

only to the larvae of certain lepidopteran species. However, the VIP3A apparently targets a different receptor than the Cry1 proteins in sensitive species and therefore may be useful in the management of pest resistance.

Event COT102 has been considered a regulated article under the regulations in 7 CFR part 340 because it contains gene sequences from the plant pathogen *Agrobacterium tumefaciens*. This cotton event has been field tested since 2000 in the United States under APHIS notifications. In the process of reviewing the notifications for field trials of the subject cotton, APHIS determined that the vector was disarmed and that the trials, which were conducted under conditions of reproductive and physical confinement or isolation, would not present a risk of plant pest introduction or dissemination.

In § 403 of the Plant Protection Act (7 U.S.C. 7701–7772), plant pest is defined as any living stage of any of the following that can directly or indirectly injure, cause damage to, or cause disease in any plant or plant product: A protozoan, a nonhuman animal, a parasitic plant, a bacterium, a fungus, a virus or viroid, an infectious agent or other pathogen, or any article similar to or allied with any of the foregoing. APHIS views this definition very broadly. The definition covers direct or indirect injury, disease, or damage not just to agricultural crops, but also to plants in general, for example, native species, as well as to organisms that may be beneficial to plants, for example, honeybees, rhizobia, etc.

The U.S. Environmental Protection Agency (EPA) is responsible for the regulation of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (7 U.S.C. 136 *et seq.*). FIFRA requires that all pesticides, including herbicides, be registered prior to distribution or sale, unless exempt by EPA regulation. In cases in which genetically modified plants allow for a new use of a pesticide or involve a different use pattern for the pesticide, EPA must approve the new or different use. Accordingly, Syngenta has submitted a request for commercial registration of VIP3A as a plant-incorporated protectant.

When the use of the pesticide on the genetically modified plant would result in an increase in the residues in a food or feed crop for which the pesticide is currently registered, or in new residues in a crop for which the pesticide is not currently registered, establishment of a new tolerance or a revision of the existing tolerance would be required.

Residue tolerances for pesticides are established by EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended (21 U.S.C. 301 *et seq.*), and the Food and Drug Administration (FDA) enforces tolerances set by EPA under the FFDCA. Syngenta has submitted a request to EPA for a tolerance exemption for both the VIP3A and APH4 proteins as expressed in the subject cotton event. Subsequently, EPA granted a time-limited exemption from tolerance for the VIP3A protein and an exemption from tolerance for residues of the APH4 protein.

FDA published a statement of policy on foods derived from new plant varieties in the **Federal Register** on May 29, 1992 (57 FR 22984 23005). The FDA statement of policy includes a discussion of FDA's authority for ensuring food safety under the FFDCA, and provides guidance to industry on the scientific considerations associated with the development of foods derived from new plant varieties, including those plants developed through the techniques of genetic engineering. Syngenta has begun consultation with FDA on the subject cotton event.

To provide the public with documentation of APHIS' review and analysis of the environmental impacts and plant pest risk associated with a proposed determination of nonregulated status for Syngenta's Event COT102 cotton, an environmental assessment 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 Implementing Procedures (7 CFR part 372).

In accordance with § 340.6(d) of the regulations, we are publishing this notice to inform the public that APHIS will accept written comments regarding the petition for a determination of nonregulated status from interested persons for a period of 60 days from the date of this notice. We are also soliciting written comments from interested persons on the environmental assessment prepared to examine any environmental impacts of the proposed determinations for the subject cotton event. The petition and the environmental assessment and any comments received are available for public review, and copies of the petitions and the environmental assessment are available as indicated in

the **FOR FURTHER INFORMATION CONTACT** section of this notice.

After the comment period closes, APHIS will review the data submitted by the petitioner, all written comments received during the comment period, and any other relevant information. After reviewing and evaluating the comments on the petition and the environmental assessment and other data and information, APHIS will furnish a response to the petitioner, either approving the petition in whole or in part, or denying the petition. APHIS will then publish a notice in the **Federal Register** announcing the regulatory status of Syngenta's insect-resistant cotton event COT102 and the availability of APHIS' written decision.

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 19th day of January 2005.

Elizabeth E. Gaston,

Acting Administrator, Animal and Plant Health Inspection Service.

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DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—Feasibility of Computer Matching in the National School Lunch Program

AGENCY: Food and Nutrition Service, Department of Agriculture.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Food and Nutrition Service's intention to request Office of Management and Budget approval of a new information collection from State Child Nutrition (CN), Education, and Medicaid agencies, as well as School Food Authorities (SFAs). The study will collect information to examine the feasibility of using computer matching in the National School Lunch Program (NSLP) to help improve program integrity and operational efficiency.

DATES: Written comments on this notice must be received by March 29, 2005, to be assured of consideration.

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 will 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 through the 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, Department of Agriculture, 3101 Park Center Drive, Room 1014, Alexandria, VA 22302.

All responses to this notice will be summarized and included in the request for Office of Management and Budget (OMB) approval of the information collection. All comments will also become a matter of public record.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the proposed information collection forms should be directed to Alberta Frost at (703) 305-2017.

SUPPLEMENTARY INFORMATION:

Title: Feasibility of Computer Matching in the National School Lunch Program.

OMB Number: Not yet assigned.

Expiration Date: Not applicable.

Type of Request: New collection of information.

Abstract: The Food and Nutrition Service (FNS) is seeking to improve the

process by which SFAs determine and verify the children eligible for free and reduced-price school meals. Recent studies suggest that a significant number of ineligible children are being approved for free and reduced-price meals. Congress expressed concern about these issues in the Child Nutrition and WIC Reauthorization Act of 2004 (Pub. L. 108-265) (the Act). Section 105(a) requires USDA to conduct a study on the feasibility of using computer technology to reduce errors, waste, fraud, and abuse in the NSLP. The study will collect and analyze data through mail surveys of all states and in-depth telephone interviews with six selected States to: Assess current and planned use of computer matching for NSLP certification and application verification; identify benefits, challenges, and barriers to computer matching; collect information on statewide student information systems and education matches with Medicaid and wage data; and identify the types of information maintained by the Medicaid program that could be useful for NSLP certification and verification.

Estimate of Burden: The public reporting burden for the survey of State CN Program directors is estimated at 40 minutes for the mail survey. The public reporting burden for the survey of State Education Agency (SEA) liaisons to the National Center for Education Statistics (NCES) is estimated to be 15 minutes for the mail survey. The public reporting burden for the survey of State Medicaid

Directors is estimated to be 30 minutes for the mail survey.

For the in-depth telephone interviews, the burden estimates per respondent in each of the six States are: State CN officials, 60 minutes; State Student Information Systems administrators, 60 minutes; State Food Stamp Program (FSP) agency officials, 60 minutes; State Medicaid agency officials, 60 minutes; State Wage Information Collection Agency (SWICA) officials, 60 minutes; and SFA administrators, 60 minutes.

Respondents: Respondents for the mail survey are State CN Directors, SEA NCES liaisons, and State Medicaid Directors. Respondents for the in-depth telephone interviews include: State CN officials; State Student Information Systems administrators; State FSP agency officials; State Medicaid agency officials, SWICA officials, and SFA administrators.

Estimated Number of Respondents: Mail surveys will be conducted with 51 State CN Program Directors, 51 SEA NCES liaisons, and 51 State Medicaid Directors.

In-depth telephone interviews will be conducted with: 12 State CN agency officials; 12 State Student Information Systems administrators; 12 State FSP agency officials; 12 State Medicaid agency officials; 12 SWICA officials; and 12 SFA administrators.

Number of Responses per Respondent: One response per respondent per data collection effort.

Estimated Time per Response:

Respondents	Number	Minutes	Total minutes
State CN Directors: Mail Survey	51	40	2,040
SEA NCES Liaisons: Mail Survey	51	15	765
State Medicaid Directors: Mail Survey	51	30	1,530
State CN Officials: Telephone Interview	12	60	720
State Student Information System Administrators: Telephone Interview	12	60	720
State FSP Officials: Telephone Interview	12	60	720
State Medicaid Officials: Telephone Interview	12	60	720
SWICA Officials: Telephone Interview	12	60	720
SFA Administrators: Telephone Interview	12	60	720
Total Respondent Burden			8,655

Estimated Total Annual Burden on Respondents: 144 hours.

Dated: January 21, 2005.

Roberto Salazar,

Administrator.

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DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 04-045N]

Codex Alimentarius Commission: Thirty-Seventh Session of the Codex Committee on Food Additives and Contaminants

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of public meeting, request for comments.

SUMMARY: The Office of the Under Secretary for Food Safety, United States Department of Agriculture (USDA), and the Food and Drug Administration (FDA), United States Department of Health and Human Services, are sponsoring a public meeting on March 9, 2005, to provide information and receive public comments on agenda items that will be discussed at the