

finding of no significant impact, the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared for this field test.

**DATES:** *Effective Date:* August 6, 2007.

**ADDRESSES:** You may read the environmental assessment (EA), finding of no significant impact (FONSI), and our response to the one the comment we received on the EA in our reading room, which 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. The EA, FONSI and decision notice, and our response to the public comment are available on the Internet at [http://www.aphis.usda.gov/brs/aphisdocs/06\\_11101r\\_ea.pdf](http://www.aphis.usda.gov/brs/aphisdocs/06_11101r_ea.pdf).

**FOR FURTHER INFORMATION CONTACT:** Dr. Andrea Huberty, Biotechnology Regulatory Services, APHIS, 4700 River Road, Unit 147, Riverdale, MD 20737-1236; (301) 734-0659. To obtain copies of the EA, FONSI and decision notice, and our response to the public comment, contact Ms. Cynthia Eck at (301) 734-0667; e-mail: [cynthia.a.eck@aphis.usda.gov](mailto:cynthia.a.eck@aphis.usda.gov).

**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 in the environment of a regulated article.

On April 21, 2006, the Animal and Plant Health Inspection Service (APHIS) received a permit application (APHIS No. 06-111-01r) from Louisiana State University, in Baton Rouge, LA for a field test using strains of the bacterium *Burkholderia glumae*. Permit application 06-111-01r describes four *Burkholderia glumae* strains—two wild-

type strains, one of which is disease-causing and the other naturally non-pathogenic, endemic to the United States, and two genetically engineered, non-pathogenic strains that share the same avirulent phenotype. The transgenic strains were created by placing base pairs of a methyltransferase gene into the cloning vector. The introduced vector, along with the methyltransferase gene, will integrate into the bacterial chromosome by homologous recombination.

The subject *Burkholderia glumae* is considered a regulated article under the regulations in 7 CFR part 340 because it is the causal pathological agent of panicle blight in rice, a plant disease occurring in the United States.

On June 19, 2007, APHIS published a notice<sup>1</sup> in the **Federal Register** (72 FR 33735-33736, Docket No. APHIS-2007-0021) announcing the availability of an environmental assessment (EA) for a field test of two non-pathogenic, genetically engineered strains of *Burkholderia glumae*. During the 30-day comment period, which ended on June 19, 2007, APHIS received one comment, from an academic professional who opposed APHIS granting the permit. APHIS has addressed the issues raised in the comment and has provided a response as an attachment to the finding of no significant impact (FONSI).

Pursuant to the regulations in 7 CFR part 340 promulgated under the Plant Protection Act, APHIS has determined that this field test will not pose a risk of introducing or disseminating a plant pest. Additionally, based upon analysis described in the EA, APHIS has determined that the action proposed in Alternative C of the EA, issue the permit with supplemental permit conditions, will not have a significant impact on the quality of the human environment. You may read the FONSI and decision notice on the Internet or in the APHIS reading room (see **ADDRESSES** above). Copies may also be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT**.

The EA and 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

<sup>1</sup>To view the notice, the EA, and the comment we received, go to <http://www.regulations.gov/jdmspublic/component/main?main=DocketDetail&d=APHIS-2007-0021>.

Implementing Procedures (7 CFR part 372).

**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 8th day of August 2007.

**Cindy Smith,**

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

[FR Doc. E7-15932 Filed 8-13-07; 8:45 am]

**BILLING CODE 3410-34-P**

## DEPARTMENT OF AGRICULTURE

### Foreign Agricultural Service

#### Assessment of Fees for Dairy Import Licenses for the 2008 Tariff-Rate Import Quota Year

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

**ACTION:** Notice.

**SUMMARY:** This notice announces that the fee to be charged for the 2008 tariff-rate quota (TRQ) year for each license issued to a person or firm by the Department of Agriculture authorizing the importation of certain dairy articles, which are subject to tariff-rate quotas set forth in the Harmonized Tariff Schedule of the United States (HTS), will be \$150.00 per license.

**DATES:** *Effective Date:* January 1, 2008.

**FOR FURTHER INFORMATION CONTACT:** Jorge Martinez, Dairy Import Licensing Program, Import and Trade Support Programs Division, STOP 1021, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Washington, DC 20250-1021 or telephone at (202) 720-9439 or e-mail at [Jorge.Martinez@usda.gov](mailto:Jorge.Martinez@usda.gov).

**SUPPLEMENTARY INFORMATION:** The Dairy Tariff-Rate Import Quota Licensing Regulation promulgated by the Department of Agriculture and codified at 7 CFR 6.20-6.37 provides for the issuance of licenses to import certain dairy articles that are subject to TRQs set forth in the HTS. Those dairy articles may only be entered into the United States at the in-quota TRQ tariff-rates by or the account of a person or firm to whom such licenses have been issued and only in accordance with the terms and conditions of the regulation.

Licenses are issued on a calendar year basis, and each license authorizes the license holder to import a specified quantity and type of dairy article from a specified country of origin. The use of licenses by the license holder to import dairy articles is monitored by the Import and Trade Support Programs Division, Foreign Agricultural Service, U.S.

Department of Agriculture, and the U.S. Customs and Border Protection, U.S. Department of Homeland Security.

The regulation at 7 CFR 6.33(a) provides that a fee will be charged for each license issued to a person or firm by the Licensing Authority in order to reimburse the Department of Agriculture for the costs of administering the licensing system under this regulation.

The regulation at 7 CFR 6.33(a) also provides that the Licensing Authority will announce the annual fee for each license and that such fee will be set out in a notice to be published in the **Federal Register**. Accordingly, this notice sets out the fee for the licenses to be issued for the 2008 calendar year.

#### Notice

The total cost to the Department of Agriculture of administering the licensing system for 2008 has been estimated to be \$360,000, and the estimated number of licenses expected to be issued is 2,400. Of the total cost, \$230,000 represents staff and supervisory costs directly related to administering the licensing system, and \$130,000 represents other miscellaneous costs, including travel, postage, publications, forms, Internet software development, and ADP system contractors.

Accordingly, notice is hereby given that the fee for each license issued to a person or firm for the 2008 calendar year, in accordance with 7 CFR 6.33, will be \$150.00 per license.

Dated: Issued at Washington, DC the 31st day of July, 2007.

**Ronald Lord,**

*Licensing Authority.*

[FR Doc. 07-3944 Filed 8-13-07; 8:45 am]

**BILLING CODE 3410-10-M**

## DEPARTMENT OF AGRICULTURE

### Grain Inspection, Packers and Stockyards Administration

#### Guideline Change Involving Volume Discounts in Tariffs

**AGENCY:** Grain Inspection, Packers and Stockyards Administration, USDA.

**ACTION:** Notice.

**SUMMARY:** We are announcing a change in policy to accept non-tiered volume-based rate discounts in tariffs.

**DATES:** *Effective Date:* August 14, 2007.

**FOR FURTHER INFORMATION CONTACT:** S. Brett Offutt, Director, Policy and Litigation Division, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration,

1400 Independence Ave., SW., Washington, DC 20250, (202) 720-7363, *s.brett.offutt@usda.gov*.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Grain Inspection, Packers and Stockyards Administration (GIPSA) enforces the Packers and Stockyards Act, 1921 (7 U.S.C. 181-229) (P&S Act). Under the P&S Act, market agencies selling on commission (market agencies) at stockyards posted by GIPSA as public livestock sales facilities operating in interstate commerce (posted stockyards) must file a tariff with GIPSA. These tariffs list the rates charged for stockyard services the market agency provides, including selling commissions (7 U.S.C. 207(a)). The use of discriminatory rates in tariffs is prohibited (7 U.S.C. 206). Neither the Packers and Stockyards Act, nor regulations promulgated thereunder, describe specifically what constitutes a discriminatory rate. Since 1978, GIPSA has investigated the reasonableness of rates only in response to specific complaints or other compelling circumstances. This general policy with regards to GIPSA investigation of rates is published at 9 CFR 203.17.

##### Current Policy

Currently, GIPSA policy permits volume-based rate discounts in tariffs, but the policy historically has considered non-tiered volume discounts to be discriminatory and therefore prohibited. Tiered discounts involve commission rate structures with lower selling commission rates per head above a specified number of head threshold, or lower selling commissions above a certain dollar threshold of gross proceeds. For example, in a tiered volume-based discount rate system, the commission would be the standard rate for the first 10 cows, then a discounted rate for the next ten, or it might be the standard rate for the first \$10,000 in gross proceeds, then a discounted rate for the next \$10,000 in gross proceeds. GIPSA currently requires that the discounted rate be applied only to that portion of a consignment above the specified number of head or dollar threshold, although GIPSA doesn't set what the threshold must be. The current policy is that those animals in the same consignment group below the specified number or dollar threshold must be assessed the non-discounted rate. Allowing the application of non-tiered volume-based discounted rates to all the animals consigned in large consignments could in some circumstances result in large volume consignors paying less in total selling

commissions than small volume consignors. For example, a standard commission rate of \$10 per cow for 10 cows and a non-tiered discounted rate of \$9 per cow for larger sales could result in the seller of 11 cows paying less in commission (\$99) than the seller of 10 cows (\$100). Historically, GIPSA believed this practice to be discriminatory. The prohibition on non-tiered application of volume-based rate discounts prevented a reduction in the total amount of commissions paid as the number of animals consigned increased.

##### New Policy

Representatives from livestock industry groups including the Livestock Marketing Association requested that GIPSA examine its prohibition of non-tiered commission discounts. Allowing the non-tiered commission discounts to all animals consigned in large groups affords qualifying consignors significant reductions in selling cost on a per head basis. Livestock industry stakeholders have presented a number of reasons why allowing non-tiered volume discounting of commissions would benefit the industry as a whole. Primarily, the argument presented by industry groups in favor of the new policy is that non-tiered discounts are fair because they more accurately reflect the market agencies' actual cost of the transaction. Most of the cost accrued by the market agency is per transaction, not per animal. Also, the industry groups argue that stockyards now face competition from markets that did not exist in 1921, such as satellite video and internet auctions, which are not required to file tariffs with GIPSA. Livestock industry groups believe that prohibiting non-tiered volume discounts discriminates against market agencies at posted stockyards.

Stakeholders have told us that small volume consignors are not harmed when consignors of larger groups of animals receive volume-based discounts even if the discount is applied in a non-tiered manner because the same volume-based discounts are available to small volume consignors whenever they have the opportunity to consign in larger volumes. An examination of tiered tariffs conducted by the GIPSA Midwest regional office found that in some cases, the threshold for obtaining the volume discount was as small as five (5) head or \$3000. Market agencies stated that the effort and cost to sell a large group of animals as a unit is comparable to that for small consignments, which is why they are willing to offer a discount on a per-animal basis for volume consignors. Market agencies also stated that large