

Notices

Federal Register

Vol. 61, No. 197

Wednesday, October 9, 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. 96-080-1]

Calgene, Inc.; Addition of One Genetically Engineered Tomato Line to Determination of Nonregulated Status

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The Animal and Plant Health Inspection Service is announcing that it has added one additional genetically engineered tomato line to those subject to its October 19, 1992, interpretive ruling that the subject FLAVR SAVR™ lines need no longer be regulated. The effect of this action is that one additional delayed softening tomato line, which has been modified by the incorporation of genetic material described by Calgene, Inc., in its initial request for an interpretive ruling, will no longer be subject to regulation under 7 CFR part 340.

FOR FURTHER INFORMATION CONTACT: Dr. Subhash Gupta, Biotechnologist, Biotechnology Permits, BBEP, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737-1237; (301) 734-7612.

SUPPLEMENTARY INFORMATION: On October 19, 1992, the Animal and Plant Health Inspection Service (APHIS) published in the Federal Register (57 FR 47608-47616, Docket No. 92-087-2) a notice announcing the issuance of an interpretive ruling that previously field tested lines of the Calgene, Inc., FLAVR SAVR™ tomato do not present a plant pest risk and are not regulated articles under the regulations contained in 7 CFR part 340. This action was in response to a petition submitted by Calgene seeking a determination from APHIS that its FLAVR SAVR™ tomato no longer be deemed a regulated article, based on an absence of plant pest risk.

The effect of that action was that previously field tested lines of the FLAVR SAVR™ tomato and their progeny would no longer be regulated under these regulations.

FLAVR SAVR™ tomatoes were defined by Calgene in its initial petition to include any tomatoes transformed with one of seven identified plasmid vectors that all carry an antisense copy of the tomato polygalacturonase gene and a bacterial neomycin phosphotransferase gene with associated regulatory sequences. Calgene's initial request to APHIS in 1992 was for a determination pertaining to all FLAVR SAVR™ transformants produced in tomatoes using any one of the seven plasmid vectors. Calgene indicated in its petition that data provided to the Agency were representative of the data gathered for all lines tested up to that time. The initial determination announced by APHIS on October 19, 1992, only applied to those lines that had already been field tested. However, APHIS indicated that new lines were likely to exhibit properties similar to those of lines already field tested under permit. The determination also allowed for cross-breeding of the identified FLAVR SAVR™ tomato lines with any other lines or cultivars of tomato without a permit. Since the publication of the October 19, 1992, determination, a total of 32 additional FLAVR SAVR™ tomato lines have been added to the original determination. Those additions were announced in notices published in the Federal Register on October 3, 1994 (59 FR 50220, Docket No. 94-096-1); November 18, 1994 (59 FR 59746, Docket No. 94-125-1); March 23, 1995 (60 FR 15284, Docket No. 95-015-1); and July 28, 1995 (60 FR 38788-38789, Docket No. 95-056-1).

The additional FLAVR SAVR™ tomato line that is the subject of this notice was constructed using the plasmid vector pCGN4109, which was one of the seven included in Calgene's initial petition to APHIS. In our determination of October 19, 1992, the lines using these vectors were not deregulated because they had not been field tested. These lines have since been field tested in accordance with APHIS regulations at 7 CFR part 340, and data provided to APHIS indicate that the new transformant, produced in a manner identical to the earlier

transformant lines, behaves similarly to those earlier FLAVR SAVR™ tomato lines to which the determination initially applied. Reports from field trials and other data indicate that the new tomato line grows normally, exhibits the expected morphological, reproductive, and physiological properties, and does not have unexpected pest or disease susceptibility or symptoms. Therefore, the APHIS determination of nonregulated status of October 19, 1992, applies as well to this new transformed line.

Done in Washington, DC, this 4th day of October 1996.

Terry L. Medley,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96-25933 Filed 10-8-96; 8:45 am]

BILLING CODE 3410-34-P

[Docket No. 96-073-1]

Availability of Environmental Assessments and Findings of No Significant Impact

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that three environmental assessments and findings of no significant impact have been prepared by the Animal and Plant Health Inspection Service relative to the issuance of permits to allow the release into the environment of nonindigenous biological control agents. The environmental assessments provide a basis for our conclusion that the release into the environment of the biological control agents will not present a risk of introducing plant pests into the United States or disseminating plant pests within the United States and will not have a significant impact on the quality of the human environment. Based on its findings of no significant impact, the Animal and Plant Health Inspection Service has determined that environmental impact statements need not be prepared.

ADDRESSES: Copies of the environmental assessments and findings of no significant impact are available for public inspection 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 requested to call ahead on (202) 690-2817 to facilitate entry into the reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Robert Flanders, Entomologist, Biological Assessment and Taxonomic Support, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737-1236, (301) 734-8896. For copies of any of the environmental assessments and findings of no significant impact, write to Ms. Deborah Knott at the same address. Please refer to the title of the environmental assessment when ordering copies.

SUPPLEMENTARY INFORMATION: Under the Federal Plant Pest Act, as amended (7 U.S.C. 150aa *et seq.*) and the Plant Quarantine Act, as amended (7 U.S.C. 151 *et seq.*) (the Acts), the U.S. Department of Agriculture (USDA) has broad authority to regulate the importation, interstate movement, and release into the environment of organisms it has reason to believe are plant pests in order to prevent the dissemination of plant pests into the

United States or interstate. The Animal and Plant Health Inspection Service (APHIS) regulates plant pests under regulations promulgated pursuant to the Acts and contained in 7 CFR part 330 (referred to below as the regulations). The regulations require, among other things, that a permit be obtained for the movement of a plant pest into or through the United States or interstate. The regulations and Acts also allow the Department to include in the permit conditions to prevent the dissemination of plant pests.

Under the National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. 4321 *et seq.*), APHIS typically prepares an environmental assessment before issuing a permit for the release in the United States of nonindigenous organisms.

In accordance with applicable regulations, APHIS has received applications for permits for the release into the environment of nonindigenous biological control agents. In the course of reviewing each permit application, APHIS assessed the plant pest risk posed by each organism and the impact

on the environment of releasing each organism under the conditions described in the permit application. APHIS has issued permits for the release into the environment of the organisms listed below after concluding that their release in accordance with conditions on the permits will not present a risk of the introduction or dissemination of plant pests within the United States and will not have a significant impact on the quality of the human environment. The environmental assessments and findings of no significant impact, which are based on data submitted by the applicant and on a review of other relevant literature, provide the public with documentation of APHIS' review and analysis of the environmental impact and plant pest risk associated with releasing the biological control agents into the environment.

Environmental assessments and findings of no significant impact have been prepared by APHIS relative to the issuance of permits for the release into the environment of the following biological control agents with plant pest potential:

| Organism | Title of environmental assessment | Date of finding of no significant impact |
|--|--|--|
| <i>Eteobalea intermediella</i> and <i>Eteobalea serratella</i> . | "Field Release of the Exotic Moths, (<i>Eteobalea intermediella</i> and <i>E. serratella</i> (Lepidoptera: Cosmopterigidae), for Biological Control of Dalmatian Toadflax, <i>Linaria dalmatica</i> , and Yellow Toadflax, <i>L. vulgaris</i> (Scrophulariaceae)" (April 1996). | 4/26/96 |
| <i>Mecinus janthinus</i> | "Field Release of the Exotic Weevil, <i>Mecinus janthinus</i> (Coleoptera: Curculionidae), for Biological Control of Dalmatian Toadflax, <i>Linaria dalmatica</i> , and Yellow Toadflax, <i>L. vulgaris</i> (Scrophulariaceae)" (April 1996). | 4/26/96 |
| <i>Septoria passiflorae</i> | "Release of the Phytopathogenic Fungus <i>Septoria passiflorae</i> for Biological Control of Banana Poka, <i>Passiflora tripartita</i> var. <i>Tripartita</i> (Passifloraceae), in Hawaii" (February 1996). | 2/23/96 |

The environmental assessments and findings of no significant impact have been prepared in accordance with : (1) NEPA, (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).

Done in Washington, DC, this 4th day of October 1996.

A. Strating,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96-25932 Filed 10-8-96; 8:45 am]

BILLING CODE 3410-34-P

Forest Service

National Forest System Timber Sale Program Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Forest Service will host a meeting at the Kimball Conference Center, October 30-31, 1996, to generate ideas for a new project to identify and evaluate innovative ways of improving how national forest timber is sold. At the meeting, agency personnel will outline issues relevant to the project and encourage an open dialogue among attendees concerning their individual views on enhancing the efficiency and administrative flexibility of the agency's timber sale program.

DATES: The meeting will be held from 8:00 a.m. to 5:00 p.m. October 30-31, 1996. Written comments from those not

in attendance must be received by December 20, 1996.

ADDRESSES: The meeting will be held at the Kimball Conference Center, 1400 16th Street, NW., Washington, DC 20036. Comments or questions concerning this meeting and requests for a summary of the meeting should be directed to Cliff Hickman, Meeting Coordinator, Timber Management Staff, USDA Forest Service, P.O. Box 96090, Washington, DC 20090-6090; via Internet at Hickman_Cliff/wo@fs.fed.us; via the Forest Service home page at www.fs.fed.us; or by calling (202) 205-1162.

FOR FURTHER INFORMATION CONTACT: Cliff Hickman, Meeting Coordinator, Timber Management Staff, (202) 205-1162.

SUPPLEMENTARY INFORMATION: The sale of timber on National Forest System land helps meet the nation's demand for wood; achieves important stewardship