a FONSI with regard to the determination that Syngenta's COT102 cotton and lines developed from it are

no longer regulated articles under its regulations in 7 CFR part 340. Copies of the EA and FONSI are available as indicated in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

**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 July 2005.

**Kevin Shea,**

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

[FR Doc. 05-14263 Filed 7-19-05; 8:45 am]

**BILLING CODE 3410-34-P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

(Docket 31-2005)

#### Foreign-Trade Zone 262 -- Southaven, Mississippi, Application for Expansion

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board), by the Northern Mississippi FTZ, Inc., grantee of Foreign-Trade Zone 262, requesting authority to expand its zone in Southaven, Mississippi, within the Memphis Customs port of entry (which covers areas in Tennessee and Mississippi). The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on July 12, 2005.

FTZ 262 was approved on October 1, 2004 (Board Order 1353, 69 FR 60841, 10/13/04). The general-purpose zone consists of a 219-acre site at the DeSoto Trade Center located between Interstate 55 and U.S. Highway 51 south of Church Road in Southaven.

The applicant is now requesting authority to expand the zone to include two additional parcels (461 acres) immediately south and southwest of the existing site at the DeSoto Trade Center (new total acreage -- 680 acres). The additional parcels are located at U.S. Highway 51 between College Road and Star Landing Road. The parcels are owned by College Road Land Company LLC and DTC Eastgate 1 LLC and are suitable for warehousing, light assembly, manufacturing and distribution activities. No specific manufacturing authority is being requested at this time. Such requests would be made on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to

investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at one of the following addresses:

1. *Submissions via Express/Package Delivery Services:* Foreign-Trade Zones Board, U.S. Department of Commerce, Franklin Court Building--Suite 4100W, 1099 14th Street, NW., Washington, DC 20005; or,
2. *Submissions via the U.S. Postal Service:* Foreign-Trade Zones Board, U.S. Department of Commerce, FCB--Suite 4100W, 1401 Constitution Avenue, NW., Washington, DC 20230.

The closing period for their receipt is September 19, 2005. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to October 3, 2005).

A copy of the application and accompanying exhibits will be available during this time for public inspection at address Number 1 listed above, and at the Office of the City Clerk, 8700 Northwest Drive, Southaven, Mississippi 38671.

Dated: July 12, 2005.

**Dennis Puccinelli,**

*Executive Secretary.*

[FR Doc. 05-14286 Filed 7-19-05; 8:45 am]

**BILLING CODE: 3510-DS-S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-122-840]

#### Notice of Preliminary Results of Antidumping Duty Administrative Review: Carbon and Certain Alloy Steel Wire Rod from Canada

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

**SUMMARY:** The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on Carbon and Certain Alloy Steel Wire Rod from Canada for the period October 1, 2003, to September 30, 2004 (the POR). We preliminarily determine that sales of subject merchandise by Ivaco Inc. and Ivaco Rolling Mills (IRM) (collectively, "Ivaco") and Ispat Sidbec, Inc. (Ispat) (now known as Mittal Canada Inc.

(Mittal)<sup>1</sup>) have been made below normal value (NV). If these preliminary results are adopted in our final results, we will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on appropriate entries. Interested parties are invited to comment on these preliminary results. We will issue the final results no later than 120 days from the publication of this notice.

**EFFECTIVE DATE:** July 20, 2005.

#### FOR FURTHER INFORMATION CONTACT:

Daniel O'Brien or Ashleigh Batton, at (202) 482-1376 or (202) 482-6309, respectively; AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW, Washington, DC 20230.

#### SUPPLEMENTARY INFORMATION:

##### Background

On October 1, 2004, the Department issued a notice of opportunity to request an administrative review of this order. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 69 FR 58889 (October 1, 2004). On October 29, 2004, in accordance with 19 CFR 351.213(b), Ivaco and Ispat requested an administrative review. On October 29, 2004, also in accordance with 19 CFR 351.213(b), the petitioners<sup>2</sup> requested an administrative review of Ivaco and Ispat. On November 19, 2004, the Department published the notice of initiation of this antidumping duty administrative review, covering the POR. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 69 FR 67701 (November 19, 2004).

On November 30, 2004, the Department issued its antidumping questionnaire to Ivaco and Ispat, specifying that the responses to Section A, and Sections B-E would be due on December 21, 2004, and January 6, 2005, respectively.<sup>3</sup> We received timely

<sup>1</sup> On June 24, 2005, we determined that Mittal was the successor-in-interest to Ispat Sidbec, Inc. *See Final Results of Changed Circumstances Antidumping Duty Administrative Review: Carbon and Certain Steel Alloy Wire rod from Canada*, (not yet scheduled for FR publication).

<sup>2</sup> The petitioners in this case are ISG Georgetown, Inc., Gerdau Ameristeel US, Inc., Keystone Consolidated Industries, Inc., and North Star Steel Texas, Inc.

<sup>3</sup> Section A of the questionnaire requests general information concerning a company's corporate structure and business practices, the merchandise under review that it sells, and the manner in which it sells that merchandise in all of its markets. Section B requests a complete listing of all home market sales, or, if the home market is not viable,

Continued