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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. 98-067-1]

Monsanto Co.; Receipt of Petition for Determination of Nonregulated Status for Potato Lines Genetically Engineered for Insect and Virus Resistance

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 Monsanto Company seeking a determination of nonregulated status for certain potato lines genetically engineered for resistance to the Colorado potato beetle and potato virus Y. 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 potato lines present a plant pest risk.

DATES: Written comments must be received on or before September 18, 1998.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 98-067-1, 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. 98-067-1. 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. David Heron, Biotechnology and Biological Analysis, PPD, APHIS, Suite 5B05, 4700 River Road Unit 147, Riverdale, MD 20737-1236; (301) 734-5141. To obtain a copy of the petition, contact Ms. Kay Peterson at (301) 734-4885; e-mail: Kay.Peterson@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 December 5, 1997, APHIS received a petition (APHIS Petition No. 97-339-01p) from Monsanto Company (Monsanto) of St. Louis, MO, requesting a determination of nonregulated status under 7 CFR part 340 for certain NewLeaf® Y potato lines. The subject potato lines include one line of Russet Burbank (RBMT15-101), two lines of Shepody (SEMT15-02 and SEMT15-15), and one line of HiLite (HLMT15-46), which have been genetically engineered for resistance to the Colorado potato beetle (CPB) and potato virus Y (PVY). The Monsanto petition states that the subject potato lines should not be regulated by APHIS because they do not present a plant pest risk.

As described in the petition, all four of the subject NewLeaf® Y potato lines have been genetically engineered to contain the *cry3A* gene from *Bacillus*

thuringiensis subsp. *tenebrionis* (Btt), which encodes a protein that is insecticidal to CPB, and the PVY coat protein gene (PVYcp), which imparts resistance to PVY. In addition to the *cry3A* gene and the PVYcp gene, these potato lines contain and express the *nptII* selectable marker gene, which is used in the initial stages of plant selection. While the two Shepody lines (SEMT15-02 and SEMT15-15) and the HiLite line (HLMT15-46) also contain the aad marker gene, tests indicate that this gene is not expressed in these potato plants. The subject potato lines were developed through the use of the *Agrobacterium tumefaciens* transformation system, and expression of the introduced genes is controlled in part by gene sequences derived from the plant pathogens *A. tumefaciens* and figwort mosaic virus.

The subject potato lines have been considered regulated articles under the regulations in 7 CFR part 340 because they contain gene sequences derived from plant pathogens. These potato lines have been evaluated in field trials conducted since 1995 under APHIS notifications. In the process of reviewing the notifications for field trials of the subject potato 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 insecticides, be registered prior to distribution or sale, unless exempt by EPA regulation. In this regard, EPA has issued a registration to Monsanto for full commercialization of the plant pesticide *Bt* CRY3A delta endotoxin and the genetic material necessary for its production in potato. Residue tolerances for pesticides are established by 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 EPA under the FFDCA. In addition to the registration, EPA has issued exemptions from the requirement of a tolerance for residues of the subject plant pesticide CRY3A in potatoes, for the NPTII protein as a plant pesticide inert ingredient in all plants, and for the PVY coat protein in or on all plants and raw agricultural commodities.

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. Monsanto has completed consultation with FDA on the subject potato 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 Monsanto's NewLeaf® Y potato lines RBMT15-101, SEMT15-02, SEMT15-

15, and HLMT15-46 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 14th day of July, 1998.

Craig A. Reed,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98-19228 Filed 7-17-98; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—Child Nutrition Database

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Food and Nutrition Service (FNS) to request voluntary submission of data including nutrient data from the food service industry to expand the Child Nutrition Database in support of the School Meal Initiatives for Healthy Children.

DATES: Comments on this notice must be received by September 18, 1998.

ADDRESSES: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. All responses to this notice will be summarized and included in the request for OMB approval and will become a matter of public record. Comments may be sent to: Marion Hinnners, Team Leader, Food Science and Nutrition Section, Technical Assistance Branch, Nutrition and Technical Services Division, Food and Consumer Service, United States

Department of Agriculture, 3101 Park Center Drive, Alexandria, VA 22302.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instruments and instruction should be directed to Marion Hinnners at (703) 305-2556.

SUPPLEMENTARY INFORMATION:

Title: Data Collection to Expand the Child Nutrition Database.

OMB Number: Not yet assigned. (Previously cleared under ARS 0518-0021).

Expiration Date: Not available.

Type of Request: Reinstatement, with change, of a previously approved collection for which approval has expired.

Abstract: The development of the Child Nutrition (CN) Database, previously known as the National Nutrient Database for Child Nutrition Programs (NNDCNP), is regulated by the United States Department of Agriculture (USDA) School Meal Initiatives for Healthy Children. This database is designed to be incorporated in USDA approved nutrition analysis software programs and provide an accurate source of nutrient data, which allows schools to analyze the meals served to children and measure the compliance of the menus to established nutrition goals and standards specified in 7 CFR 210.10 for the National School Lunch Program and 7 CFR 220.8 for the School Breakfast Program. The information collection for the CN Database was previously conducted by USDA's Agricultural Research Service and will now be conducted using an outside contractor. The CN Database needs to be updated with an extensive database of brand name or manufactured foods commonly used in school food service. The Food and Nutrition Service is soliciting a contractor to collect this data from the food industry to expand the CN Database. The submission of data from the food industry will be strictly voluntary, and based on analytical, calculated, or nutrition facts label sources.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 2.0 hours per response.

Respondents: The respondents are the manufacturers of food products for school food service.

Estimated Number of Respondents: 100.

Estimated Number of Responses per Respondent: 30.

Estimated Total Annual Burden on Respondents: 6,000 hours.