

# Notices

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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.

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## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

November 29, 2006.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), [OIRA\\_Submission@OMB.EOP.GOV](mailto:OIRA_Submission@OMB.EOP.GOV) or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720-8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to

the collection of information unless it displays a currently valid OMB control number.

### Food and Nutrition Service

*Title:* Generic Clearance to Conduct Formative Research.

*OMB Control Number:* 0584-0524.

*Summary of Collection:* Diet has a significant impact on the health of citizens and is linked to four leading causes of disease, which can reduce the quality of life and cause premature death. While these diet-related problems affect all Americans, they have a greater impact on the disadvantaged populations reached by many of the Food and Nutrition Service (FNS) programs. One of FNS' goals includes improving the nutrition of children and low-income families by providing access to program benefits and nutrition education. The basis of FNS' approach rests on the philosophies that all health communications and social marketing activities must be science-based, theoretically grounded, audience-driven, and results-oriented. FNS will collect information through formative research methods that will include focus groups, interviews (dyad, triad, telephone, etc.), surveys and web-based information gathering tools. The formative research is essential to advancing "Eat Smart Play Hard" Campaign as well as other FNS nutrition education and outreach efforts.

*Need and Use of the Information:* FNS will collect information to provide formative input and feedback on how best to reach and motivate the targeted population. The collected information will provide input regarding the potential use of materials and products during both the developmental and testing stages. FNS will also collect information regarding effective nutrition education and outreach initiatives being implemented by State agencies that administer nutrition assistance programs to address critical nutrition program access issues.

*Description of Respondents:* Individuals or households.

*Number of Respondents:* 10,000.

*Frequency of Responses:* Reporting: Other (one-time).

*Total Burden Hours:* 7,008.

**Ruth Brown,**

*Departmental Information Collection  
Clearance Officer.*

[FR Doc. E6-20423 Filed 12-1-06; 8:45 am]

**BILLING CODE 3410-30-P**

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. APHIS-2006-0140]

### Bayer CropScience; Extension of Determination of Nonregulated Status to Rice Genetically Engineered for Glufosinate Herbicide Tolerance

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

**ACTION:** Notice.

**SUMMARY:** We are advising the public of our decision to extend a determination of nonregulated status to a rice line developed by Bayer CropScience, which has been genetically engineered to be tolerant to the herbicide glufosinate. Therefore, APHIS no longer considers the rice line to be a regulated article under Agency regulations governing the introduction of certain genetically engineered organisms. Our decision is based on our evaluation of data submitted by Bayer CropScience in its request for an extension of a determination of nonregulated status, an analysis of other scientific data, and comments received from the public in response to a previous notice and preliminary determination. This notice also announces the availability of our written determination, final environmental assessment, and our finding of no significant impact.

**EFFECTIVE DATE:** November 24, 2006.

**ADDRESSES:** You may read the extension request, the final environmental assessment, finding of no significant impact, the comments we received on our previous notice, and our responses to those comments in our reading room or on the Internet. 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. To view those documents on the Internet, go to <http://www.regulations.gov>, click on the "Advanced Search" tab, and select "Docket Search." In the Docket ID field, enter APHIS-2006-0140, 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 FURTHER INFORMATION CONTACT:** Dr. Neil Hoffman, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737-1236; (301) 734-6331, [neil.e.hoffman@aphis.usda.gov](mailto:neil.e.hoffman@aphis.usda.gov). To obtain copies of the extension request or the environmental assessment (EA) and finding of no significant impact (FONSI), contact Mr. Steve Bennett at (301) 734-5672; e-mail: [steven.m.bennett@aphis.usda.gov](mailto:steven.m.bennett@aphis.usda.gov). The extension request, final EA, response to comments, and FONSI are also available on the Internet at [http://www.aphis.usda.gov/brs/aphisdocs/06\\_23401p.pdf](http://www.aphis.usda.gov/brs/aphisdocs/06_23401p.pdf) and [http://www.aphis.usda.gov/brs/aphisdocs/06\\_23401p\\_ea.pdf](http://www.aphis.usda.gov/brs/aphisdocs/06_23401p_ea.pdf).

**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."

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.

### Background

On August 18, 2006, APHIS received a request for an extension of a determination of nonregulated status (APHIS No. 06-234-01p) from Bayer CropScience (Bayer) of Research Triangle Park, NC, for rice (*Oryza sativa*

L.) designated as Liberty Link<sup>®</sup> Transformation Event LLRICE601, which has been genetically engineered for tolerance to the herbicide glufosinate. Bayer requested an extension of a determination of nonregulated status issued in response to APHIS petition number 98-329-01p for glufosinate-tolerant rice transformation events LLRICE06 and LLRICE62, the antecedent organisms (See 64 FR 22595, published April 27, 1999, Docket No. 98-126-2). Based on the similarity of the antecedent rice lines LLRICE06 and LLRICE62 and rice line LLRICE601, Bayer CropScience requested a determination that rice line LLRICE601 does not present a plant pest risk and, therefore, is not a regulated article under APHIS' regulations in 7 CFR part 340.

On July 31, 2006, Bayer CropScience notified APHIS that trace levels of LLRICE601 were detected in long grain commercial rice. Subsequently, Bayer CropScience supplied APHIS and the Food and Drug Administration (FDA) with information about the molecular characterization and agronomic performance of LLRICE601. APHIS completed a preliminary risk assessment and determined that LLRICE601 did not pose any plant pest or environmental concerns. This risk assessment is attached as appendix I to the final environmental assessment (EA).

On September 8, 2006, APHIS published a notice in the **Federal Register** (71 FR 53076-53077, Docket No. APHIS-2006-0140) announcing that an EA and a preliminary decision for the Bayer extension request had been prepared and was available for public comment. The analysis upon which APHIS based its preliminary decision was also published within that notice. APHIS received 15,871 comments on the subject EA and preliminary decision during the designated 30-day public comment period, which ended October 10, 2006. Of the 15,871 comments, 15,517 opposed the extension request. Respondents opposing the extension request were 12 public interest groups, academic professionals, organic food producers, and individuals. Of these comments, 10,500 nearly identical comments were submitted by members of 1 public interest group and 4,796 nearly identical comments were submitted by members of another public interest group. There were 354 comments supporting the extension of nonregulated status to LLRICE601. Respondents supporting the petition were rice growers, millers (or from related industries), rice industry groups, academia, a commodity company, a

State government agency, and individuals. APHIS has addressed the issues raised during the comment period and has provided responses to these comments as attachments to the finding of no significant impact (FONSI).

### Decision

Based on an analysis of the data submitted by Bayer and a review of other scientific data, APHIS has determined that rice transformation event LLRICE601 is very similar to the antecedent organisms in APHIS petition number 98-329-01p and poses no more potential for plant pest risk than the antecedent organisms. Therefore, APHIS has concluded that rice line LLRICE601 and any progeny derived from crosses with other rice varieties will be as safe to grow as rice that is not subject to regulation under 7 CFR part 340.

Because APHIS has determined that the subject rice line does not present a plant pest risk based on its similarity to the antecedent organisms, Bayer rice line LLRICE601 will 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 no longer apply to the field testing, importation, or interstate movement of LLRICE601 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 the extension of a determination of nonregulated status for LLRICE601, an EA was 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). Based on that EA, APHIS has reached a FONSI with regard to the determination that Bayer rice line LLRICE601 and lines developed from it are no longer regulated articles under its regulations in 7 CFR part 340. Copies of the EA and FONSI are available as indicated in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Done in Washington, DC, this 29th day of November 2006.

**Kevin Shea,**

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

[FR Doc. E6-20516 Filed 12-1-06; 8:45 am]

BILLING CODE 3410-34-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-893]

#### **Certain Frozen Warmwater Shrimp From the People's Republic of China: Final Results of the Antidumping Duty New Shipper Review**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** On July 6, 2006, the Department of Commerce ("the Department") published in the **Federal Register** the preliminary results of the new shipper review of the antidumping duty order on certain frozen warmwater shrimp from the People's Republic of China ("PRC") for Zhanjiang Regal Integrated Marine Resources Co., Ltd. ("Zhanjiang Regal"). See *Certain Frozen Warmwater Shrimp from the People's Republic of China: Preliminary Results of the Antidumping Duty New Shipper Review*, 71 FR 38368 (July 6, 2006) ("Preliminary Results"). We gave interested parties an opportunity to comment on the *Preliminary Results*. No party submitted a case brief in the instant review and we made no changes to the *Preliminary Results*. Therefore, we continue to find that Zhanjiang Regal did not sell subject merchandise at less than normal value during the period of review ("POR") July 16, 2004, through July 31, 2005.

**EFFECTIVE DATE:** December 4, 2006.

**FOR FURTHER INFORMATION CONTACT:** Javier Barrientos, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-2243.

#### **SUPPLEMENTARY INFORMATION:**

##### **Case History**

Subsequent to the *Preliminary Results*, on August 18, 2006, the Department implemented the temporary suspension of the new shipper bonding provision in this review, in accordance with the Pension Protection Act of 2006, Pub. L. No. 109-280, Sec. 1632, 120 Stat. 780 (2006), which was signed into law on August 17, 2006. The legislation

suspended the ability of a U.S. importer to satisfy the antidumping duty deposit requirements by posting a bond or other security deposit in lieu of a cash deposit with U.S. Customs and Border Protection (CBP) during the period of April 1, 2006 to June 30, 2009. On September 20, 2006, the Department published in the **Federal Register** a notice extending the deadline for the final results. See *Certain Frozen Warmwater Shrimp from the People's Republic of China: Extension of Time Limit for Final Results of the 2004/2005 Antidumping Duty New Shipper Review*, 71 FR 54978 (September 20, 2006). On September 22, 2006, we placed additional entry documents on the record in which an importer listed Zhanjiang Regal as the producer of shrimp exported to the United States.<sup>1</sup> On September 22, 2006, we issued Zhanjiang Regal a supplemental questionnaire. On September 29, 2006, Zhanjiang Regal submitted its response to this questionnaire. No party submitted case briefs.

##### **Scope of the Order**

The scope of this order includes certain warmwater shrimp and prawns, whether frozen, wild-caught (ocean harvested) or farm-raised (produced by aquaculture), head-on or head-off, shell-on or peeled, tail-on or tail-off (including the telson and the uropods), deveined or not deveined, cooked or raw, or otherwise processed in frozen form.

The frozen warmwater shrimp and prawn products included in the scope of this order, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTSUS), are products which are processed from warmwater shrimp and prawns through freezing and which are sold in any count size.

The products described above may be processed from any species of warmwater shrimp and prawns. Warmwater shrimp and prawns are generally classified in, but are not limited to, the *penaeidae* family. Some examples of the farmed and wild-caught warmwater species include, but are not limited to, whiteleg shrimp (*penaeus vannamei*), banana prawn (*penaeus merguensis*), fleshy prawn (*penaeus chinensis*), giant river prawn (*macrobrachium rosenbergii*), giant tiger prawn (*penaeus monodon*), redspotted shrimp (*penaeus brasiliensis*), southern brown shrimp (*penaeus subtilis*),

<sup>1</sup> Although these additional entries were not reported during the course of the review, there is nothing on the record demonstrating that Zhanjiang Regal knew or had reason to believe that these additional entries were destined for the United States.

southern pink shrimp (*penaeus notialis*), southern rough shrimp (*trachypenaeus curvirostris*), southern white shrimp (*penaeus schmitti*), blue shrimp (*penaeus stylirostris*), western white shrimp (*penaeus occidentalis*), and indian white prawn (*penaeus indicus*).

Frozen shrimp and prawns that are packed with marinade, spices or sauce are included in the scope of this order. In addition, food preparations, which are not "prepared meals," that contain more than 20 percent by weight of shrimp or prawn are also included in the scope of this order.

Excluded from the scope are: (1) Breaded shrimp and prawns (HTSUS subheading 1605.20.10.20); (2) shrimp and prawns generally classified in the *pandalidae* family and commonly referred to as coldwater shrimp, in any state of processing; (3) fresh shrimp and prawns whether shell-on or peeled (HTSUS subheadings 0306.23.00.20 and 0306.23.00.40); (4) shrimp and prawns in prepared meals (HTSUS subheading 1605.20.05.10); (5) dried shrimp and prawns; (6) Lee Kum Kee's shrimp sauce; (7) canned warmwater shrimp and prawns (HTSUS subheading 1605.20.10.40); (8) certain dusted shrimp; and (9) certain battered shrimp. Dusted shrimp is a shrimp-based product: (1) That is produced from fresh (or thawed-from-frozen) and peeled shrimp; (2) to which a "dusting" layer of rice or wheat flour of at least 95 percent purity has been applied; (3) with the entire surface of the shrimp flesh thoroughly and evenly coated with the flour; (4) with the non-shrimp content of the end product constituting between four and ten percent of the product's total weight after being dusted, but prior to being frozen; (5) that is subjected to individually quick frozen (IQF) freezing immediately after application of the dusting layer. Battered shrimp is a shrimp-based product that, when dusted in accordance with the definition of dusting above, is coated with a wet viscous layer containing egg and/or milk, and par-fried.

The products covered by this order are currently classified under the following HTSUS subheadings: 0306.13.00.03, 0306.13.00.06, 0306.13.00.09, 0306.13.00.12, 0306.13.00.15, 0306.13.00.18, 0306.13.00.21, 0306.13.00.24, 0306.13.00.27, 0306.13.00.40, 1605.20.10.10, and 1605.20.10.30. These HTSUS subheadings are provided for convenience and for Customs purposes only and are dispositive, but rather the written description of the scope of this order is dispositive.