

vegetable and ornamental production and to facilitate trading by providing a price base used by producers, wholesalers, and retailers to market product.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), section 203(g) directs and authorizes the collection and dissemination of marketing information including adequate outlook information, on a market area basis, for the purpose of anticipating and meeting consumer requirements, aiding in the maintenance of farm income and to bring about a balance between production and utilization.

The fruit and vegetable industry provides information on a voluntary basis, and is gathered through confidential telephone and face-to-face interviews by market reporters. Reporters request supplies, demand, and prices of over 330 fresh fruit, vegetable, nut ornamental, and other specialty crops. The information is collected, compiled, and disseminated by Market News in its critical role as an impartial third party. It is collected and reported in a manner which protects the confidentiality of the respondent and their operations.

The fruit and vegetable market news reports are used by academia and various government agencies for regulatory and other purposes, but are primarily used by the fruit, vegetable and ornamental trade, which includes packers, processors, brokers, retailers, producers, and associated industries. Members of the fruit and vegetable industry regularly make it clear that they need and expect the Department of Agriculture will issue price and supply market reports for commodities of regional, national and international significance in order to assist in making immediate production and marketing decisions and as a guide to the amount of product in the supply channel. Market News data is a critical component in AMS' decisionmaking process with regard to the purchase of fruit and vegetable products each for domestic feeding programs.

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average .0647 hours per response.

*Respondents:* Fruit, vegetable, and ornamental industry, or other for-profit businesses, individuals or households, farms.

*Estimated Number of Respondents:* 4,013.

*Estimated Number of Responses per Respondent:* 219.

*Estimated Total Annual Burden on Respondents:* 56,861 hours.

*Comments are invited on:* (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: June 2, 2010.

**David R. Shipman,**

*Acting Administrator, Agricultural Marketing Service.*

[FR Doc. 2010–13625 Filed 6–7–10; 8:45 am]

**BILLING CODE 3410–02–P**

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. APHIS-2007-0156]

#### Pioneer Hi-Bred International, Inc.; Determination of Nonregulated Status for Genetically Engineered High-oleic Soybeans

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

**ACTION:** Notice.

**SUMMARY:** We are advising the public of our determination that a soybean line developed by Pioneer Hi-Bred International, designated as transformation event 305423, which has been genetically engineered to have higher levels of oleic acid, and lower levels of linoleic and linolenic acids in the soybean oil, is no longer considered a regulated article under our regulations governing the introduction of certain genetically engineered organisms. Our determination is based on our evaluation of data submitted by Pioneer Hi-Bred International in its petition for a determination of nonregulated status, our analysis of other scientific data, and comments received from the public in response to our previous notice announcing the availability of the petition for nonregulated status and its associated environmental assessment

and plant pest risk assessment. This notice also announces the availability of our written determination and finding of no significant impact.

**EFFECTIVE DATE:** June 8, 2010.

**ADDRESSES:** You may read the documents referenced in this notice and the comments we received 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. Those documents are also available on the Internet at ([http://www.aphis.usda.gov/brs/not\\_reg.html](http://www.aphis.usda.gov/brs/not_reg.html)) and are posted with the previous notices and the comments we received on the Regulations.gov Web site at (<http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2007-0156>).

*Other Information:* Additional information about APHIS and its programs is available on the Internet at (<http://www.aphis.usda.gov>).

**FOR FURTHER INFORMATION CONTACT:** Ms. Karen Green, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737-1236; (301) 734-0672, email: ([karen.c.green@aphis.usda.gov](mailto:karen.c.green@aphis.usda.gov)). To obtain copies of the documents referenced in this notice, contact Ms. Cindy Eck at (301) 734-0667, email: ([cynthia.a.eck@aphis.usda.gov](mailto:cynthia.a.eck@aphis.usda.gov)).

#### 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. Paragraphs (b) and (c) of § 340.6 describe the form that a petition for a

determination of nonregulated status must take and the information that must be included in the petition.

On December 20, 2006, APHIS received a petition seeking a determination of nonregulated status (APHIS Petition No. 06-354-01p) from Pioneer Hi-Bred International, Inc., of Johnston, IA (Pioneer), for soybean (*Glycine max* L.) designated as transformation event 305423, which has been genetically engineered for higher levels of oleic acid, a monounsaturated fat in soybean oil, stating that soybean line 305423 does not present a plant pest risk and, therefore, should not be a regulated article under APHIS' regulations in 7 CFR part 340.

In a notice<sup>1</sup> published in the **Federal Register** on September 2, 2009 (74 FR 45413-45415, Docket No. APHIS-2007-0156), APHIS announced the availability of Pioneer's petition and the associated draft environmental assessment (EA) and plant pest risk assessment for public comment. APHIS solicited comments for 60 days ending on November 2, 2009, on whether the genetically engineered soybean is or could be a plant pest and on the draft EA and the risk assessment. In a subsequent notice published in the **Federal Register** on October 26, 2009 (74 FR 54950-54951, Docket No. APHIS-2007-0156), we extended the comment period until December 28, 2009.

APHIS received 40 comments during the comment period. There were 22 comments from groups or individuals who supported deregulation and 18 from those who opposed deregulation. 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.

### National Environmental Policy Act

To provide the public with documentation of APHIS' review and analysis of any potential environmental impacts associated with the determination of nonregulated status for Pioneer's 305423 soybean, an 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

<sup>1</sup> To view the notices, petition, EA, risk assessment, and the comments we received, go to (<http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2007-0156>).

Implementing Procedures (7 CFR part 372). Based on that EA, the response to public comments, and other pertinent scientific data, APHIS has reached a finding of no significant impact with regard to the preferred alternative identified in the EA, i.e., that Pioneer's 305423 soybean line and lines developed from it are granted nonregulated status and are no longer regulated articles under its regulations in 7 CFR part 340.

### Determination

Based on APHIS' analysis of field, greenhouse, and laboratory data submitted by Pioneer, references provided in the petition, information analyzed in the EA, the plant pest risk assessment, comments provided by the public, and information provided in APHIS' response to those public comments, APHIS has determined that Pioneer's 305423 soybean is unlikely to pose a plant pest risk and should be granted nonregulated status.

Copies of the signed determination document, as well as copies of the petition, plant pest risk assessment, EA, finding of no significant impact, and response to comments are available as indicated in the **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** sections of this notice.

**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 2<sup>nd</sup> day of June 2010.

**Kevin Shea**

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

[FR Doc. 2010-13722 Filed 6-7-10; 6:37 am]

**BILLING CODE 3410-34-S**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Gallatin National Forest; Montana; Jack Rabbit to Big Sky Meadow Village 161 kV Transmission Line Upgrade Project

**AGENCY:** Forest Service, USDA.

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

**SUMMARY:** The U.S. Forest Service (Forest Service) is preparing an environmental impact statement (EIS) to consider potential effects of a proposed project by NorthWestern Energy to rebuild an existing 69-kilovolt (kV) electric transmission line to a 161-kV electric transmission line. The upgraded 161-kV transmission line would connect the existing Jack Rabbit Substation

located near Four Corners, west of Bozeman, Montana, to a new substation near Big Sky Meadow Village in Big Sky, Montana. Alternatives for the proposed transmission line would pass through private, state, and federally managed lands in Montana. Federally managed lands include National Forest System (NFS) lands administered by the Gallatin National Forest. The Forest Service will consider whether to authorize the construction, operation and maintenance activities along and within the existing right of way for the portion of the transmission line that is on NFS lands, approximately 16 miles of the proposed 37-mile route.

**DATES:** Comments concerning the scope of the analysis must be received by July 8, 2010. The draft EIS is expected in December 2010 and the final EIS is expected in April 2011.

**ADDRESSES:** Send written comments to Teri Seth, Forest Service Project Manager, Gallatin National Forest, 3710 Fallon Street, Suite C, Bozeman, MT 59718. Comments may also be sent via e-mail to [comments-northern-gallatin@fs.fed.us](mailto:comments-northern-gallatin@fs.fed.us) or via facsimile to (406) 522-2528. Electronic comments must be submitted with Microsoft word software.

It is important that reviewers provide their comments at such times and in such a way that they are useful to the Agency's preparation of the EIS. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions specific to this proposal on NFS lands.

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered, also.

**FOR FURTHER INFORMATION CONTACT:** Teri Seth, Forest Service Project Manager, Gallatin National Forest; or Lisa Stoeffler, District Ranger. Both contacts can be reached at 406/522-2520. For additional project details you can also go to the Gallatin Forest Webpage, look for the Big Sky 161 kV Upgrade Project on the Planning page: <http://www.fs.fed.us/rl/gallatin/?page=projects>.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:**