

expanded use of Roundup UltraMAX® herbicide on MON 88913.

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 previously established an exemption from the requirement for a tolerance for the CP4 EPSPS protein in or on all raw agricultural commodities.

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 has begun consultation with FDA on the food and feed safety and nutritional assessment of the subject cotton.

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 Monsanto's 88913 cotton, 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 cotton. 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 Monsanto's glyphosate-tolerant MON 88913 cotton 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 28th day of September 2004.

Elizabeth E. Gaston,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E4–2471 Filed 10–1–04; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 04–040–2]

Old World Climbing Fern; Availability of an Environmental Assessment and Finding of No Significant Impact

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that an environmental assessment and finding of no significant impact have been prepared by the Animal and Plant Health Inspection Service relative to issuing a permit for the environmental release of the nonindigenous moth *Cataclysta camptozonale* (Hampson) (Lepidoptera: Crambidae), a potential biological control agent of Old World climbing fern (*Lygodium microphyllum*). The environmental assessment documents our review and analysis of environmental impacts associated with, and alternatives to, issuing a permit for the environmental release of the moth in Florida. Based on its finding of no significant impact, the Animal and Plant Health Inspection

Service has determined that an environmental impact statement need not be prepared.

ADDRESSES: Copies of the environmental assessment and finding of no significant impact are available for public inspection 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.

FOR FURTHER INFORMATION CONTACT: Dr. Robert Flanders, Branch Chief, Biological and Technical Service, Pest Permit Evaluations, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1236; (301) 734–5930.

SUPPLEMENTARY INFORMATION:

Background

Old World climbing fern, *Lygodium microphyllum* (Cav.) R. Br. (Lygodiaceae), is a climbing fern that has a large native range that extends through much of the Old World tropics. It has become established in central and southern peninsular Florida where it grows in a number of wetland and mesic (having a moderate supply of moisture) habitats including hammocks, cypress swamps, flatwoods, bayheads, and disturbed sites.

The climbing fern is a highly invasive, exotic weed that climbs over plants, including tall trees, to form massive walls of vegetation. It also forms thick mats on the ground that smother native plants. New infestations can arise great distances from existing populations because the weed produces millions of spores that are spread by wind and other physical carriers. A single spore is capable of starting a new infestation.

In Florida, the potential distribution of this weed includes all habitats from Lake Okeechobee south. It also has the potential to invade the Gulf Coast of Mexico and southern Texas.

On July 1, 2004, we published in the **Federal Register** (69 FR 39894–39895, Docket No. 04–040–1) a notice in which we announced the availability, for public review and comment, of an environmental assessment documenting our review and analysis of environmental impacts associated with issuing a permit for the release of the nonindigenous moth *Cataclysta camptozonale* (Hampson) (Lepidoptera: Crambidae) as a biological control agent of Old World climbing fern in the State of Florida. Larvae of the moth feed on the leaves of *L. microphyllum* for

approximately 11 to 12 days and older larvae spin a loose web of silk on leaves of the weed and pupate. Research suggests that the moth is host specific to only a few *Lygodium* species. Alternatives to issuing the permit were also examined in the environmental assessment, and included no action, herbicides, mechanical control, and flooding.

We solicited comments on the environmental assessment for 30 days ending on August 2, 2004. We received five comments by that date. Four of the commenters supported the recommendations of the environmental assessment. The fifth commenter objected to APHIS' performance and programs in general, but did not address the environmental assessment. Therefore, we are making no changes to the environmental assessment in response to this comment.

The environmental assessment and finding of no significant impact may be viewed on the Internet at <http://www.aphis.usda.gov/ppq/>. In the middle of that page, click on "Document/Forms Retrieval System." At the next screen, click on the triangle beside "Permits—Environmental Assessments." A list of documents will appear; the environmental assessment and finding of no significant impact for Old World climbing fern are document number 0038. You may request paper copies of the environmental assessment and finding of no significant impact by calling or writing to the person listed under **FOR FURTHER INFORMATION**.

CONTACT. Please refer to the title of the environmental assessment and finding of no significant impact when requesting copies. The environmental assessment and finding of no significant impact are also available for review in our reading room (information on the location and hours of the reading room is listed under the heading **ADDRESSES** at the beginning of this notice).

The environmental assessment and finding of no significant impact have been 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 1), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Done in Washington, DC, this 28th day of September 2004 .

Elizabeth E. Gaston,
Acting Administrator, Animal and Plant Health Inspection Service.
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DEPARTMENT OF AGRICULTURE

Forest Service

Payette National Forest, ID; Revision of Travel Plan

AGENCY: USDA, Forest Service.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service gives notice of the intent to prepare an environmental impact statement (EIS) to revise the Payette National Forest Travel Plan. The proposed action would designate a site-specific transportation system and prohibit indiscriminate cross-country traffic. The EIS will analyze the effects of the proposed action and alternatives. The Payette National Forest invites written comments and suggestions on the scope of analysis and the issues to address. The agency gives notice of the National Environmental Policy Act (NEPA) analysis and decision-making process on the proposal so interested and affected members of the public may participate and contribute to the final decision.

DATES: Comments need to be received in writing by December 7, 2004.

ADDRESSES: Send written comments to: Travel Plan Revision, Forest Supervisor's Office, Payette National Forest, P.O. Box 1026, McCall, ID 83638, fax (208) 634-0744.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed project and scope of analysis should be directed to Ana Egnew, Land Management Planner, Payette National Forest, P.O. Box 1026, McCall, ID 83638, or by phone to (208) 634-0624.

SUPPLEMENTARY INFORMATION:

Purpose and Need

The need for revision of the Travel Plan was identified in the 2003 Payette National Forest Land and Resource Plan (Forest Plan) (p. III-63), and in the Forest Service proposed rule (for Travel Management (July 15, 2004); specifically, to establish a system of roads and trails and areas designated for motor vehicle use and to prohibit the use of motor vehicles off the designated system. The purpose of the revision is to (1) meet Forest Plan and national

direction, (2) designate a reasonable system of roads, trails, and over-snow use areas, (3) balance management considerations with recreation demands, (4) reduce impacts to Forest resources, and (5) reduce recreation user conflicts. The analysis will be conducted across the 13 Management Areas that comprise the 1,583,681 acres of the Payette National Forest outside designated Wilderness.

The Proposed Action

The proposed action would revise the current Travel Plan by designating a site-specific transportation system for snow-free and over-snow travel. Motorized snow-free travel off the transportation system would be prohibited on 1,583,681 acres (an increase of 544,863 acres).

The transportation system for snow-free travel would include:

- 1,505 miles of open roads (reduction of 14 miles)
- 612 miles of seasonally open roads (reduction of 28 miles)
- 76 miles of trail open to All-Terrain Vehicles (ATVs) (increase of 22 miles)
- 546 miles of trail open to 2-wheel motorized use (reduction of 98 miles)
- 621 miles of trail open to non-motorized travel (increase of 87 miles)
- 2.7 miles of undetermined road added to the system.

The transportation system for over-snow travel would include:

- 183 miles of open road (unchanged)
- 1,106,480 acres open to motorized activities (reduction of 17,400 acres)
- 477,801 acres reserved for non-motorized over-snow activities

Responsible Official

The responsible official is the Forest Supervisor of the Payette National Forest.

Decision To Be Made

The decision to be made is: whether to adopt the proposed revision to the Travel Plan, in whole, or in part, or to adopt another alternative, and with what mitigation measures and management requirements.

Issues

Preliminary issues identified by the Forest Service interdisciplinary team include effects to: water quality and wetlands; threatened, endangered, sensitive, and management indicator fish species and habitat; threatened, endangered, sensitive, and management indicator wildlife species and habitat; rare plants; and recreation opportunities.