

# 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

### Agricultural Research Service

#### Notice of Federal Invention Available for Licensing and Intent To Grant Exclusive License

**AGENCY:** Agricultural Research Service, USDA.

**ACTION:** Notice of availability and intent.

**SUMMARY:** Notice is hereby given that U.S. Patent Numbers 6,475,527, issued on November 5, 2002 and 6,761,911, issued on July 13, 2004, both entitled "Use of chlorate ion or preparations thereof for reduction of food borne pathogens", are available for licensing and that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Eka Chemicals, Inc. of Marietta, Georgia, an exclusive license to these patents.

**DATES:** Comments must be received within ninety (90) calendar days of the date of publication of this Notice in the **Federal Register**.

**ADDRESSES:** Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Room 4-1174, Beltsville, Maryland 20705-5131.

**FOR FURTHER INFORMATION CONTACT:** June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: (301) 504-5989.

**SUPPLEMENTARY INFORMATION:** The Federal Government's patent rights to these patents are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license these patents as Eka Chemicals, Inc. of Marietta, Georgia has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within ninety (90) days from the date of this published Notice,

the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

**Richard J. Brenner,**  
*Assistant Administrator.*

[FR Doc. 04-25601 Filed 11-17-04; 8:45 am]

BILLING CODE 3410-03-P

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. 03-101-3]

#### Environmental Impact Statement; Petition for Deregulation of Genetically Engineered Glyphosate-Tolerant Creeping Bentgrass

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

**ACTION:** Notice of intent to prepare an environmental impact statement and proposed scope of study; reopening of comment period.

**SUMMARY:** We are reopening the comment period for our notice that advises the public that the Animal and Plant Health Inspection Service intends to prepare an environmental impact statement as part of its consideration of a petition received from Monsanto Company and The Scotts Company for a determination of nonregulated status for a glyphosate-tolerant creeping bentgrass (*Agrostis stolonifera*). This action will allow interested persons additional time to prepare and submit comments. We are also announcing our intent to hold a public meeting to promote further public involvement in the development of the environmental impact statement. The location and date of the public meeting will be announced in a future issue of the **Federal Register**.

**DATES:** We will consider all comments that we receive on or before December 2, 2004.

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

- Postal Mail/Commercial Delivery: Please send four copies of your comment (an original and three copies) to Docket No. 03-101-2, 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. 03-101-2.

- E-mail: Address your comment to [regulations@aphis.usda.gov](mailto:regulations@aphis.usda.gov). Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and "Docket No. 03-101-2" on the subject line.

- Agency Web site: Go to <http://www.aphis.usda.gov/ppd/rad/cominst.html> for a form you can use to submit an e-mail comment through the APHIS Web site.

*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, including the names of groups and individuals who have commented on APHIS dockets, on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

**FOR FURTHER INFORMATION CONTACT:** Dr. Susan M. Koehler, BRS, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737-1238; (301) 734-4886.

**SUPPLEMENTARY INFORMATION:** On April 14, 2003 APHIS received a petition (APHIS Petition No. 03-104-01p) from Monsanto Company (St. Louis, MO) and The Scotts Company (Gervais, OR) (Monsanto/Scotts), requesting deregulation of a creeping bentgrass (*Agrostis stolonifera* L., synonym *A. palustris* Huds.) that has been genetically engineered for tolerance to the herbicide glyphosate. The Monsanto/Scotts petition states that the subject creeping bentgrass, designated as event ASR368, should not be regulated by APHIS because it does not present a plant pest risk. (The petition is available on the Internet at [http://www.aphis.usda.gov/brs/aphisdocs/03\\_10401p.pdf](http://www.aphis.usda.gov/brs/aphisdocs/03_10401p.pdf).)

In a notice published in the **Federal Register** on January 5, 2004 (69 FR 315-317, Docket No. 03-101-1), APHIS announced the receipt of the Monsanto/Scotts petition and solicited comments

on whether the subject creeping bentgrass would present a plant pest risk. We solicited comments concerning our notice for 60 days, ending March 5, 2004.

On September 24, 2004, APHIS published in the **Federal Register** (69 FR 57257 57260, Docket No. 03-101-2) a notice advising the public of our decision to prepare an environmental impact statement (EIS) as part of our consideration of petition 03-104-01p. Our decision was based on several factors: (1) Data associated with the petition, (2) a report prepared by the Weed Science Society of America on the weed management implications associated with the potential deregulation and commercialization of glyphosate-tolerant and glufosinate-tolerant creeping bentgrass varieties, (3) our preliminary risk assessment (available on the Internet at [http://www.aphis.usda.gov/brs/aphisdocs/03\\_10401p.pdf](http://www.aphis.usda.gov/brs/aphisdocs/03_10401p.pdf)), and (4) public comments received in response to our January 5, 2004, notice.

Pursuant to the regulations of the Council on Environmental Quality in 40 CFR 1501.4(d), APHIS has initiated the scoping process as mandated by National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), beginning with the January 5, 2004, **Federal Register** notice. The comment period for our September 24, 2004, notice of intent closed on October 24, 2004. We are reopening the comment period for an additional 2 weeks from the date of this notice to give interested parties additional time to respond. We will also consider all comments we received between the October 24, 2004, close of the original comment period and the date of this notice.

APHIS has also decided to hold a public meeting to encourage additional public participation in the EIS scoping process. The date and location of the public meeting will be announced on the APHIS Web site ([http://www.aphis.usda.gov/brs/brs\\_meetings.html](http://www.aphis.usda.gov/brs/brs_meetings.html)) and in a future **Federal Register** notice.

Comments that provide information relevant to the scope identified in the September 24, 2004, **Federal Register** notice or that identify other potentially significant environmental issues or alternatives that should be examined in the context of the EIS process would be especially helpful. All comments that we received in response to the January 5, 2004, notice will be included as part of this scoping process and need not be resubmitted. We will fully consider all the comments received in response to the January 5, 2004, notice; the

comments received on our September 24, 2004, notice of intent; and the comments received at the future public meeting in developing a final scope of study and in preparing the draft EIS. When the draft EIS is completed, we will publish a notice in the **Federal Register** announcing its availability and inviting the public to comment on it. Following our consideration of the comments received, APHIS will prepare a final EIS; its availability will also be announced in the **Federal Register** along with a 30-day public comment period, after which the Record of Decision will be issued.

Done in Washington, DC, this 12th day of November 2004.

**Elizabeth E. Gaston,**

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

[FR Doc. E4-3249 Filed 11-17-04; 8:45 am]

**BILLING CODE 3410-34-P**

## DEPARTMENT OF AGRICULTURE

### Foreign Agricultural Service

#### Trade Adjustment Assistance for Farmers

**AGENCY:** Foreign Agricultural Service, USDA.

**ACTION:** Notice.

The Administrator, Foreign Agricultural Service (FAS) today accepted petitions filed by the Louisiana Shrimp Association, P.O. Box 1088, Grand Isle, Louisiana 70358, for trade adjustment assistance. The association represents shrimpers in the state of Louisiana. The Administrator will determine within 40 days whether or not imports of shrimp and prawns contributed importantly to a decline in domestic producer prices of 20 percent or more during the marketing period beginning January 2003 and ending December 2003. If the determination is positive, all shrimpers who land and market their shrimp in Louisiana will be eligible to apply to the Farm Service Agency for technical assistance at no cost and for adjustment assistance payments.

#### FOR FURTHER INFORMATION CONTACT:

Jean-Louis Pajot, Coordinator, Trade Adjustment Assistance for Farmers, FAS, USDA, (202) 720-2916, e-mail: [trade.adjustment@fas.usda.gov](mailto:trade.adjustment@fas.usda.gov).

Dated: November 4, 2004.

**A. Ellen Terpstra,**

*Administrator, Foreign Agricultural Service.*

[FR Doc. 04-25602 Filed 11-17-04; 8:45 am]

**BILLING CODE 3410-10-P**

## DEPARTMENT OF AGRICULTURE

### Foreign Agricultural Service

#### Trade Adjustment Assistance for Farmers

**AGENCY:** Foreign Agricultural Service, USDA.

**ACTION:** Notice.

The Administrator, Foreign Agricultural Service (FAS), re-certified the trade adjustment assistance (TAA) petition that was filed by the South Carolina Shrimpers' Association and the South Carolina Growers Association on behalf of shrimpers and shrimp farmers. The petition was initially certified on November 10, 2003. Shrimpers and shrimp farmers who market their catch in South Carolina will be eligible to apply for fiscal year 2005 benefits during a 90-day period beginning on November 29, 2004. The application period closes on February 28, 2005.

**SUPPLEMENTARY INFORMATION:** Upon investigation, the Administrator determined that continued increases in imports of like or directly competitive products contributed importantly to a decline in the average landed price of shrimp in South Carolina by 40.9 percent during the 2003 marketing period (January-December 2003), compared to the 1997-2001 base period. Eligible producers may request technical assistance from the Extension Service at no cost and receive an adjustment assistance payment, if certain program criteria are satisfied. Producers in fiscal year 2005 who did not receive technical assistance under the fiscal year 2004 TAA program must obtain the technical assistance from the Extension Service by May 31, 2005, in order to be eligible for financial payments.

Producers of raw agricultural commodities wishing to learn more about TAA and how they may apply should contact the Department of Agriculture at the addresses provided below for General Information.

*Producers Certified as Eligible for TAA, Contact:* Farm Service Agency service centers.

*For General Information About TAA, Contact:* Jean-Louis Pajot, Coordinator, Trade Adjustment Assistance for Farmers, FAS, USDA, (202) 720-2916, e-mail: [trade.adjustment@fas.usda.gov](mailto:trade.adjustment@fas.usda.gov).

Dated: November 8, 2004.

**A. Ellen Terpstra,**

*Administrator, Foreign Agricultural Service.*

[FR Doc. 04-25603 Filed 11-17-04; 8:45 am]

**BILLING CODE 3410-10-P**