

# Notices

Federal Register

Vol. 69, No. 222

Thursday, November 18, 2004

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