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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. 96-019-1]

AgrEvo USA Company; Receipt of Petition for Determination of Nonregulated Status for Soybeans Genetically Engineered for Glufosinate Tolerance

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has received a petition from AgrEvo USA Company seeking a determination of nonregulated status for certain soybeans genetically engineered for tolerance to the herbicide glufosinate. The petition has been submitted in accordance with our regulations concerning the introduction of certain genetically engineered organisms and products. In accordance with those regulations, we are soliciting public comments on whether these soybeans present a plant pest risk.

DATES: Written comments must be received on or before June 28, 1996.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 96-019-1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 96-019-1. A copy of the petition and any comments received 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 access to that room to inspect the petition or comments are asked to call in advance of visiting at (202) 690-2817.

FOR FURTHER INFORMATION CONTACT: Dr. Sivramiah Shantharam, Biotechnology Permits, BBEP, APHIS, Suite 5B05, 4700 River Road Unit 147, Riverdale, MD 20737-1237; (301) 734-7612. To obtain a copy of the petition, contact Ms. Kay Peterson at (301) 734-7612; e-mail: mkpeterson@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."

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. Paragraphs (b) and (c) of § 340.6 describe the form that a petition for determination of nonregulated status must take and the information that must be included in the petition.

On March 8, 1996, APHIS received a petition (APHIS Petition No. 96-068-01p) from AgrEvo USA Company (AgrEvo) of Wilmington, DE, requesting a determination of nonregulated status under 7 CFR part 340 for soybeans designated as 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. The AgrEvo petition states that the subject GRS transformation events should not be regulated by APHIS because they do not present a plant pest risk.

As described in the petition, GRS transformation events W62 and W98 have been genetically engineered to contain the *bar* gene derived from *Streptomyces hygroscopicus* and the *gus* gene derived from *Escherichia coli*. The *bar* gene encodes the enzyme phosphinothricin-N-acetyltransferase (PAT), which confers tolerance to glufosinate, and the *gus* gene encodes

the enzyme B-glucuronidase, which is useful as a selectable marker in the transformation process. Expression of these added genes is controlled in part by gene sequences from the plant pests *Agrobacterium tumefaciens*, alfalfa mosaic virus (AMV), 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 parental soybean cultivars.

GRS transformation events W62, W98, A2704-12, A2704-21, and A5547-35 have been considered regulated articles under the regulations in 7 CFR part 340 because they contain gene sequences from the plant pathogens mentioned above. GRS transformation events W62 and W98 have been field tested since 1990 under APHIS permits or notifications, and GRS transformation events A2704-12, A2704-21, and A5547-35 were field tested in 1995 under APHIS notifications. In the process of reviewing the applications for field trials of the subject GRS transformation events, APHIS determined that the vectors and other elements were disarmed and that the trials, which were conducted under conditions of reproductive and physical containment or isolation, would not present a risk of plant pest introduction or dissemination.

In the Federal Plant Pest Act, as amended (7 U.S.C. 150aa *et seq.*), "plant pest" is defined as "any living stage of: Any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances, which can directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any processed, manufactured or other products of plants." APHIS views this definition very broadly. The definition covers direct or indirect injury, disease, or damage not just to agricultural crops, but also to plants in general, for example, native species, as

well as to organisms that may be beneficial to plants, for example, honeybees, rhizobia, etc.

The U.S. Environmental Protection Agency (EPA) is responsible for the regulation of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (7 U.S.C. 136 *et seq.*). FIFRA requires that all pesticides, including herbicides, be registered prior to distribution or sale, unless exempt by EPA regulation. In cases in which genetically modified plants allow for a new use of an herbicide or involve a different use pattern for the herbicide, EPA must approve the new or different use. When the use of the herbicide on the genetically modified plant would result in an increase in the residues of the herbicide in a food or feed crop for which the herbicide is currently registered, or in new residues in a crop for which the herbicide is not currently registered, establishment of a new tolerance or a revision of the existing tolerance would be required. Residue tolerances for pesticides are established by EPA under the Federal Food, Drug and Cosmetic Act (FFDCA) (21 U.S.C. 201 *et seq.*), and the Food and Drug Administration (FDA) enforces tolerances set by EPA under the FFDCA. Currently, glufosinate is not registered for use on soybeans.

FDA published a statement of policy on foods derived from new plant varieties in the Federal Register on May 29, 1992 (57 FR 22984-23005). The FDA statement of policy includes a discussion of FDA's authority for ensuring food safety under the FFDCA, and provides guidance to industry on the scientific considerations associated with the development of foods derived from new plant varieties, including those plants developed through the techniques of genetic engineering.

In accordance with § 340.6(d) of the regulations, we are publishing this notice to inform the public that APHIS will accept written comments regarding the Petition for Determination of Nonregulated Status from any interested person for a period of 60 days from the date of this notice. The petition and any comments received are available for public review, and copies of the petition may be ordered (see the **ADDRESSES** section of this notice).

After the comment period closes, APHIS will review the data submitted by the petitioner, all written comments received during the comment period, and any other relevant information. Based on the available information, APHIS will furnish a response to the petitioner, either approving the petition in whole or in part, or denying the

petition. APHIS will then publish a notice in the Federal Register announcing the regulatory status of AgrEvo's GRS transformation events W62, W98, A2704-12, A2704-21, and A5547-35 and the availability of APHIS' written decision.

Authority: 7 U.S.C. 150aa-150jj, 151-167, and 1622n; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.2(c).

Done in Washington, DC, this 23rd day of April 1996.

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96-10462 Filed 4-26-96; 8:45 am]

BILLING CODE 3410-34-P

Animal and Plant Health Inspection Service, USDA

[Docket No. 92-110-5]

Veterinary Services Draft Programmatic Environmental Impact Statement

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of extension of comment period.

SUMMARY: We are extending the comment period for our notice that advised the public that the Animal and Plant Health Inspection Service has prepared a draft programmatic environmental impact statement for the Veterinary Services Program, which is responsible for the protection of the Nation's livestock and poultry. This extension will provide interested persons with additional time to prepare and submit comments on the draft programmatic environmental impact statement.

DATES: Consideration will be given only to comments on Docket No. 92-110-4 that are received on or before June 25, 1996.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 92-110-4, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 92-110-4. Comments received 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 comments are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

Interested persons may obtain a copy of the draft environmental impact statement by writing to the addresses listed below under **FOR FURTHER INFORMATION CONTACT**. The draft environmental impact statement may also be viewed on the Internet at www.aphis.usda.gov/bbep.ead/vsdocs.html.

FOR FURTHER INFORMATION CONTACT: Ms. Nancy Sweeney, Project Leader, Environmental Analysis and Documentation, BBEP, APHIS, Suite 5B05, 4700 River Road Unit 149, Riverdale, MD 20737-1237, (301) 734-8565; or e-mail: nsweeney@aphis.usda.gov; or Dr. William E. Ketter, Chief Staff Veterinarian, Program Evaluations and Planning Staff, VS, APHIS, Suite 3B08, 4700 River Road Unit 33, Riverdale, MD 20737-1231, (301) 734-4357; or e-mail: wketter@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

On March 29, 1996, we published in the Federal Register (61 FR 14046-14047, Docket No. 92-110-4) a notice advising the public that the Animal and Plant Health Inspection Service has prepared a draft programmatic environmental impact statement for the Veterinary Services Program, which is responsible for the protection of the Nation's livestock and poultry. The notice also asked for public comment on the draft programmatic environmental impact statement.

Comments on the draft programmatic environmental impact statement were required to be received on or before May 28, 1996. We are extending the comment period on Docket No. 92-110-4 for an additional 30 days. This action will allow interested persons additional time to prepare and submit comments.

Done in Washington, DC, this 23rd day of April 1996.

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96-10460 Filed 4-26-96; 8:45 am]

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Food Safety and Inspection Service

[Docket No. 96-015N]

Nominations for Membership on the National Advisory Committee on Microbiological Criteria for Foods

The National Advisory Committee on Microbiological Criteria for Foods (NACMCF) is soliciting nominations for membership.