Notices

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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

Agricultural Research Service

Notice of Intent to Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of availability and intent to grant exclusive license.

SUMMARY: Notice is hereby given that a Federally owned cultivar, Plant Variety Protection Certificate Application Serial Number 96–00–341, entitled ''Bannock Thickspike Wheatgrass,'' is available for licensing and that the U.S. Department of Agriculture, Natural Resources Conservation Service, intends to grant an exclusive license for this variety to the Idaho Agricultural Experiment Station.

DATES: Comments must be received within 90 calendar days from the date of publication of this Notice in the **Federal Register**.

ADDRESSES: Send comments to: USDA, ARS, MWA, Office of the Director, National Center for Agricultural Utilization Research, 1815 N. University Street, Peoria, Illinois 61604.

FOR FURTHER INFORMATION CONTACT: Andrew Watkins, Technology Development Manager at the Peoria address given above; telephone: 309–681–6545.

SUPPLEMENTARY INFORMATION: The Federal Government's plant variety protection rights to this variety are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention, for the Idaho Agricultural Experiment Station has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within ninety days from the date of this published Notice, ARS receives written evidence and argument which establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

R.M. Parry,

Assistant Administrator.

[FR Doc. 97–22758 Filed 8–26–97; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 97–067–1]

Bejo Zaden BV; Receipt of Petition for Determination of Nonregulated Status for Genetically Engineered Radicchio Rosso

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 Bejo Zaden BV seeking a determination of nonregulated status for Radicchio rosso lines designated as RM3–3, RM3–4, and RM3–6, which have been genetically engineered for male sterility and tolerance to the herbicide glufosinate as a marker. 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 Radicchio rosso lines present a plant pest risk.

DATES: Written comments must be received on or before October 27, 1997.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 97–067–1, 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. 97–067–1. 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. Subhash Gupta, Biotechnology Evaluation, BSS, PPQ, APHIS, Suite 5B05, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 734–8761. To obtain a copy of the petition, contact Ms. Kay Peterson at (301) 734–4885; 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 May 28, 1997, APHIS received a petition (APHIS Petition No. 97–148–01p) from Bejo Zaden BV (Bejo) of Warmenhuizen, The Netherlands, requesting a determination of nonregulated status under 7 CFR part 340 for male sterile, glufosinate-tolerant Radicchio rosso (red-hearted chicory) lines designated as RM3–3, RM3–4, and RM3–6. The Bejo petition states that the subject Radicchio rosso lines should not be regulated by APHIS because they do not present a plant pest risk.

As described in the petition, Radicchio rosso (*Cichorium intybus L.*) lines RM3–3, RM3–4, and RM3–6, have been genetically engineered with a *barnase* gene from *Bacillus amyloliquefaciens* encoding a ribonuclease which inhibits pollen

formation and results in male sterility of the transformed plants. The subject Radicchio rosso lines also contain the *nptII* selectable marker gene and the *bar* gene isolated from the bacterium *Streptomyces hygroscopicus.* The *bar* gene encodes a phosphinothricin acetyltransferase (PAT) enzyme, which, when introduced into a plant cell, inactivates glufosinate. Linkage of the *barnase* gene, which induces male sterility, with the *bar* gene, a glufosinate tolerance gene used as a marker, enables identification of the male sterile line for use in the production of pure hybrid seed. The subject Radicchio rosso lines were transformed by the *Agrobacterium tumefaciens* method, and expression of the introduced genes is controlled in part by gene sequences derived from the plant pathogen *A. tumefaciens.*

Radicchio rosso lines RM3–3, RM3–4, and RM3–6 are currently considered regulated articles under the regulations in 7 CFR part 340 because they contain gene sequences derived from the plant pathogen *A. tumefaciens.* The subject Radicchio rosso lines have been evaluated in field trials conducted since 1993 in Europe, and since 1995 in the United States. In the process of reviewing the permit applications for the U.S. field trials of these Radicchio rosso lines, APHIS determined 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 the genetically modified plants allow for a new use of an herbicide or involve a different use pattern for the herbicide, the EPA must approve the new or different use. In conducting such an approval, the EPA considers the possibility of adverse effects to human health and the environment from the use of this herbicide. 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) (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. Bejo has begun consultation with FDA on the subject Radicchio rosso lines.

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 the Bejo Zaden BV Radicchio rosso lines RM3–3, RM3–4, and RM3–6 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 2.17, 2.51, and 371.2(c).

Done in Washington, DC, this 21st day of August 1997.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97–22760 Filed 8–26–97; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection To Improve Methods of Measuring Public Benefits of Natural Resource Management and Agency Communication

AGENCY: Forest Service, USDA.

ACTION: Notice of intent; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service announces its intent to establish a new information collection. The new collection will provide information that will help Forest Service personnel better identify and measure the benefits that the public perceives and demands from public lands. The agency also will use the information collection to evaluate and improve its methods of communicating with the public about Forest Service programs and services. Respondents will be randomly selected members of the general public, both users and non-users of National Forest System lands and grasslands. Data gathered in this information collection is not available from other sources.

DATES: Comments must be received in writing on or before October 27, 1997.

ADDRESSES: All comments should be addressed to George Peterson, Rocky Mountain Forest and Range Experiment Station, Forest Service, USDA, 3825 East Mulberry, Fort Collins, CO 80524.

FOR FURTHER INFORMATION CONTACT: George Peterson, Rocky Mountain Forest and Range Experiment Station, at (970) 498–1885.

SUPPLEMENTARY INFORMATION:

Background

The mission of the Forest Service is ''caring for the land and serving the people.'' As the U.S. population grows and diversifies, demands on natural resources from the public lands are increasing. Public perceptions of forests seem to be changing from the forest as a source of products to the forest as a source of services. Currently, the agency is unable to accurately identify and