

# Notices

Federal Register

Vol. 61, No. 160

Friday, August 16, 1996

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. 96-019-2]

#### **AgrEvo USA Company; Availability of Determination of Nonregulated Status for Soybeans Genetically Engineered for Glufosinate Herbicide Tolerance**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** We are advising the public of our determination that certain soybean lines developed by AgrEvo USA Company that have been genetically engineered for glufosinate herbicide tolerance are no longer considered regulated articles under our regulations governing the introduction of certain genetically engineered organisms. Our determination is based on our evaluation of data submitted by AgrEvo USA Company in its petition for a determination of nonregulated status, an analysis of other scientific data, and our review of comments received from the public in response to a previous notice announcing our receipt of the AgrEvo USA Company's petition. This notice also announces the availability of our written determination document and its associated environmental assessment and finding of no significant impact.

**EFFECTIVE DATE:** July 31, 1996.

**ADDRESSES:** The determination, an environmental assessment and finding of no significant impact, the petition, and all written comments received regarding the petition may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect those documents are asked to call in advance of visiting at (202) 690-2817.

**FOR FURTHER INFORMATION CONTACT:** Dr. Sivramiah Shantharam, Biotechnology Permits, BBEP, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737-1237; (301) 734-7612. To obtain a copy of the determination or the environmental assessment and finding of no significant impact, contact Ms. Kay Peterson at (301) 734-7612; E-mail: [mkpeterson@aphis.usda.gov](mailto:mkpeterson@aphis.usda.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### Background

On March 8, 1996, the Animal and Plant Health Inspection Service (APHIS) received a petition (APHIS Petition No. 96-068-01p) from AgrEvo USA Company (AgrEvo) of Wilmington, DE, seeking a determination that Glufosinate Resistant Soybean (GRS) Transformation Events W62, W98, A2704-12, A2704-21, and A5547-35 that have been genetically engineered for resistance, or tolerance, to the herbicide glufosinate, do not present a plant pest risk and, therefore, are not regulated articles under APHIS' regulations in 7 CFR part 340.

On April 29, 1996, APHIS published a notice in the Federal Register (61 FR 18718-18719, Docket No. 96-019-1) announcing that the AgrEvo petition had been received and was available for public review. The notice also discussed the role of APHIS, the Environmental Protection Agency, and the Food and Drug Administration in regulating the subject soybean lines and food products derived from them. In the notice, APHIS solicited written comments from the public as to whether these soybean lines posed a plant pest risk. The comments were to have been received by APHIS on or before June 28, 1996.

During the designated 60-day comment period, APHIS received eight comments on the subject petition from universities, cooperative extension service research centers, and a seed company. All of the comments were favorable to the petition.

##### Analysis

GRS Transformation Events W62 and W98 have been genetically engineered to contain the *bar* gene derived from *Streptomyces hygroscopicus* and the *gus* marker gene derived from *Escherichia coli*. The *bar* gene encodes the enzyme phosphinothricin-N-acetyltransferase (PAT), which confers tolerance to glufosinate. Expression of the added

genes is controlled in part by gene sequences from the plant pathogens *Agrobacterium tumefaciens*, alfalfa mosaic virus, and cauliflower mosaic virus (CaMV). GRS Transformation Events A2704-12, A2704-21, and A5547-35 contain a synthetic version of the *pat* gene derived from *Streptomyces viridochromogenes*, which encodes the PAT enzyme and confers tolerance to glufosinate. Expression of the synthetic *pat* gene is controlled by a 35S promoter and terminator derived from CaMV. The particle acceleration method was used to transfer the added genes into the GRS parental soybean cultivars.

The subject GRS Transformation Events have been considered regulated articles under APHIS' regulations in 7 CFR part 340 because they contain gene sequences derived from plant pathogens. However, evaluation of field data reports from field tests of these lines conducted under APHIS permits or notifications indicates that there were no deleterious effects on plants, nontarget organisms, or the environment as a result of the environmental release of the soybean lines.

##### Determination

Based on its analysis of the data submitted by AgrEvo and a review of other scientific data, comments received, and field tests of the subject soybean lines, APHIS has determined that GRS Transformation Events W62, W98, A2704-12, A2704-21, and A5547-35: (1) Exhibit no plant pathogenic properties; (2) are no more likely to become weeds than soybean lines developed by traditional breeding techniques; (3) are unlikely to increase the weediness potential for any other cultivated or wild species with which they can interbreed; (4) will not cause damage to raw or processed agricultural commodities; and (5) will not harm threatened or endangered species or other organisms, such as bees, that are beneficial to agriculture. Therefore, APHIS has concluded that the subject soybean lines and any progeny derived from hybrid crosses with other nontransformed soybean varieties will be as safe to grow as soybeans in traditional breeding programs that are not subject to regulation under 7 CFR part 340.

The effect of this determination is that AgrEvo's GRS Transformation Events W62, W98, A2704-12, A2704-21, and

A5547-35 are no longer considered regulated articles under APHIS' regulations in 7 CFR part 340. Therefore, the requirements pertaining to regulated articles under those regulations no longer apply to the field testing, importation, or interstate movement of the subject soybean lines or their progeny. However, importation of the subject soybean lines or seeds capable of propagation are still subject to the restrictions found in APHIS' foreign quarantine notices in 7 CFR part 319.

#### National Environmental Policy Act

An environmental assessment (EA) has been prepared to examine the potential environmental impacts associated with this determination. The EA was prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (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 finding of no significant impact (FONSI) with regard to its determination that AgrEvo's GRS Transformation Events W62, W98, A2704-12, A2704-21, and A5547-35 and lines developed from them are no longer regulated articles under its regulations in 7 CFR part 340. Copies of the EA and the FONSI are available upon request from the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Done in Washington, DC, this 13th day of August 1996.

Terry L. Medley,

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 96-20921 Filed 8-15-96; 8:45 am]

BILLING CODE 3410-34-P

#### Forest Service

##### California Coast Province Advisory Committee (PAC)

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The California Coast Province Advisory Committee (PAC) will meet from 8:00 a.m. to 5:00 p.m., on September 5, 1996, at the Redwood Empire Masonic Lodge, 783 Locust St., Garberville, CA. Agenda items to be covered include: (1) PAC focus for the next year and set next meeting dates; (2) Update from Portland; (3) Report and

recommendations from PAC/SCERT Subcommittee on future years' watershed restoration and joint PAC socio-economic monitoring; (4) Agency updates; (5) Recommendations from Public/Private Subcommittee; and (6) Open public forum. The PAC will also meet September 6, 1996, for a field trip beginning at 8:00 a.m. at the Garberville Masonic Lodge and concluding at 3:00 p.m. Agenda items for the field trip include: Restoration in the Mattole River watershed and King Range Road decommissioning. All California Coast Province Advisory Committee meetings are open to the public. Interested citizens are encouraged to attend.

#### FOR FURTHER INFORMATION CONTACT:

Direct questions regarding this meeting to Daniel Chisholm, USDA, Forest Supervisor, Mendocino National Forest, 825 N. Humboldt Avenue, Willows, CA, 95988, (916) 934-3316 or Phebe Brown, Province Coordinator, USDA, Mendocino National Forest, 825 N. Humboldt Avenue, Willows, CA, 95988, (916) 934-3316.

Dated August 9, 1996.

Daniel K. Chisholm,

*Forest Supervisor.*

[FR Doc. 96-20866 Filed 8-15-96; 8:45 am]

BILLING CODE 3410-FK-M

#### Grain Inspection, Packers and Stockyards Administration

##### Designation of Farwell and Plainview (TX) for Part of the Former Amarillo Area in the Lubbock, Texas (TX) Region

**AGENCY:** Grain Inspection, Packers and Stockyards Administration (GIPSA).

**ACTION:** Notice.

**SUMMARY:** GIPSA announces the designation of Farwell Grain Inspection, Inc. (Farwell), and Plainview Grain Inspection and Weighing Service, Inc. (Plainview), to provide official services under the United States Grain Standards Act, as amended (Act) in part of the former Amarillo Grain Exchange, Inc. (Amarillo), area.

**EFFECTIVE DATES:** September 1, 1996.

**ADDRESSES:** USDA, GIPSA, Janet M. Hart, Chief, Review Branch, Compliance Division, STOP 3604, 1400 Independence Ave. S.W., Washington, DC 20250-3604.

**FOR FURTHER INFORMATION CONTACT:** Janet M. Hart, telephone 202-720-8525.

#### SUPPLEMENTARY INFORMATION:

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512-1;

therefore, the Executive Order and Departmental Regulation do not apply to this action.

Amarillo asked GIPSA to remove the Lubbock region from their assigned geographic area. The Lubbock region consists of: Andrews, Borden, Cochran, Crosby, Dawson, Dickens, El Paso, Gaines, Garza, Hockley, Howard, Kent, Lubbock, Lynn, Martin, Mitchell, Scurry, Terry, and Yoakum Counties, Texas, and the parts of Hale and Lamb Counties, Texas, assigned to Amarillo. In the March 13, 1996, Federal Register (61 FR 10313), GIPSA requested comments on the need for official services and asked persons interested in providing official services in the Lubbock area assigned to Amarillo to submit an application for designation. Applications were due by April 10, 1996. There were two applicants: Farwell and Plainview, both designated official agencies. Farwell applied for the Texas Counties of Cochran, Hockley, and that part of Lamb that was previously assigned to Amarillo. Plainview applied for the Texas Counties of Andrews, Borden, Crosby, Dawson, Dickens, Gaines, Garza, Howard, Kent, Lubbock, Lynn, Martin, Mitchell, Scurry, Terry, Yoakum, and that part of Hale not currently assigned to them.

GIPSA requested comments on the applicants for the Lubbock region in the May 9, 1996, Federal Register (61 FR 21155). Comments were due by June 7, 1996. No comments were received by the deadline.

GIPSA's Administrator determined that there is sufficient need for official services in the Lubbock region, except for the Texas County of El Paso. After evaluating all available information regarding the designation criteria in Section 7(f)(1)(A) of the Act, and according to Section 7(f)(1)(B), GIPSA determined that Farwell is able to provide official services in the northwestern area, as follows: the Texas Counties of Cochran, Hockley, and that part of Lamb that was previously assigned to Amarillo; and Plainview is able to provide official services in the southeastern area, as follows: the Texas Counties of Andrews, Borden, Crosby, Dawson, Dickens, Gaines, Garza, Howard, Kent, Lubbock, Lynn, Martin, Mitchell, Scurry, Terry, Yoakum, and that part of Hale not currently assigned to them.

Effective September 1, 1996 and ending January 31, 1999 (the end of their present designation), Farwell is designated in the geographic area specified above in addition to the area they are already designated to serve. Effective September 1, 1996 and ending