

03_18101p.pdf and http://www.aphis.usda.gov/brs/aphisdocs/03_18101p_ea.pdf.

SUPPLEMENTARY INFORMATION:

Background:

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. Further, the regulations in 340.6(e)(2) provide that a person may request that APHIS extend a determination of nonregulated status to other organisms. Such a request must include information to establish the similarity of the antecedent organism and the regulated article in question.

On June 30, 2003, APHIS received a request for an extension of a determination of nonregulated status (APHIS No. 03-181-01p) from Mycogen Seeds c/o Dow AgroSciences LLC (Mycogen/Dow) of Indianapolis, IN, for corn (*Zea mays* L.) designated as maize line 6275 (corn line 6275), which has been genetically engineered for resistance to certain lepidopteran insect pests and tolerance to the herbicide glufosinate. The Mycogen/Dow request seeks an extension of a determination of nonregulated status issued in response to APHIS petition number 00-136-01p for insect resistant and glufosinate-tolerant corn line 1507, the antecedent organism (see 66 FR 42624-42625, published August 14, 2001, Docket No. 00-070-3). Based on the similarity of the antecedent organism corn line 1507 and corn line 6275, Mycogen/Dow requests a determination that corn line 6275 does not present a plant pest risk and, therefore, is not a regulated article under APHIS' regulations in 7 CFR part 340.

Analysis

Like the antecedent organism, corn line 6275 has been genetically engineered to express a Cry1F

insecticidal protein derived from the common soil bacterium *Bacillus thuringiensis* subsp. *Aizawi* (*Bt aizawi*). The Cry1F protein is said to be effective in controlling certain lepidopteran pests of corn, including European corn borer, black cutworm, fall army worm, and southwestern corn borer. Corn line 6275 also contains the *bar* gene isolated from the bacterium *Streptomyces hygrosopicus*. The *bar* gene encodes a phosphinothricin acetyltransferase enzyme which confers tolerance to the herbicide glufosinate. The antecedent organism contains the *pat* gene derived from the bacterium *Streptomyces viridochromogenes*. The *pat* gene encodes a phosphinothricin acetyltransferase (PAT) protein, which also confers tolerance to glufosinate herbicides. Corn line 6275 was developed through use of *Agrobacterium*-mediated transformation, while microprojectile bombardment was used to transfer the added genes into the antecedent organism, corn line 1507. The recipient line used in both the antecedent organism and corn line 6275 was the public line designated Hi-II.

Corn line 6275 expresses an insecticidal crystal protein identical in amino acid sequence to the Cry1F protein expressed in line 1507, both lines express an identical protein which confers tolerance to the herbicide glufosinate, and the recipient line used in both lines was the same public line Hi-II. Accordingly, we have determined that corn line 6275 is similar to the antecedent organism in APHIS petition number 00-136-01p and we are proposing that corn line 6275 should no longer be regulated under the regulations in 7 CFR part 340.

Corn line 6275 has been considered a regulated article under APHIS regulations in 7 CFR part 340 because it contains gene sequences derived from plant pathogens. However, corn line 6275 has been field tested since 1999 under APHIS authorizations. In the process of reviewing the notifications for field trials of the subject corn, 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.

Should APHIS approve the Mycogen/Dow request for an extension of a determination of nonregulated status, corn line 6275 would no longer be considered a regulated article under APHIS' regulations in 7 CFR part 340. Therefore, the requirements pertaining to regulated articles under those

regulations would no longer apply to the field testing, importation, or interstate movement of the subject corn line or its progeny.

National Environmental Policy Act

To provide the public with documentation of APHIS' review and analysis of any potential environmental impacts associated with a proposed extension of a determination of nonregulated status for Mycogen/Dow's corn line 6275, 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). Copies of the Mycogen/Dow extension request and the EA are available as indicated in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

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

W. Ron DeHaven,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 04-18788 Filed 8-16-04; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Institute of Standards and Technology (NIST).

Title: BEES Please.

Form Number(s): None.

OMB Approval Number: 0693-0036.

Type of Review: Regular submission.

Burden Hours: 1,875.

Number of Respondents: 30.

Average Hours Per Response: 62.5.

Needs and Uses: BEES Please is a voluntary program to collect data from product manufacturers so that the environmental performance of their products may be evaluated scientifically using the BEES (Building for Environmental and Economic Sustainability) Program. BEES uses the environmental life-cycle assessment approach specified in the International

Standards Organization 14040 series of standards. NIST will publish in BEES an aggregated version of the data collected from manufacturers that protects data confidentiality, subject to manufacturer's review and approval.

Affected Public: Business or for-profit organizations.

Frequency: Once.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Jacqueline Zeiher, (202) 395-4638.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482-0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503.

Dated: August 11, 2004.

Gwellnar Banks,

Management Analyst, Office of the Chief Information.

[FR Doc. 04-18728 Filed 8-16-04; 8:45 am]

BILLING CODE 3510-13-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 33-2004]

Foreign-Trade Zone 25—Port Everglades, FL; Application for Expansion

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the Broward County Department of Port Everglades, grantee of FTZ 25, requesting authority to expand FTZ 25 in Broward County, Florida. 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 August 9, 2004.

FTZ 25 was approved on December 27, 1976 (Board Order 113, 42 FR 61, 1/3/77), and expanded on August 11, 1978 (Board Order 132, 43 FR 36989, 8/21/78), and October 10, 1991 (Board Order 537, 56 FR 52510, 10/21/91).

The applicant is now requesting authority to expand and reorganize the zone and make permanent several temporary parcels. The zone, as proposed, would consist of the

following sites, totaling 250 acres, in Broward County, Florida:

Site 1A: (82 acres) 3400 McIntosh Road within the Port of Port Everglades;

Site 1B: (10 acres) 4401 McIntosh Road within the Port of Port Everglades;

Site 1C: (50 acres) 3401 McIntosh Road within the Port Everglades Commerce Center;

Site 2: (12 acres) Westport Business Park, 2525 Davie Road, Davie;

Site 3: (39 acres) Miramar Park of Commerce, 10044 Premier Parkway, Miramar;

Site 4A: (18 acres) Lauderdale Lakes Industrial Park, 2696 NW 31st Ave., City of Lauderdale Lakes;

Site 4B: (13 acres) Lincoln Park, located at 3435-3699 NW 19th Street, City of Lauderdale Lakes; and

Site 4C: (26 acres) Florida Studios, 3200 West Oakland Park Boulevard, City of Lauderdale Lakes.

In accordance with the Board's regulations, a member of the FTZ staff has been appointed examiner to investigate the application and report to the Board.

Public comment 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 St., 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 Ave., NW., Washington, DC 20230. The closing period for their receipt is October 18, 2004. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to November 1, 2004).

A copy of the application and accompanying exhibits will be available for public inspection at the Office of the Foreign-Trade Zones Board's Executive Secretary at the first address listed above, and at the U.S. Department of Commerce Export Assistance Center, 200 E. Las Olas Blvd., Suite 1600, Fort Lauderdale, FL 33301-2284.

Dated: August 9, 2004.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 04-18811 Filed 8-16-04; 8:45 am]

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DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 34-2004]

Proposed Foreign-Trade Zone—Conroe (Montgomery County), TX; Application and Public Hearing

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the City of Conroe, Texas, to establish a general-purpose foreign-trade zone in Conroe (Montgomery County), Texas, adjacent to the Houston Customs port of entry. The FTZ application was submitted pursuant to the provisions of the FTZ Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on August 11, 2004. The applicant is authorized to make the proposal under Texas Revised Civil Statutes Article 1446.01.

The proposed zone would be the fifth general-purpose zone in the Houston-Galveston Customs port of entry area. The existing zones are as follows: FTZ 84, Harris County (Grantee: Port of Houston Authority, Board Order 214, 07/15/83); FTZ 36, Galveston (Grantee: Board of Trustees of the Galveston Wharves, Board Order 129, 05/04/78); FTZ 171, Liberty County (Grantee: Liberty County Economic Development Corporation, Board Order 501, 01/04/91); and, FTZ 199, Texas City, (Grantee: Texas City Foreign Trade Zone Corporation, Board Order 681, 02/01/94).

The proposed zone consists of 438 acres located at Conroe Park North industrial park, located one mile east of I-45 on FM 3083. The park is owned by Conroe Industrial Development Corporation, an entity of the City of Conroe and a parcel is owned by Alchemia America, Corporation.

The application indicates that there is a need for zone services in the North Houston/Montgomery County area. Several firms have indicated an interest in using zone procedures for warehousing/distribution activities. Specific manufacturing approvals are not being sought at this time. Requests would be made to the Board 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.

As part of the investigation, the Commerce examiner will hold a public hearing on September 14, 2004, 1 p.m., North Harris Montgomery Community College District, Headquarters Building,