

environmental assessment for a proposed controlled field release of genetically engineered clones of *Eucalyptus* hybrids. The purpose of this release is to continue research on two constructs that confer cold tolerance from a previously approved notification and test the efficacy of a third, claimed as confidential business information. After assessing the application, reviewing pertinent scientific information, and considering comments provided by the public, we have concluded that this field release will not present a plant pest risk, nor will it have a significant impact on the quality of the human environment. 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 for this field release.

**DATES:** *Effective Date:* June 28, 2007.

**ADDRESSES:** You may read the environmental assessment (EA), finding of no significant impact (FONSI), and any comments we received on the EA in our reading room, which 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. The EA, FONSI and decision notice, and responses to comments are available on the Internet at [http://www.aphis.usda.gov/brs/aphisdocs/06\\_325111r\\_ea.pdf](http://www.aphis.usda.gov/brs/aphisdocs/06_325111r_ea.pdf).

**FOR FURTHER INFORMATION CONTACT:** Dr. Levis Handley, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737-1236; (301) 734-5721. To obtain copies of the EA, FONSI, and response to comments, contact Ms. Cynthia Eck at (301) 734-0667; e-mail: [cynthia.a.eck@aphis.usda.gov](mailto:cynthia.a.eck@aphis.usda.gov).

**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." A permit must be obtained or a notification acknowledged before a regulated article may be introduced. The

regulations set forth the permit application requirements and the notification procedures for the importation, interstate movement, or release in the environment of a regulated article.

On November 21, 2006, the Animal and Plant Health Inspection Service (APHIS) received a permit application (APHIS No. 06-325-111r) from ArborGen, LLC, in Summerville, SC, for a controlled field release of genetically engineered *Eucalyptus* hybrids. Under this permit, trees planted under a previously approved notification (05-256-03n) would be allowed to flower.

Permit application 06-325-111r describes *Eucalyptus* trees engineered with three constructs. Two of these constructs are intended to confer cold tolerance and the third genetic construct is claimed as confidential business information (CBI). In addition, the trees have been engineered with a selectable marker gene, also claimed as CBI. These DNA sequences were introduced into *Eucalyptus* trees using disarmed *Agrobacterium tumefaciens*. The subject *Eucalyptus* trees are considered regulated articles under the regulations in 7 CFR part 340 because they were created using donor sequences from plant pests.

On April 20, 2007, APHIS published a notice<sup>1</sup> in the **Federal Register** (72 FR 19876-19877, Docket No. APHIS 2007-0027) announcing the availability of an environmental assessment (EA) for a controlled release of genetically engineered *Eucalyptus* hybrids. During the 30-day comment period, which ended May 21, 2007, APHIS received 270 comments. There were 153 comments supporting APHIS granting permit 06-325-111r, the majority of which were nearly identical form letters. Respondents supporting the approval of the permit were foresters, paper and packaging companies, or from related industries, academia, agricultural biotech companies, and individuals. There were 67 respondents who submitted 102 comments opposed to APHIS granting the permit. One opposing comment came in the form of a petition bearing 5,495 signatories. Respondents opposing APHIS granting this permit were primarily from 13 public interest groups; other respondents included academia and individuals. APHIS has addressed the issues raised during the comment

period and has provided responses to these comments as an attachment to the finding of no significant impact (FONSI).

Pursuant to the regulations promulgated under the Plant Protection Act, APHIS has determined that this field release will not pose a risk of introducing or disseminating a plant pest. Additionally, based upon analysis described in the EA, APHIS has determined that the action proposed in Alternative C of the EA, issue the permit with supplemental permit conditions, will not have a significant impact on the quality of the human environment. You may read the FONSI and decision notice on the Internet or in the APHIS reading room (see **ADDRESSES** above). Copies may also be obtained from the person listed under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

To provide the public with documentation of APHIS' review and analysis of any potential environmental impacts and plant pest risks associated with the proposed release of these *Eucalyptus* trees, an EA and FONSI have been prepared. The EA and FONSI were 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).

**Authority:** 7 U.S.C. 7701-7772 and 7781-7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 25th day of June 2007.

**Kevin Shea,**

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

[FR Doc. E7-12532 Filed 6-26-07; 8:45 am]

**BILLING CODE 3410-34-P**

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. APHIS-2007-0020]

### Resident Canada Goose Management; Record of Decision

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

**ACTION:** Notice.

**SUMMARY:** This notice advises the public of the Animal and Plant Health Inspection Service's Record of Decision

<sup>1</sup> To view the notice and the comments we received go to <http://www.regulations.gov>, click on the "Advanced Search" tab, and select "Docket Search." In the Docket ID field, enter APHIS-2007-0027, then click "Submit." Clicking on the Docket ID link in the search results page will produce a list of all documents in the docket.

for the Resident Canada Goose Management Final Environmental Impact Statement.

**ADDRESSES:** Copies of the Record of Decision and the Final Environmental Impact Statement on which the Record of Decision is based are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 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.

The Record of Decision may be viewed on the Wildlife Services Web site at [http://www.aphis.usda.gov/regulations/ws/ws\\_nepa\\_environmental\\_documents.shtml](http://www.aphis.usda.gov/regulations/ws/ws_nepa_environmental_documents.shtml). The final environmental impact statement may also be viewed on the Internet at <http://www.fws.gov/migratorybirds/issues/cangeese/finaeis.htm>.

Copies of the Record of Decision and the Final Environmental Impact Statement may be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT**.

**FOR FURTHER INFORMATION CONTACT:** Mr. David S. Reinhold, National Environmental Manager, Operational Support Staff, WS, APHIS, 4700 River Road Unit 87, Riverdale, MD 20737-1235; (301) 734-7921.

**SUPPLEMENTARY INFORMATION:** This notice advises the public that the Animal and Plant Health Inspection Service (APHIS) has prepared a Record of Decision based on the Resident Canada Goose Final Environmental Impact Statement (EIS) prepared by the U.S. Fish and Wildlife Service (USFWS). APHIS was a cooperating agency in the preparation of the EIS. The USFWS published the notice of availability for the final EIS in the **Federal Register** on November 18, 2005 (70 FR 69985) and published its Record of Decision and Final Rule on August 10, 2006 (71 FR 45964). APHIS has independently reviewed the EIS and has concluded its comments and suggestions have been satisfied. APHIS has now prepared a Record of Decision on the adopted EIS and is making it available to the public. This record of decision has 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 21st day of June 2007.

**Kevin Shea,**

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

[FR Doc. E7-12447 Filed 6-26-07; 8:45 am]

**BILLING CODE 3410-34-P**

## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

#### Warehouse Operators Approved Under Commodity Credit Corporation Storage Agreements—CCC Policy on Making Payments and Interest on Delayed Payments

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

**ACTION:** Notice.

**SUMMARY:** The Commodity Credit Corporation (CCC) pays warehouse operators approved under the Uniform Grain and Rice Storage Agreement, Peanut Storage Agreement, Cotton Storage Agreement and the Sugar Storage Agreement storage, handling, and other associated costs for commodities forfeited to CCC. Payments made by CCC are subject to the Prompt Payment Act of 1982, as amended; the Debt Collection Improvement Act of 1996; and the Federal Acquisition Regulations. To be fully compliant with these regulations, effective June 30, 2007, warehouse operators will be required to certify CCC payment invoices before the release of payment funds by CCC.

**DATES:** *Effective Date:* June 30, 2007.

**FOR FURTHER INFORMATION CONTACT:** Howard Froehlich, Chief, Program Development Branch, Warehouse and Inventory Division, Farm Service Agency, USDA, STOP 0553, 1400 Independence Avenue, SW., Washington, DC 20250-0553. Telephone: (202) 720-2121. E-mail: [Howard.Froehlich@wdc.usda.gov](mailto:Howard.Froehlich@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 acquires title to agricultural commodities in the administration of its programs under various circumstances. For instance, under Title I of the Farm Security and Rural Investment Act of 2002, CCC makes marketing assistance loans to producers that can lead to forfeiture of the commodities to CCC. To provide for the storage of various

commodities it acquires, CCC enters into storage agreements with private warehouse operators. Section 5 of the CCC Charter Act (7 U.S.C. 714c) requires that in purchasing, selling, warehousing, transporting, or handling agricultural commodities, CCC is to use, to the maximum extent practicable, the usual and customary channels, facilities, and arrangements of trade and commerce. In contracting for warehouse services, CCC must be compliant with the Prompt Payment Act of 1982, as amended; the Debt Collection Improvement Act of 1996; and the Federal Acquisition Regulations. To be fully compliant with these regulations, effective June 30, 2007, warehouse operators will be required to certify CCC payment invoices before the release of payment funds by CCC.

CCC periodically prepares and issues invoices and payments for accrued storage and handling charges for warehouse-stored CCC-owned commodities recorded into CCC's inventory or forfeited to CCC through warehouse operators operating under the terms and conditions of a CCC Storage Agreement. This Notice announces a change in the method used by warehouse operators for invoice certification and in the timing of payments made by CCC. All invoices must be reviewed and certified by the warehouse operator before payments can be made. Endorsement of the certification of the invoice represents the warehouse operator's verification that the charges represented by the invoice and disbursement are due and owing. Criminal and civil penalties may be assessed for false certification. Periodic invoices will continue to be prepared by CCC; however, payments will now be made only after review, correction, and certification by the warehouse operator.

Currently, quarterly invoices are prepared representing storage and handling charges for warehouse-stored CCC-owned grain, cotton, and peanut stocks already recorded into CCC's inventory or forfeited to CCC during the quarterly period. When issuing quarterly periodic invoices, CCC will provide warehouse operators access to the quarterly periodic invoice through a secure Web site for review and electronic certification of the invoice(s). Warehouse operators will receive an e-mail notification when invoices are available for review and grain. Grain and peanut warehouse operators can go to the ED3 website: <http://pcsd.usda.gov:3076/finance/> to review and certify the invoices for accuracy. Cotton warehouse operators can go to the Cotton Online Processing System