

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

- EDOCKET: Go to <http://www.epa.gov/feddoCKET> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once you have entered EDOCKET, click on the "View Open APHIS Dockets" link to locate this document.

• Postal Mail/Commercial Delivery: Please send four copies of your comment (an original and three copies) to Docket No. 05-046-1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. 05-046-1.

• 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: 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:** For information regarding the Animal Welfare Act regulations for guinea pigs, hamsters, and rabbits, contact Dr. Barbara Kohn, Senior Staff Veterinarian, Animal Care, APHIS, 4700 River Road Unit 84, Riverdale, MD 20737-1234; (301) 734-7833. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734-7477.

**SUPPLEMENTARY INFORMATION:**  
*Title:* Animal Welfare; Guinea Pigs, Hamsters, and Rabbits.  
*OMB Number:* 0579-0092.  
*Type of Request:* Extension of approval of an information collection.  
*Abstract:* The U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) administers regulations and standards that have been promulgated under the Animal Welfare Act to promote and ensure the humane care and treatment of regulated animals under the Act. The regulations in title 9, part 3, subparts B and C, of the Code of Federal Regulations (CFR) contain specifications

for the humane handling, care, treatment, and transportation of guinea pigs, hamsters, and rabbits. The regulations require, among other things, the documentation of specified information concerning the transportation of these animals.

The transportation standards for guinea pigs, hamsters, and rabbits require intermediate handlers and carriers to accept only shipping enclosures that meet the minimum requirements set forth in the regulations (§§ 3.36 and 3.61) or that are accompanied by documentation signed by the consignor verifying that the shipping enclosures comply with the regulations. If guinea pigs, hamsters, or rabbits are transported in cargo space that falls below 45 °F (7.2 C), the regulations specify that the animals must be accompanied by a certificate of acclimation signed by a USDA-accredited veterinarian.

In addition, all shipping enclosures must be marked with the words "Live Animals" and have arrows indicating the correct upright position of the container. Intermediate handlers and carriers are required to attempt to contact the consignee at least once every 6 hours upon the arrival of any live animals. Documentation of these attempts must be recorded by the intermediate handlers and carriers and maintained for inspection by APHIS personnel.

The above reporting and recordkeeping requirements do not mandate the use of any official government form.

The burden generated by APHIS requirements that all shipping documents be attached to the container has been cleared by the Office of Management (OMB) under OMB control number 0579-0036.

The reporting and recordkeeping requirements of 9 CFR part 3, subparts B and C, are necessary to enforce regulations intended to ensure the humane treatment of guinea pigs, hamsters, and rabbits during transportation in commerce.

We are asking OMB to approve our use of this information collection activity for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

- (1) Evaluate 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;
- (2) Evaluate the accuracy of our estimate of the burden of the collection

of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; e.g., permitting electronic submission of responses.

*Estimate of burden:* The public reporting burden for this collection of information is estimated to average 0.11555 hours per response.

*Respondents:* Intermediate handlers, carriers, class "A" and "B" dealers (as consignors), USDA-accredited veterinarians.

*Estimated annual number of respondents:* 1,470.

*Estimated annual number of responses per respondent:* 1.5306.

*Estimated annual number of responses:* 2,250.

*Estimated total annual burden on respondents:* 260 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.) All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 21st day of June, 2005.

**Elizabeth E. Gaston,**

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

[FR Doc. E5-3322 Filed 6-24-05; 8:45 am]

**BILLING CODE 3410-34-P**

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. 04-085-3]

#### **Monsanto Co. and Forage Genetics International; Availability Determination of Nonregulated Status for Alfalfa Genetically Engineered for Tolerance to the Herbicide Glyphosate**

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

**ACTION:** Notice.

**SUMMARY:** We are advising the public of our determination that the Monsanto Company and Forage Genetics International alfalfa lines designated as events J101 and J163, which have been genetically engineered for tolerance to the herbicide glyphosate, are no longer considered regulated articles under our

regulations governing the introduction of certain genetically engineered organisms. Our determination is based on our evaluation of data submitted by Monsanto Company and Forage Genetics International in their 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 announcing the availability of the petition for nonregulated status and an environmental assessment. This notice also announces the availability of our written determination document and our finding of no significant impact.

**EFFECTIVE DATE:** June 14, 2005.

**ADDRESSES:** You may read the petition for a determination of nonregulated status submitted by Monsanto Company and Forage Genetics International, the environmental assessment, all comments received on the petition and the environmental assessment, the determination, and the finding of no significant impact with attached response to comments 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.

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. Virgil Meier, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737-1236; (301) 734-3363. To obtain copies of the petition, the determination, the environmental assessment, or the finding of no significant impact, contact Ms. Ingrid Berlinger, at (301) 734-4885; e-mail:

[ingrid.e.berlinger@aphis.usda.gov](mailto:ingrid.e.berlinger@aphis.usda.gov). Those documents are also available on the Internet at [http://www.aphis.usda.gov/brs/aphisdocs/04\\_11001p.pdf](http://www.aphis.usda.gov/brs/aphisdocs/04_11001p.pdf) and [http://www.aphis.usda.gov/brs/aphisdocs/04\\_11001p\\_ea.pdf](http://www.aphis.usda.gov/brs/aphisdocs/04_11001p_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 April 16, 2004, APHIS received a petition (APHIS petition number 04-110-01p) from Monsanto Company of St. Louis, MO, and Forage Genetics International of West Salem, WI (Monsanto/FGI), requesting a determination of nonregulated status under 7 CFR part 340 for alfalfa (*Medicago sativa* L.) designated as events J101 and J163, which have been genetically engineered for tolerance to the herbicide glyphosate. The Monsanto/FGI petition states that the subject alfalfa should not be regulated by APHIS because it does not present a plant pest risk.

On November 24, 2004, APHIS published a notice in the **Federal Register** (69 FR 68300-68301, Docket No. 04-085-1) announcing that the Monsanto/FGI petition and an environmental assessment were available for public review and soliciting comments for 60 days ending January 24, 2005. The notice also discussed the role of APHIS, the Environmental Protection Agency, and the Food and Drug Administration in regulating the subject alfalfa and products developed from it. In a subsequent notice, APHIS extended the comment period until February 17, 2005 (see 70 FR 5601-5602, Docket No. 04-085-2, published February 3, 2005).

APHIS received 663 comments by the close of the extended comment period. Comments came from alfalfa growers and seed producers, organic growers, animal producers, growers associations, consumer groups, agriculture support industries, university professionals, and private citizens. Five hundred twenty respondents did not support granting nonregulated status to the events identified in the petition, while 137 supported the petition. The majority of the alfalfa growers and seed producers who submitted comments supported granting nonregulated status to alfalfa events J101 and J163, citing market demand for a weed-free product and stating that glyphosate tolerant alfalfa offered a tool to meet that demand. The

majority of those academic professionals, agricultural support industries, and growers associations that submitted comments also supported the petition. Those commenters who did not support the petition raised concerns that certain domestic and foreign markets may be closed to growers who cannot guarantee a non-genetically engineered product. Organic growers generally opposed the petition because of concerns that pollination of their crops by the glyphosate tolerant variety will result in the inadvertent generation of unwanted genetically engineered products, resulting in market loss.

APHIS has carefully considered these comments and suggestions, and a response to the issues raised in the comments is included as an attachment to the finding of no significant impact.

Alfalfa events J101 and J163 have 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 proprietary alfalfa line R2336.

Alfalfa events J101 and J163 have been considered regulated articles under the regulations in 7 CFR part 340 because they contain gene sequences from plant pathogens. In the process of reviewing the notifications for field trials of the subject alfalfa, 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.

#### Determination

Based on its analysis of the data submitted by Monsanto/FGI, a review of other scientific data, field tests of the subject alfalfa, and comments submitted by the public, APHIS has determined that alfalfa events J101 and J163: (1) Exhibit no plant pathogenic properties; (2) are no more likely to become weedy than the nontransgenic parental line or other cultivated alfalfa; (3) are 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 alfalfa or other crops. Therefore, APHIS has concluded that the subject alfalfa and any progeny derived from hybrid crosses with other non-transformed alfalfa varieties will be as safe to grow as alfalfa varieties in traditional breeding programs that are not subject to regulation under 7 CFR part 340.

The effect of this determination is that Monsanto/FGI alfalfa events J101 and J163 are no longer considered regulated articles under APHIS' regulations in 7 CFR part 340. Therefore, the requirements pertaining to regulated articles under those regulations no longer apply to the subject alfalfa or its progeny. However, importation of J101 and J163 alfalfa 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 environmental assessment was prepared to examine any potential environmental impacts associated with the determination of nonregulated status for the subject alfalfa events. The environmental assessment 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 environmental assessment, APHIS has reached a finding of no significant impact with regard to the determination that Monsanto/FGI J101 and J163 alfalfa events and lines developed from them are no longer regulated articles under its regulations in 7 CFR part 340. Copies of the environmental assessment and the finding of no significant impact are available from the individual listed under **FOR FURTHER INFORMATION CONTACT**.

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

Dated: Done in Washington, DC, this 21st day of June 2005.

**Elizabeth E. Gaston,**

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

[FR Doc. E5–3323 Filed 6–24–05; 8:45 am]

**BILLING CODE 3410–34–P**

## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

#### Tobacco Transition Payment Program—Successor-in-Interest Contracts

**AGENCY:** Commodity Credit Corporation, USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** This notice requests public comment on the documents to be used by the Commodity Credit Corporation (CCC) in the administration of the Tobacco Transition Payment Program (TTPP) with respect to successor-in-interest contracts, which allow a tobacco quota holder or a tobacco producer who is participating in this program to transfer their rights and obligations to a third-party.

**DATES:** CCC requests comments on any aspect of the documents, which are in the Appendix to this notice and at <http://www.fsa.usda.gov/tobacco/>. Comments must be received by July 11, 2005.

**ADDRESSES:** CCC invites interested persons to submit comments on these documents. The preferred manner to submit comments is by e-mail at: [tob\\_comments@wdc.usda.gov](mailto:tob_comments@wdc.usda.gov). Comments may also be submitted by any of the following methods:

- Fax: Send to (202) 720–1288.
- Mail: Send to Director, Tobacco Division, Farm Service Agency, United States Department of Agriculture (USDA), STOP 0514, Room 4080–S, 1400 Independence Ave., SW., Washington, DC 20250–0514.
- Hand Delivery or Courier: Deliver to the above address.

All comments, including names and addresses, provided by respondents become a matter of public record. Comments may be inspected in the Office of the Director, Tobacco Division, FSA, at the above address. Make inspection arrangements by calling (202) 720–7413.

**FOR FURTHER INFORMATION CONTACT:** Joe Lewis, Tobacco Division (TD), Farm Service Agency, United States Department of Agriculture (USDA), STOP 0514, Room 4080–S, 1400 Independence Avenue, SW., Washington, DC 20250–0514. Phone: (202) 720–0795; e-mail: [Joe\\_Lewis@wdc.usda.gov](mailto:Joe_Lewis@wdc.usda.gov).

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.) should contact the USDA Target Center at (202) 720–2600 (voice and TDD).

**SUPPLEMENTARY INFORMATION:** CCC is seeking comments on the forms relating to successor in interest contracts, consolidation of multiple contracts, and the process flow relating to these transactions.

An entity would submit to CCC form CCC–962, “Agreement to Purchase Tobacco Transition Payment Contract.” Required information includes the contract number associated with the transferor’s original contract, the transferor’s and the successor’s names and addresses and the signatures of both parties. In addition, the value of consideration provided by the successor to the transferor and the date such consideration will be paid must be provided. This agreement, once submitted to CCC, is non-revocable. CCC will date and time stamp each form upon receipt and will honor only the first one received.

CCC will notify both parties as to the approval or disapproval of the succession. If approved, the transferor no longer has any right to receive payment from CCC under the TTPP contract that was transferred. The successor has all rights to such payment upon execution of form CCC–957, “Successor in Interest Contract for Quota Holders,” or form CCC–958, “Successor in Interest Contract for Tobacco Producers,” as applicable. This form is available at the FSA Web site or at USDA Service Centers. It will be the responsibility of the successor to submit a signed CCC–957 or CCC–958 to CCC.

Successors desiring to consolidate multiple contracts acquired from quota holders and producers must submit the “Appendix to the Tobacco Transition Payment Program Contract, Request for Payment Consolidation Contract”. The appendix allows 60 existing contract numbers to be consolidated; a continuation form will allow unlimited contracts to be consolidated. Quota holder contracts and producer contracts may not be consolidated on the same form. Upon CCC approval, a new contract number will be issued.

If a party succeeds to a tobacco producer contract, the party must certify on form AD–1026, “Highly Erodible Land Conservation (HELIC) and Wetland Conservation (WC) Certification” to the understanding of the conservation compliance requirements under USDA programs. It is not necessary to complete this form if a previously filed AD–1026 is on file with USDA and there has not been a change in the farming operation or the persons affiliated with the operation from what was previously reported.

The successor must also complete a SF–1199A, “Direct Deposit Sign Up