

transformation. The marker gene is commonly used and enables researchers to select those plant tissues that have been successfully transformed with the gene of interest. The resistance to PRSV appears to be conferred through post transcriptional gene silencing.

Transformation event X17-2 has been considered a regulated article under the regulations in 7 CFR part 340 because it contains gene sequences from plant pathogens. X17-2 papaya has been field tested in the United States since 1999 under notifications acknowledged by the U.S. Department of Agriculture (USDA). In the process of reviewing the notifications for field trials of the subject papaya plants, APHIS determined that the vectors and other elements were disarmed and that trials, which were conducted under conditions of reproductive and physical confinement or isolation, would not present a risk of plant pest introduction or dissemination. APHIS presented two alternatives in the draft environmental assessment (EA) based on its analyses of data submitted by the University of Florida, a review of other scientific data, as well as data gathered from field tests conducted under APHIS oversight: (1) Take no action (X17-2 papaya remains a regulated article); or (2) deregulate X17-2 papaya in whole (the preferred alternative).

In a notice¹ published in the **Federal Register** on September 2, 2008 (73 FR 51267–51268, Docket No. APHIS–2008–0054), APHIS announced the availability of the University of Florida's petition and on APHIS' associated draft EA for public comment. APHIS solicited comments on whether the subject papaya would present a plant pest risk and on its EA for the deregulation petition. APHIS received over 12,000 comments by the close of the 60-day comment period, which ended on November 3, 2008. There were 18 comments from scientific organizations or individuals that supported deregulation. One individual supported deregulation as long as the taste of organic papayas was not damaged. Approximately 175 unique comments opposed to the deregulation were submitted. The remaining approximately 12,000 comments were form letters opposing deregulation in principle; all of those letters raised essentially identical points and had been compiled by organizations generally opposed to genetic engineering of plants. 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).

Determination

Based on APHIS' analysis of field, greenhouse, and laboratory data submitted by the University of Florida, references provided in the petition, additional scientific data, information described in the EA, comments provided by the public, and APHIS' evaluation of those comments, APHIS has determined that X17-2 papaya will not pose a plant pest risk for the following reasons: (1) Disease susceptibility and compositional profiles of X17-2 are similar to other papaya varieties, therefore no direct or indirect effects on raw or processed plant commodities are expected; (2) X17-2 will not hybridize with any native papaya species, although it may hybridize with feral or other *Carica papaya* plants; known mitigation methods to exclude GE pollen are described and lead APHIS to conclude that significant effects on both organic and conventional growers are unlikely; (3) it exhibits no characteristics that would cause it to be more weedy than the non-genetically engineered papaya from which it was developed or other papayas; (4) X17-2 does not exhibit changes in pest or disease susceptibility (other than resistance to PRSV), therefore significant impacts on biodiversity of papaya or other organisms in the environment are unlikely; (5) in assessing viral interaction issues, APHIS considered the potential for recombination, heteroencapsidation and synergy and concluded that the likelihood of development of new viruses or viruses with novel/alter properties is very low; (6) the anti-viral activity of the inserted genes does not pose risks to non-target organisms, including beneficial organisms and threatened and endangered species; (7) compared to current papaya PRSV management practices, cultivation of X17-2 should not significantly impact standard agricultural practices or commercial uses of papaya; (8) multiple years of growing X17-2 papaya has not resulted in observable changes to the environment, therefore APHIS concludes that significant cumulative impacts resulting from granting X17-2 nonregulated status are unlikely to occur.

National Environmental Policy Act

To provide the public with documentation of APHIS'

environmental review and analysis of any potential environmental impacts associated with the determination of nonregulated status for X17-2 papaya, 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, other pertinent scientific data, and its analyses of public comments received on the EA, APHIS has reached a FONSI with regard to the determination that the University of Florida's X17-2 papaya line and lines developed from it should not result in any significant impacts once they 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 **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 26th day of August 2009.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E9–21092 Filed 8–31–09; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to T. A. Seeds LLC of Jersey Shore, Pennsylvania, an exclusive license to the soybean variety described in Plant Variety Protection Certificate Number 200300169, "Moon Cake," issued on December 15, 2003.

DATES: Comments must be received on or before October 1, 2009.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Rm. 4–1174, Beltsville, Maryland 20705–5131.

FOR FURTHER INFORMATION CONTACT: June Blalock of the Office of Technology

¹ To view the notice, petition, EA, and the comments we received, go to <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2008-0054>.

Transfer at the Beltsville address given above; telephone: 301-504-5989.

SUPPLEMENTARY INFORMATION: The Federal Government's rights in this plant variety are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this variety as T. A. Seeds LLC of Jersey Shore, Pennsylvania has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within thirty (30) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Richard J. Brenner,

Assistant Administrator.

[FR Doc. E9-20928 Filed 8-31-09; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Proposed New Fee; Federal Lands Recreation Enhancement Act, (Title VIII, Pub. L. 108-447)

AGENCY: Dixie National Forest, USDA Forest Service.

ACTION: Notice of proposed new fee.

SUMMARY: The Dixie National Forest is proposing to charge a fee for overnight rental of the Pine Valley Guard Station of \$75 in the summer and \$40 in the winter. This guard station has not been available for recreation use prior to this date. Rentals of other guard stations on the Dixie National Forest have been very popular, illustrating that people appreciate and enjoy the availability of these historic buildings.

The Pine Valley Guard Station is located at the edge of the Pine Valley Wilderness Area and within the Pine Valley Recreation Area, and will sleep up to six people. The site is located in Washington County, Utah. The guard station will have hot and cold running water in the summer, flush toilet, shower, electricity, refrigerator, and wood stove. Bunks and all cooking and eating utensils will be provided for renters.

Determination of the fee price is based on the level of amenities and services provided, cost of operations and maintenance, market assessment, and

public comment. The fee is proposed and will be determined upon further analysis and public comment. Funds from fees would be used for the continued operation and maintenance and improvements of this guard station.

DATES: Comments will be accepted through October 15, 2009. New fees would begin May 2010.

ADDRESSES: Pine Valley Ranger District, Attn: Recreation Fee Program, 196 E. Tabernacle, Suite 38, St. George, Utah 84770 or <http://www.fs.fed.us/r4/dixie/contact/feedback.shtml> (include "Recreation Fee Program" in the subject line).

FOR FURTHER INFORMATION CONTACT: Gretchen Merrill, Public Service Staff Officer, 435-865-3741. Information about proposed fee changes can also be found on the Intermountain Region Web site: <http://www.fs.fed.us/r4/recreation/rac/index.shtml>.

SUPPLEMENTARY INFORMATION: The Federal Recreation Lands Enhancement Act (Title VII, Pub. L. 108-447) directed the Secretary of Agriculture to publish a six month advance notice in the **Federal Register** whenever new recreation fee areas are established. Once public involvement is complete, these new fees will be reviewed by a Recreation Resource Advisory Committee prior to a final decision and implementation.

Dated: August 19, 2009.

Robert G. MacWhorter,

Forest Supervisor.

[FR Doc. E9-20853 Filed 8-31-09; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Announcement of Value-Added Producer Grant Application Deadlines

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice of withdrawal of Solicitation of Applications (NOSA) and republication of Notice of Funds Available (NOFA) Announcement of Value-Added Producer Grant Application Deadlines.

SUMMARY: Rural Development (RD) previously withdrew the May 6, 2009 **Federal Register** notice (74 FR 20900), which was published in error, announcing the availability of approximately \$18 million in competitive grants for fiscal year (FY) 2009 to help independent agricultural producers enter into value-added activities. This notice announces the

availability of approximately \$18 million in competitive grants for fiscal year (FY) 2009 to help independent agricultural producers enter into or expand value-added activities, with the following clarifications and alterations: (1) Highlights the inclusion of Beginning and Socially Disadvantaged farmers and ranchers, as well as operators of Small and Medium-sized farms or ranches that are structured as a Family Farm, and provides more weight in the scoring process, (2) deletes contradictory language related to the eligibility of applicants under the newly allowable mid-tier value chain provision by clarifying that the applicant entity must be eligible under the legislatively-stated categories (but the network they are part of can include virtually any type of organization), (3) establishes the upper limit of "medium-sized farm" at between \$250,001 and \$700,000 in annual gross sales of agricultural product, (4) revises the list of renewable energy technologies that are eligible for funding, (5) clarifies that different documentation standards apply for Planning Grants versus Working Capital Grants, (6) deletes "Innovation" as a specific scoring criteria, (7) allows branding, packaging and other means of product differentiation as a *component* of a value added strategy in all product eligibility categories, and (8) provides a 90-day application period.

USDA Rural Development welcomes projects that highlight innovative uses of agricultural products. This may include using existing agricultural products in non-traditional ways and/or merging agricultural products with technology in creative ways. As with all value-added efforts, generating new products, creating expanded marketing opportunities and increasing producer income are the end goal. Applications proposing to develop innovative, sustainable products, businesses, or marketing opportunities that accelerate creation of new economic opportunities and commercialization in the agri-food, agri-science, or agriculture products integrated or merged with other sciences or technologies are invited. This may include alternative uses of agricultural products as well as, value-added processing of agricultural commodities to produce bio-materials (e.g. plastics, fiberboard), green chemicals, functional foods (e.g. lutin enhanced "power bar" snacks, soy enhanced products), nutraceuticals, on-farm renewable energy, and biofuels (e.g. ethanol, biodiesel).

Awards may be made for planning activities or for working capital expenses, but not for both. The