

Dated: April 28, 2004.

**A.J. Yates,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 04-10069 Filed 5-3-04; 8:45 am]

BILLING CODE 3410-02-P

## DEPARTMENT OF AGRICULTURE

### Agricultural Research Service

#### Notice of Intent To Request an Extension of a Currently Approved Information Collection

**AGENCY:** Agricultural Research Service, USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13) and Office of Management and Budget (OMB) regulations at 5 CFR part 1320 (60 FR 44978, August 29, 1995), this notice announces the Agricultural Research Service's (ARS) intention to request an extension of a currently approved information collection, Form AD-761, USDA Patent License Application for Government Invention that expires November 30, 2004.

**DATES:** Comments must be received within sixty-five (65) calendar days of the date of publication of this notice in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Contact June Blalock, USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Room 4-1158, Beltsville, Maryland 20705-5131; Telephone Number 301-504-5989.

#### SUPPLEMENTARY INFORMATION:

*Title:* USDA Patent License Application for Government Invention.  
*OMB Number:* 0518-0003.

*Expiration Date of Approval:* November 30, 2004.

*Type of Request:* To extend a currently approved information collection.

*Abstract:* The USDA patent licensing program grants patent licenses to qualified businesses and individuals who wish to commercialize inventions arising from federally supported research. The objective of the program is to use the patent system to promote the utilization of inventions arising from such research. The licensing of federally owned inventions must be done in accordance with the terms, conditions and procedures prescribed under 37 CFR Part 404. Application for a license must be addressed to the Federal agency having custody of the invention. Licenses may be granted only if the

license applicant has supplied the Federal agency with a satisfactory plan for the development and marketing of the invention and with information about the applicant's capability to fulfill the plan. 37 CFR 404.8 sets forth the information which must be provided by a license applicant. For the convenience of the applicant, USDA has itemized the information needed on Form AD-761, and instructions for completing the form are provided to the applicant. The information submitted is used to determine whether the applicant has both a complete and sufficient plan for developing and marketing the invention and the necessary manufacturing, marketing, technical and financial resources to carry out the submitted plan.

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average 3 hours per response.

*Description of Respondents:* Businesses or other for profit individuals.

*Estimated Number of Respondents:* 75.

*Frequency of Responses:* One time per invention.

*Estimated Total Annual Burden on Respondents:* 225 hours.

Copies of this information collection and related instructions can be obtained without charge from June Blalock, USDA, ARS, Office of Technology Transfer by calling 301-504-5989.

**COMMENTS:** 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, such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

Comments may be sent to USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Room 4-1158, Beltsville, Maryland 20705-5131. 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.

**Michael D. Ruff,**

*Assistant Administrator.*

[FR Doc. 04-10070 Filed 5-3-04; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

[Docket No. 04-009N]

#### Review of Establishment Data by Inspection Program Personnel

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Notice of Availability.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) is announcing the availability of FSIS Directive 5000.2, "Review of Establishment Data by Inspection Program Personnel." In December 2003, the Agency issued FSIS Notice 54-03 "Review of Establishment Data by Inspection Program Personnel" to clarify that FSIS inspection program personnel have access to a wide range of establishment food safety records under the Hazard Analysis and Critical Control Point (HACCP) Systems regulations and to ensure that inspection program personnel understand that certain food safety records kept by the establishment are subject to review on a regular basis. FSIS has revised Notice 54-03 and is reissuing it as an FSIS Directive.

**ADDRESSES:** Copies of FSIS Directive 5000.2, "Review of Establishment Data by Inspection Program Personnel," are available from the FSIS Docket Clerk, FSIS Docket Room, Room 102, 300 12th Street, SW., Washington, DC 20250-3700. An electronic copy of the document is also available on the Internet at: <http://www.fsis.usda.gov/OPPDE/rdad/FSISDirectives/5000.2.pdf>.

**FOR FURTHER INFORMATION CONTACT:** Dr. Lynn Dickey, Director, Regulations and Petitions Policy Staff, Office of Policy and Program Development, Food Safety and Inspection Service, U.S. Department of Agriculture, (202) 720-5627.

#### SUPPLEMENTARY INFORMATION:

##### Background

Under the FSIS HACCP regulations, establishments are required to conduct a hazard analysis to determine the food safety hazards reasonably likely to occur in their production processes and to identify the preventive measures that they can apply to control those hazards (9 CFR 417.2(a)). Whenever a hazard

analysis reveals that a food safety hazard is reasonably likely to occur in the production process, establishments are required to develop and implement a written HACCP plan for each product that includes specified control measures for each hazard so identified (9 CFR 417.2(b) and (c)). Establishments are required to reassess their HACCP plans at least annually or whenever a change occurs that could affect a hazard analysis or a HACCP plan (9 CFR 417.4(a)(3)).

In addition, the HACCP regulations require that establishments maintain certain records that document the establishments' HACCP plans (9 CFR 417.5). These records include, among other records, the written hazard analysis prescribed by 9 CFR 417.2(a), including all documentation that supports that analysis (9 CFR 417.5(a)). The HACCP regulations also require that establishments retain certain HACCP-related records, including records that document verification procedures and results, for a certain period of time. For slaughter activities or refrigerated products, establishments are required to retain records for at least one year (9 CFR 417.5(e)). For frozen preserved, or shelf-stable products, establishments are required to retain records for at least two years (9 CFR 417.5(e)). All records required under the HACCP regulations must be available to FSIS for official review and copying (9 CFR 417.5(f)). FSIS verifies the adequacy of an establishment's HACCP plan through various means, including on-site observations, record reviews, and sample collections and analyses (9 CFR 417.8).

Establishments may conduct certain testing or monitoring activities as part of their HACCP plans, or as programs that could affect the hazard analysis but that may or may not be referenced in the HACCP plan. For example, establishments may perform testing or monitoring activities as a part of a prerequisite program or conduct product testing to comply with the specifications of business customers. Because the results of such testing and monitoring activities could affect the establishment's hazard analysis, FSIS considers records that document the results of any monitoring or of any testing conducted by an establishment as supporting documentation for the hazard analysis, which, under 9 CFR 417.5, must be maintained by the establishment and be made available for FSIS review.

Furthermore, because the HACCP regulations require that establishments retain certain HACCP-related records for at least one year, or for frozen,

preserved, or shelf-stable products, for at least two years, FSIS expects that establishments will retain records that document the results of any testing or any monitoring activities, including records that document the results of tests conducted to meet a purchaser's specifications, for this same period of time. The Agency has determined that such records are subject to the record retention provisions of the HACCP regulations because they document procedures and results that FSIS inspection program personnel may rely on to verify the adequacy of an establishments' HACCP plan. Records that document verification procedures and results are subject to the HACCP record retention provisions in 9 CFR 417.5 (e).

FSIS issued Notice 54-03 in December of 2003 to inform FSIS inspection program personnel that they should be aware of all monitoring and of all testing related to food safety conducted by an establishment and to verify these records as part of the HACCP inspection procedures. The Agency reissued the notice in April of 2004 as an FSIS Directive to make it consistent with Directive 10,010.1, "Microbiological Testing Program for *Escherichia coli* O157:H7 in Raw Ground Beef." Directive 5000.2 instructs inspection program personnel to ask establishments to make available for review the data that is generated by any monitoring and any testing related to food safety to ensure that this data is available when inspection program personnel are verifying HACCP records. Directive 5000.2 makes clear that inspection program personnel should review any food safety data that has been generated by the establishment at the weekly HACCP meeting.

Directive 5000.2, as did Notice 54-03, instructs FSIS inspection program personnel to examine an establishment's testing and monitoring results to determine whether these documents indicate that the establishment has failed to recognize and correct any food safety concerns. Thus, the directive makes clear that records that document the results of any testing and of any monitoring related to food safety that are performed by an establishment, whether such activities are incorporated into the establishment's HACCP plan, referenced in a HACCP plan, or considered as separate food safety activities, are supporting documentation for the establishment's hazard analysis. The Agency expects that establishments will make such records available to FSIS inspection program personnel upon request.

To enhance its inspection program personnel's understanding of the policies described in FSIS Directive 5000.2, and to assist inspection program personnel develop the critical thinking skills that they need to apply these policies in the establishment setting, FSIS has issued new scenarios under its Interactive Knowledge Exchange (IKE) service. IKE is a tool available to all Field Operations employees to assist them in keeping current and correlated on regulatory requirements, directives, notices, HACCP, Sanitation SOP, and FSIS sampling programs.

#### Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to better ensure that the public, and in particular minorities, women, and persons with disabilities, are aware of this notice, FSIS will announce it online through the FSIS Web page located at <http://www.fsis.usda.gov>.

The Regulations.gov Web site is the central online rulemaking portal of the United States government. It is being offered as a public service to increase participation in the Federal government's regulatory activities. FSIS participates in Regulations.gov and will accept comments on documents published on the site. The site allows visitors to search by keyword or Department or Agency for rulemakings that allow for public comment. Each entry provides a quick link to a comment form so that visitors can type in their comments and submit them to FSIS. The Web site is located at <http://www.regulations.gov>.

FSIS also will make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and other types of information that could affect or would be of interest to our constituents and stakeholders. The update is communicated via Listserv, a free e-mail subscription service consisting of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals who have requested to be included. The update also is available on the FSIS Web page. Through Listserv and the Web page, FSIS is able to provide information to a much broader, more diverse audience.

Done at Washington, DC, on April 28, 2004.

**Barbara Masters,**  
*Acting Administrator.*

[FR Doc. 04-10030 Filed 5-3-04; 8:45 am]

BILLING CODE 3410-DM-P

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### **Big Bar Ranger District of the Trinity River Management Unit; Shasta-Trinity National Forest; California; Trinity 1-8 Mining Operation**

**AGENCY:** Forest Service, USDA.

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

**SUMMARY:** A Plan of Operation has been submitted by Master petroleum, Inc., for the purpose of mining for gold within the Trinity 1-8 Placer Mining Claim. The proposal is to mine within Trinity County from four sites totaling about 22 acres in the vicinity of Big East Fork and Canyon Creeks.

**DATES:** Comments concerning the scope of the analysis must be received by May 20, 2004. The draft environmental impact statement is expected in February, 2005, and the final environmental impact statement is expected in May, 2005.

**ADDRESSES:** Send written comments to Mike Mitchell, Supervisory Natural Resource Officer, c/o USFS, PO Box 1190, Weaverville, CA 96093. For further information, mail correspondence to Mike Mitchell, Supervisory Natural Resource Officer, c/o USFS, PO Box 1190, Weaverville, CA 96093.

**FOR FURTHER INFORMATION CONTACT:** Larry McLean, USFS Minerals Officer, phone 530-623-1767.

#### **SUPPLEMENTARY INFORMATION:**

#### **Purpose and Need for Action**

The purpose of the project is to extract locatable minerals (valuable mineral deposits) while providing resource protection on National Forest System lands as authorized by the United States mining laws of May 10, 1872, as amended (30 U.S.C. 21-54), which confer a statutory right to enter upon the public lands to search for minerals.

#### **Proposed Action**

The proposed action is to approve the Plan of Operations submitted by Master petroleum, Inc. to open pit mine about 22 acres of National Forest Lands on the Trinity 1-8 Placer Mining Claims, CAMC #605515. This is a high bench

placer mining operation. The plan is to remove vegetation, stockpile topsoil for reclamation, remove and process valuable placer deposits down to bedrock, replace processed waste in excavation, and reclaim the site. It is estimated that the operation will process approximately 1,138,478 tons of gold bearing placer gravels from about 22 acres over a 25-year period. The Project is located at the confluence of Canyon Creek and the Big East Fork of Canyon Creek off Canyon Creek Road. Legal description is; T.35N., R.10W., Section 30, Mount Diablo Meridian.

#### **Responsible Official**

Joyce Andersen, District Ranger, c/o USFS, PO Box 1190, Weaverville, CA 96093.

#### **Nature of Decision To Be Made**

The District Ranger will decide whether the proposed action will proceed as proposed or as modified by an alternative. Also, she will decide which recommended mitigation measures and monitoring requirements will be applied.

#### **Scoping Process**

The Forest Service will advertise the proposal in the Trinity Journal and Record Searchlight, newspapers of general distribution. The project will be listed in the Shasta-Trinity Forest Quarterly NEPA calendar. Adjacent landowners, known interested parties, and government agencies will be sent letters describing the project and identifying the project timeframe. Scoping comments are requested by May 20, 2004. A public meeting is scheduled for May 13, 2004, in the Weaverville Fire Hall.

#### **Preliminary Issues**

Issues will be identified as a result of scoping. At this time project planners expect removal of vegetative cover, visual quality, and water quality concerns to be voiced in the scoping process.

#### **Comment Requested**

This notice of intent initiates the scoping process which guides the development of the environmental impact statement. The Forest Service is seeking information that planners may not be aware of, and/or issues (points of dispute, debate concern, or disagreement) regarding potential effects of the proposal to authorize mining on the Trinity 1-8 Placer Mining Claims.

#### **Early Notice of Importance of Public Participation in Subsequent Environmental Review**

A draft environmental impact statement will be prepared for comment. The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Comments received, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection.