

# Notices

Federal Register

Vol. 62, No. 156

Wednesday, August 13, 1997

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. 97-052-1]

#### Monsanto Co. and Dekalb Genetics Corp.; Receipt of Petition for Determination of Nonregulated Status for Genetically Engineered Corn

**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 the Monsanto Company and Dekalb Genetics Corporation seeking a determination of nonregulated status for a corn line designated as GA21, which has been genetically engineered for tolerance to the herbicide glyphosate. 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 this corn line presents a plant pest risk.

**DATES:** Written comments must be received on or before October 14, 1997.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 97-052-1, 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. 97-052-1. 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 to facilitate entry into the reading room.

**FOR FURTHER INFORMATION CONTACT:** Dr. Ray Dobert, Biotechnology Evaluation, BSS, PPQ, APHIS, Suite 5B05, 4700 River Road Unit 146, Riverdale, MD 20737-1236; (301) 734-8365. To obtain a copy of the petition, contact Ms. Kay Peterson at (301) 734-4885; e-mail: mkipeterson@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 April 9, 1997, APHIS received a petition (APHIS Petition No. 97-099-01p) from the Monsanto Company of St. Louis, MO, and Dekalb Genetics Corporation of Mystic, CT (Monsanto/Dekalb), requesting a determination of nonregulated status under 7 CFR part 340 for a glyphosate-tolerant corn line designated as GA21. The Monsanto/Dekalb petition states that the subject corn line should not be regulated by APHIS because it does not present a plant pest risk.

As described in the petition, corn line GA21 has been genetically engineered to contain a modified corn 5-enolpyruvylshikimate-3-phosphate synthase (EPSPS) protein, which, when expressed in the plant, confers tolerance to glyphosate, the active ingredient in the herbicide Roundup®. The modified corn EPSPS gene was introduced into the parental inbred (AT) corn line by the particle acceleration method and its

expression is controlled in part by the rice actin promoter and intron and the NOS 3' termination sequence derived from the plant pathogen *Agrobacterium tumefaciens*.

The Monsanto/Dekalb corn line GA21 is currently considered a regulated article under the regulations in 7 CFR part 340 because it contains a gene sequence derived from a plant pathogen. The subject corn line has been evaluated in field trials conducted since 1994 under APHIS notifications. In the process of reviewing the notifications for field trials of this corn line, 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 or different use pattern for the herbicide, EPA must approve the new or different use. Accordingly, Monsanto submitted to the EPA an application to register Roundup® herbicide for use over-the-top on glyphosate-tolerant corn, and EPA has approved a label for such 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 the EPA under the Federal Food, Drug and Cosmetic Act (FFDCA), as amended (21 U.S.C. 301 *et seq.*), and the Food and Drug Administration (FDA) enforces tolerances set by the EPA under the FFDCA.

The 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 the 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. Monsanto has begun consultation with the FDA on the subject corn line.

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 petitioners, 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 petitioners, 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 the Monsanto/Dekalb corn line GA21 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 6th day of August 1997.

**Terry L. Medley,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 97-21371 Filed 8-12-97; 8:45 am]

BILLING CODE 3410-34-P

## DEPARTMENT OF AGRICULTURE

### Foreign Agricultural Service

#### Assessment of Fees for Dairy Import Licenses

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

**ACTION:** Notice of the fee for dairy import licenses for the 1998 quota year.

**SUMMARY:** This notice announces that the fee to be charged for the 1998 tariff-rate quota 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 \$170.00 per license.

**EFFECTIVE DATE:** January 1, 1998.

**FOR FURTHER INFORMATION CONTACT:** Richard P. Warsack, Dairy Import Quota Manager, Import Policies and Programs Division, STOP 1021, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Washington, DC 20250-1021 or telephone at (202) 720-9439.

**SUPPLEMENTARY INFORMATION:** The Import Licensing Regulation promulgated by the Department of Agriculture and codified at 7 CFR 6.20-6.36 provides for the issuance of licenses to import certain dairy articles which are subject to tariff-rate quotas (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 for 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 Dairy Import Quota Manager, Import Licensing Group, Import Policies and Programs Division, Foreign Agricultural Service, U.S. Department of Agriculture and the U.S. Customs Service.

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 1998 calendar year.

The total cost to the Department of Agriculture of administering the licensing system during 1997 has been determined to be \$442,538 and the estimated number of licenses expected to be issued is 2,601. Of the total cost, \$276,872 represent staff and supervisory costs directly to administering the licensing system during 1997; \$50,320 represents the total computer costs to monitor and issue import licenses during 1997; and \$115,346 represents other miscellaneous costs, including travel, postage, publications, forms, and an ADP system contractor.

Accordingly, notice is hereby given that the fee for each license issued to a person or firm for the 1998 calendar year, in accordance with 7 CFR 6.33, will be \$170.00 per license.

Issued at Washington, D.C. the 11th day of August, 1997.

**Richard P. Warsack,**

*Licensing Authority.*

[FR Doc. 97-21335 Filed 8-12-97; 8:45 am]

BILLING CODE 3410-10-M

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Range Standards and Guidelines to Amend the Land and Resource Management Plans of the Eldorado and Tahoe National Forests

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice; intent to prepare environmental impact statement.

**SUMMARY:** The USDA Forest Service will prepare an environmental impact statement (EIS) for amendments to the Forest Land and Resource Management Plans (LRMP) for the Eldorado National Forest and the Tahoe National Forest in accordance with the requirements of 36 CFR 219.19. The amendments will modify existing LRMP grazing standards and guidelines for management with the objective to maintain and improve rangeland ecosystems on both Forests.

**DATES:** Comments concerning the analysis should be received in writing by September 29, 1997.