corn, these plants are not infected by this organism, nor do they contain genetic material from this pathogen that can cause plant disease; (2) it exhibits no characteristics that would cause it to be more weedy than the non-transgenic parent corn line or other cultivated corn; (3) gene introgression from DAS–59122–7 corn into wild relatives in the United States and its territories is extremely unlikely and is not likely to increase the weediness potential of any resulting progeny nor adversely affect genetic diversity of related plants any more than would introgression from traditional corn hybrids; (4) disease and insect susceptibility and compositional profiles of the kernel is similar to non-transgenic corn and should have no adverse impact on raw or processed agricultural commodities; (5) it exhibits no potential to have significant adverse impact on organisms beneficial to agriculture; (6) compared to current agricultural practices, cultivation of DAS–59122–7 should not reduce the ability to control pests and weeds in corn or other crops. In addition to our finding of no plant pest risk, there will be no effect on threatened or endangered species resulting from a determination of non-regulated status for DAS–59122–7 and its progeny.

Therefore, APHIS has concluded that the subject corn and any progeny derived from hybrid crosses with other non-transformed corn varieties will be as safe to grow as corn varieties in traditional breeding programs that are not subject to regulation under 7 CFR part 340. The effect of this determination is that Dow AgroSciences/Pioneer corn line DAS–59122–7 is no longer 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 subject corn or its progeny. However, importation of corn line DAS–59122–7 and seeds capable of propagation are still subject to the restrictions found in APHIS' foreign quarantine notices in 7 CFR part 319 and imported seed regulations in 7 CFR part 361.

National Environmental Policy Act

An EA was prepared to examine any potential environmental impacts and plant pest risk associated with the determination of nonregulated status for the Dow AgroSciences/Pioneer corn line DAS–59122–7. 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 Dow AgroSciences/Pioneer corn line DAS–59122–7 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 from the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

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 3rd day of October 2005.

Elizabeth E. Gaston,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 05–20194 Filed 10–6–05; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 05–062–2]

University of Kentucky; Availability of an Environmental Assessment and a Finding of No Significant Impact for Field Tests of Genetically Engineered Neotyphodium

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared an environmental assessment for a field trial of genetically engineered strains of an endophytic fungus of perennial ryegrass, *Neotyphodium* sp. isolate Lp1. The fungi have been genetically engineered to disrupt the ergovaline synthesis pathway. The environmental assessment provides a basis for our conclusion that these field tests will not present a risk of introducing or disseminating a plant pest and will not 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 these field tests.

DATES: A permit may be issued on or after October 7, 2005.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Blanchette, Biotechnology Regulatory Services, APHIS, 4700 River Road, Unit 147, Riverdale, MD 20737–1236; (301) 734–5141; e-mail: *michael.p.blanchette@aphis.usda.gov.* To obtain copies of the petition, the environmental assessment (EA), or the finding of no significant impact (FONSI), contact Ms. Ingrid Berlanger at (301) 734–4885; e-mail: *ingrid.e.berlanger@aphis.usda.gov.* The EA and FONSI are also available on the Internet at: *http://www.aphis.usda.gov/brs/aphisdocs/05_15201r_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.'' 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 into the environment of a regulated article.

On June 1, 2005, the Animal and Plant Health Inspection Service (APHIS) received a permit application (APHIS No. 05–152–01r) from the University of Kentucky, Department of Plant Pathology, for a confined field release of two mutant strains of *Neotyphodium* sp isolate Lp1, which is an endophytic fungus of *Lolium perenne* (perennial ryegrass). These two mutants were generated by inserting a gene construct containing a hygromycin phosphotransferase gene (*hph*) into specific genes in the ergovaline synthesis pathway. The literature is obscure regarding the specific donor of the *hph* gene to the plasmid that was used to create this construct. The identical *hph* gene has been identified in three bacterial species, *Klebsiella* sp., *Streptomyces hygroscopicus,* and *Escherichia coli.* Expression of the *hph* gene is regulated by the *Neurospora crassa* cross-pathway control gene (*cpc-1*) promoter and a transcription termination sequence from the *trpC* gene of *Aspergillus nidulans.*

Strain Lp1–4175 results from an insertion of the *hph* construct in the dimethylallyltryptophan synthase

(*dmaW*) gene. This strain does not produce ergot alkaloids or clavine mycotoxins that are believed to cause toxicoses to grazing livestock and wildlife. Strain Lp1–981 was generated by an insertion of the *hph* construct in lysergyl peptide synthetase subunit 1 (*lpsA*). This line lacks the ability to produce ergovaline and other amides of lysergic acid, but retains the ability to produce clavines and lysergic acid.

Perennial ryegrass plants that have been inoculated with either mutant strain will be planted in the trial for the purpose of increasing seed. The endophyte is only transmitted vertically through seed. Therefore this trial will result in an increase in inoculated seed for future experiments.

On August 12, 2005, we published in the **Federal Register** (70 FR 47169–47170, Docket No. 05–062–1) a notice announcing the availability, for review and comment, of an environmental assessment (EA) for a field trial of the genetically engineered strains of *Neotyphodium* sp. isolate Lp1. We solicited comments on the EA for 30 days ending on September 12, 2005. We received eight comments by that date, from an academic professional, a public interest group, and private individuals. All eight commenters expressed concerns about the field trial. Some of the comments criticized the treatment of horizontal gene transfer and acute toxicity in the EA. Others suggested that these types of experiments should only be conducted in a contained facility. APHIS has responded to these comments in an attachment to the finding of no significant impact (FONSI).

Pursuant to its regulations (7 CFR part 340) promulgated under the Plant Protection Act, APHIS has determined that this field trial will not pose a risk of the introduction or dissemination of a plant pest for the following reasons:

1. The test fungi *Neotyphodium* sp. Lp1 strains Lp1-981 and Lp1-4175 are identical to the untransformed endophyte except for their inability to produce toxic ergot alkaloids.

2. *Neotyphodium* species are not known as animal or human pathogens, and both it and its sexually transmitted form of the species (*Epichloeë* sp.) are only found in grasses.

3. Dissemination of *Neotyphodium* sp. Lp1 strains Lp1-981 and Lp1-4175 will be prevented through physical methods, normal site security, small size of the trials, and cleaning of equipment.

4. The host range of *Neotyphodium* sp. Lp1 strains Lp1-981 and Lp1-4175 and mode of transmission has not changed.

5. The *Neotyphodium* sp. Lp1 strains Lp1-981 and Lp1-4175 are expected to be less toxic to herbivores than the untransformed endophyte and therefore should not pose any new dietary threat.

6. The *Neotyphodium* species has never been associated with animal or human disease and therefore will not pose a risk to human health.

7. Hygromycin B phosphotransferase (from the marker gene) does not confer any plant pest characteristics to *Neotyphodium* species.

8. Threatened and endangered species in the area are not hosts of *Neotyphodium* sp. nor do they feed on hosts of these fungi, and therefore will not be affected by the trials.

The EA and the 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). Copies of the EA and FONSI are available from the individual listed under **FOR FURTHER INFORMATION CONTACT.**

Done in Washington, DC, this 3rd day of October 2005.

Elizabeth E. Gaston,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 05–20195 Filed 10–6–05; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—School Lunch and Breakfast Cost Study-II

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on the proposed collection of data for the School Lunch and Breakfast Cost Study-II in order to assess the adequacy of the Federal meal reimbursement rates.

DATES: Written comments must be received on or before December 6, 2005.

ADDRESSES: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) 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; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to Alberta Frost, Director, Office of Analysis, Nutrition and Evaluation, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 1014, Alexandria, VA 22302. Comments may also be submitted via fax to the attention of Alberta Frost at 703–305–2576 or via e-mail to *Alberta.Frost@fns.usda.gov.*

All written comments will be open for public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5 p.m., Monday through Friday) at Room 1014, 3101 Park Center Drive, Alexandria, Virginia 22302.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Alberta Frost at 703–305–2017.

SUPPLEMENTARY INFORMATION:

Title: School Lunch and Breakfast Cost Study-II.

OMB Number: Not yet assigned.

Form Number: N/A.

Expiration Date: Not yet determined.

Type of Request: New Collection of Information.

Abstract: The School Lunch and Breakfast Cost Study-II will collect and analyze data from a nationally representative sample of public schools participating in the National School Lunch Program (NSLP). Data will be collected so as to provide sufficient information on school meal production costs to assess the adequacy of Federal meal reimbursement rates. The information will be used to determine the national average reported and full costs to produce NSLP and School Breakfast Program (SBP) reimbursable meals, the extent to which indirect costs are charged to School Food Authority (SFA) accounts for food service operations, the value of administrative costs used to produce reimbursable