

contains information for USDA to ascertain proper ownership of the samples submitted, distribute classification results, and bill for services. Information about the origin and handling of the cotton is necessary in order to properly evaluate and classify the samples.

Form CN-246 is submitted by cotton gins and warehouses seeking to serve as licensed samplers. The license period is five years. Licenses issued by the USDA-AMS Cotton Division authorize the warehouse/gin to draw and submit samples to insure the proper application of standards in the classification of cotton and to prevent deception in their use.

Form CN-383 is submitted to cotton producers, ginner, warehousemen, cooperatives, manufacturers, merchants, and crushers interested in acquiring a set of cotton grade and staple standards for Upland and Pima cotton.

*Description of Respondents:* Business or other for-profit; Individuals or households.

*Number of Respondents:* 307.

*Frequency of Responses:* Reporting: Annually; Other (every 5 yrs).

*Total Burden Hours:* 100.

#### Farm Service Agency

*Title:* Standards for Approval of Warehouses-7 CFR 1421, 1423 and 1427

*OMB Control Number:* 0560-0052

*Summary of Collection:* The Farm Service Agency (FSA), under Public Law 80-806, the Commodity Credit Corporation (CCC) Charter Act, is authorized to enter into storage contracts with commercial warehouse operators. Specifically, the Act permits FSA to enter into various types of contracts as are necessary in the conduct of its business and directs FSA to utilize the usual and customary channels, facilities and arrangements of trade and commerce in its functions of purchasing, warehousing, transporting, processing, or handling of agricultural commodities. FSA must collect information in order to develop and maintain a List of Approved Warehouses (Approved List) to store CCC-owned or loan commodities. The use of warehouses on the Approved List reduces the risk of loss faced by CCC by using only those facilities which meet the financial, physical, and managerial requirements of CCC. The information will be collected by mail which is necessary because these agreements must be legal and binding.

*Need and Use of the Information:* The information collected on various forms is necessary to establish and maintain the Approved List, follow accepted warehousing practices, and represent

the minimum burden to carry out various mandatory price support programs. The forms will be reviewed by FSA contracting officers at the Kansas City Commodity Office (KCCO) in order to maintain an Approved List for the storage of CCC-owned or CCC-loan commodities.

*Description of Respondents:* Business or other for-profit.

*Number of Respondents:* 3,380.

*Frequency of Responses:* Recordkeeping; Reporting: On occasion; Annually.

*Total Burden Hours:* 423,864.

#### Farm Service Agency

*Title:* End-Use Certificate Program—7 CFR Part 782.

*OMB Control Number:* 0560-0151.

*Summary of Collection:* Public Law 103-182, Section 321 (f) of the North American Free Trade Agreement Implementation Act mandates that the Secretary of Agriculture shall implement, in coordination with the Commissioner of Customs, a program requiring that end-use certificates be included in the documentation covering the entry into the United States of any wheat originating from Canada.

*Need and Use of the Information:* The end-use certificate program was designed to ensure that Canadian wheat does not benefit from USDA or CCC-assisted export programs. The information collected on the end-use certificate is used in conjunction with USDA's domestic origin compliance review process doing quarterly audits of contractors involved in foreign food assistance programs. The form FSA-750 "End-Use Certificate for Wheat" is used by approximately 200 importers of Canadian wheat to report entry into the United States. The FSA-751 "Wheat Consumption and Resale Report" is used by approximately 225 millers, exporters, and other users of Canadian wheat to report final disposition of Canadian wheat in the United States.

*Description of Respondents:* Business or other for-profit.

*Number of Respondents:* 430.

*Frequency of Responses:* Reporting: On occasion; Quarterly.

*Total Burden Hours:* 5,971.

#### Nancy Sternberg,

*Departmental Information Clearance Officer.*  
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#### DEPARTMENT OF AGRICULTURE

##### Animal and Plant Health Inspection Service

[Docket No. 97-130-2]

##### AgrEvo USA Co.; Availability of Determination of Nonregulated Status for Sugar Beet 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 AgrEvo USA Company's sugar beet designated as Transformation Event T120-7, which has been genetically engineered for tolerance to the herbicide glufosinate, is no longer considered a regulated article 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 and an analysis of other scientific data. This notice also announces the availability of our written determination document and its associated environmental assessment and finding of no significant impact.

**EFFECTIVE DATE:** April 28, 1998.

**ADDRESSES:** The determination, an environmental assessment and finding of no significant impact, and 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 to facilitate entry into the reading room.

**FOR FURTHER INFORMATION CONTACT:** Dr. Ved Malik, Biotechnology and Biological Analysis, PPQ, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737-1236; (301) 734-6774. To obtain a copy of the determination or the environmental assessment and finding of no significant impact, contact Ms. Kay Peterson at (301) 734-4885; e-mail: mkpeterson@aphis.usda.gov.

#### SUPPLEMENTARY INFORMATION:

##### Background

On December 2, 1997, the Animal and Plant Health Inspection Service (APHIS) received a petition (APHIS Petition No. 97-336-01p) from AgrEvo USA Company (AgrEvo) of Wilmington, DE, seeking a determination that sugar beet

(*Beta vulgaris* L.) designated as Transformation Event T120-7 (event T120-7), which has been genetically engineered for tolerance to the herbicide glufosinate, does not present a plant pest risk and, therefore, is not a regulated article under APHIS' regulations in 7 CFR part 340.

On February 6, 1998, APHIS published a notice in the **Federal Register** (63 FR 6148-6149, Docket No. 97-130-1) 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 sugar beet and food products derived from it. In the notice, APHIS solicited written comments from the public as to whether this sugar beet posed a plant pest risk. The comments were to have been received by APHIS on or before April 7, 1998. APHIS received no comments on the subject petition during the designated 60-day comment period.

#### Analysis

Event T120-7 sugar beet has been genetically engineered to contain a synthetic version of the *pat* gene derived from *Streptomyces viridochromogenes*. The *pat* gene encodes the enzyme phosphinothricin-N-acetyltransferase (PAT), which confers tolerance to the herbicide glufosinate. Expression of the *pat* gene is controlled by 35S promoter and terminator sequences derived from the plant pathogen cauliflower mosaic virus. Event T120-7 sugar beet also contains the *aph(3')II* or *nptII* marker gene used in plant transformation.

Expression of the *nptII* gene is controlled by gene sequences derived from *Agrobacterium tumefaciens*, and analysis indicates that the NPTII protein is expressed in certain parts of the subject sugar beet plants. The *A. tumefaciens* method was used to transfer the added genes into the parental sugar beet line.

The subject sugar beet has been considered a regulated article under APHIS' regulations in 7 CFR part 340 because it contains gene sequences derived from plant pathogens. However, evaluation of field data reports from field tests of this sugar beet conducted under APHIS permits since 1994 indicates that there were no deleterious effects on plants, nontarget organisms, or the environment as a result of the environmental release of event T120-7 sugar beet.

#### Determination

Based on its analysis of the data submitted by AgrEvo, and a review of

other scientific data and field tests of the subject sugar beet, APHIS has determined that event T120-7: (1) Exhibits no plant pathogenic properties; (2) is no more likely to become a weed than sugar beet developed by traditional breeding techniques; (3) is unlikely to increase the weediness potential for any other cultivated or wild species with which it 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 sugar beet and any progeny derived from crosses with other sugar beet varieties will be as safe to grow as sugar beet in traditional breeding programs that are not subject to regulation under 7 CFR part 340.

The effect of this determination is that AgrEvo's event T120-7 sugar beet is no longer considered a regulated article under APHIS' regulations in 7 CFR part 340. Therefore, the requirements pertaining to regulated articles under those regulations no longer apply to the subject sugar beet or its progeny. However, importation of event T120-7 sugar beet 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), as amended (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 event T120-7 sugar beet and lines developed from it 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 30th day of April, 1998.

**Craig A. Reed,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. 98-032-1]

#### **AgrEvo USA Co.; Extension of Determination of Nonregulated Status to Soybean Genetically Engineered for Glufosinate Herbicide Tolerance**

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

**ACTION:** Notice.

**SUMMARY:** We are advising the public of our decision to extend to one additional soybean line our determination that certain soybean lines developed by AgrEvo USA Company, which 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 decision is based on our evaluation of data submitted by AgrEvo USA Company in its request for an extension of a determination of nonregulated status and an analysis of other scientific data. This notice also announces the availability of an environmental assessment and finding of no significant impact.

**EFFECTIVE DATE:** June 8, 1998.

**ADDRESSES:** The extension request and an environmental assessment and finding of no significant impact 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 and Biological Analysis, PPQ, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737-1236; (301) 734-4882. To obtain a copy of the extension request or the environmental assessment and finding of no significant impact, 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