

# 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

### Animal and Plant Health Inspection Service

[Docket No. 98-009-1]

#### Pioneer Hi-Bred International, Inc.; Receipt of Petition for Determination of Nonregulated Status for Corn Genetically Engineered for Male Sterility and Glufosinate Herbicide 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 Pioneer Hi-Bred International, Inc., seeking a determination of nonregulated status for corn lines designated as 676, 678, and 680, 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 this corn presents a plant pest risk.

**DATES:** Written comments must be received on or before April 20, 1998.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 98-009-1, 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. 98-009-1. 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 and Biological Analysis, 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 December 8, 1997, APHIS received a petition (APHIS Petition No. 97-342-01p) from Pioneer Hi-Bred International, Inc. (Pioneer), of Johnston, IA, requesting a determination of nonregulated status under 7 CFR part 340 for male sterile, glufosinate-tolerant corn lines designated as 676, 678, and 680 (lines 676, 678, and 680). The Pioneer petition states that the subject corn lines should not be regulated by APHIS because they do not present a plant pest risk.

As described in the petition, corn lines 676, 678, and 680, have been genetically engineered to contain an adenine methylase, or *dam* gene derived from *Escherichia coli*. The *dam* gene expresses a DNA adenine methylase enzyme in specific plant tissue, which

results in the inability of the transformed plants to produce anthers or pollen. The subject corn lines also contain the *pat* selectable marker gene isolated from the bacterium *Streptomyces viridochromogenes*. The *pat* gene encodes a phosphinothricin acetyltransferase (PAT) enzyme, which, when introduced into a plant cell, confers tolerance to the herbicide glufosinate. Linkage of the *dam* gene, which induces male sterility, with the *pat* gene, a glufosinate tolerance gene used as a marker, enables identification of the male sterile line for use in the production of hybrid seed. The subject corn lines were transformed by the particle gun process, and expression of the introduced genes is controlled in part by gene sequences derived from the plant pathogen cauliflower mosaic virus (CaMV).

Corn lines 676, 678, and 680 are currently considered regulated articles under the regulations in 7 CFR part 340 because they contain gene sequences derived from the plant pathogen CaMV. The subject corn lines have been evaluated in field trials conducted since 1995 under APHIS notifications. In the process of reviewing the permit applications for the U.S. field trials of these corn 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. The herbicide glufosinate is registered for use on corn in the United States. 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 EPA has granted an exemption from the requirement of a tolerance for phosphinothricin acetyltransferase and the genetic material necessary for its production in corn and on all raw agricultural commodities.

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. Pioneer has begun consultation with FDA on the subject corn 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 Pioneer's male sterile and glufosinate-tolerant corn lines 676, 678, and 680, 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 12th day of February 1998.

**Craig A. Reed,**

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

[FR Doc. 98-4037 Filed 2-17-98; 8:45 am]

BILLING CODE 3410-34-P

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Southwest Oregon Provincial Interagency Executive Committee (PIEC), Advisory Committee

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Southwest Oregon PIEC Advisory Committee will meet on March 3 at the Riverside Motel at 971 SE Sixth St. Grants Pass, Oregon. The meeting will begin at 9 a.m. and continue until 5 p.m. Agenda items to be covered include: (1) Coordinated watershed restoration between federal and non-federal land managers; (2) Province monitoring priorities; (3) Forest health issues; (4) Report from local BLM and Forest Service on local issues; and (5) public comment. All Province Advisory Committee meetings are open to the public.

#### FOR FURTHER INFORMATION CONTACT:

Direct questions regarding this meeting to Chuck Anderson, Province Advisory Committee staff, USDA, Forest Service, Rogue River National Forest, 333 W. 8th Street, Medford, Oregon 97501, phone 541-858-2322.

Dated: February 9, 1998.

**James T. Gladen,**

*Forest Supervisor, Designated Federal Official.*

[FR Doc. 98-3924 Filed 2-17-98; 8:45 am]

BILLING CODE 3410-11-M

## DEPARTMENT OF AGRICULTURE

### National Agricultural Statistics Service

#### Notice of Intent To Seek Approval To Conduct an Information Collection

**AGENCY:** National Agricultural Statistics Service, USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (Pub. L. No. 104-13) and Office of Management and Budget (OMB) regulations at 5 CFR Part 1320 (60 FR 44978, August 29, 1995), this notice announces the National Agricultural Statistics Service's (NASS) intention to request approval for a new information collection, the Beef Cattle Pesticide Use Survey.

**DATES:** Comments on this notice must be received by April 24, 1998 to be assured of consideration.

#### ADDITIONAL INFORMATION OR COMMENTS:

Contact Rich Allen, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW, Room 4117 South Building, Washington, D.C. 20250-2000, (202) 720-4333.

#### SUPPLEMENTARY INFORMATION:

*Title:* Beef Cattle Pesticide Use Survey.

*Type of Request:* Intent to seek approval to conduct an information collection.

*Abstract:* Producers of beef cattle in 12 Western States will be surveyed. The survey asks for information about pesticides used to treat beef cattle to control external parasites, pesticides used in and around beef cattle facilities, and beef cattle pest management practices. Data collected will help provide quality information to fulfill certain requirements of the Food Quality Protection Act of 1996. The Environmental Protection Agency (EPA) must make regulatory decisions affecting many pesticide products. In order to do an effective risk assessment, accurate pesticide use information is essential. A Pesticide Benefit Assessments report will be produced by the United States Department of Agriculture (USDA). With the information, EPA and USDA together can evaluate the risks and the benefits of pesticide use. Presently, there is very little information on pesticides used on beef cattle.

These data will be collected under the authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by