

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 Federal Invention Available for Licensing and Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of availability and intent.

SUMMARY: Notice is hereby given that the Federally owned invention disclosed in U.S. Patent Application Serial No. 09/819,992, "Process for the Deagglomeration and the Homogeneous Dispersion of Starch Particles," filed March 29, 2001, is available for licensing and that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Sage V Foods of Los Angeles, California, an exclusive license to this invention.

DATES: Comments must be received no later than November 13, 2001.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Room 4-1158, Beltsville, Maryland 20705-5131.

FOR FURTHER INFORMATION CONTACT: June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301-504-5257.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights to this invention 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 as Sage V Foods 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 (90) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which

establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Michael D. Ruff,
Assistant Administrator.

[FR Doc. 01-20319 Filed 8-13-01; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 00-070-3]

Mycogen c/o Dow and Pioneer; Availability of Determination of Nonregulated Status for Corn Genetically Engineered for Insect Resistance and Glufosinate Herbicide Tolerance

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our determination that the Mycogen Seeds c/o Dow AgroSciences LLC and Pioneer Hi-Bred International, Inc., corn line designated as line 1507, which has been genetically engineered for insect resistance and 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 Mycogen Seeds c/o Dow AgroSciences LLC and Pioneer Hi-Bred International, Inc., in their petition for a determination of nonregulated status and our analysis of other scientific data. This notice also announces the availability of our written determination document and a finding of no significant impact.

EFFECTIVE DATE: June 14, 2001.

ADDRESSES: You may read the determination, an environmental assessment and finding of no significant impact, and the petition in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at <http://www.aphis.gov/ppd/rad/webrepor.html>.

FOR FURTHER INFORMATION CONTACT: Dr. Susan Koehler, Biotechnology Assessments Section, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737-1236; (301) 734-4886. 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: kay.peterson@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

On May 15, 2000, the Animal and Plant Health Inspection Service (APHIS) received a petition (APHIS Petition No. 00-136-01p) from Mycogen Seeds c/o Dow AgroSciences LLC (Mycogen c/o Dow), of Indianapolis, IN, and Pioneer Hi-Bred International, Inc. (Pioneer), of Johnston, IA, seeking a determination that a corn line designated as *Zea mays* L. cultivar line 1507 (line 1507), which has been genetically engineered for resistance to certain lepidopteran insect species and 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 September 6, 2000, APHIS published a notice in the **Federal Register** (65 FR 53976-53977, Docket No. 00-070-1) announcing that the Mycogen c/o Dow and Pioneer 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 corn line and food products derived from it. In the notice, APHIS solicited written comments from the public as to whether corn line 1507 posed a plant pest risk. The comments were to have been received by APHIS on or before November 6, 2000. APHIS received no comments on the subject petition during the designated 60-day comment period.

APHIS then published a notice in the **Federal Register** on April 18, 2001 (66 FR 19915-19916, Docket No. 00-070-2), announcing the availability for public

comment of an environmental assessment (EA) for a proposed determination that corn line 1507 would no longer be considered a regulated article under our regulations governing the introduction of certain genetically engineered organisms. Comments were to have been received by APHIS on or before May 18, 2001. We received no comments on the EA during the designated 30-day comment period.

Analysis

Corn line 1507 has been genetically engineered to express a Cry1F insecticidal protein derived from the common soil bacterium *Bacillus thuringiensis* subsp. *aizawai* (*Bt aizawai*). The Cry1F protein is said to be effective in controlling the larvae of common pests of corn such as European corn borer, southwestern corn borer, black cutworm, fall armyworm, and corn ear worm. The subject corn line also contains the *pat* gene derived from the bacterium *Streptomyces viridochromogenes*. The *pat* gene encodes a phosphinothricin acetyltransferase (PAT) protein, which confers tolerance to the herbicide glufosinate. Expression of the added genes is controlled in part by gene sequences from the plant pathogens cauliflower mosaic virus and *Agrobacterium tumefaciens*. The microprojectile bombardment method was used to transfer the added genes into the recipient inbred corn line Hi-II.

Corn line 1507 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 data from field tests conducted under APHIS notifications since 1997 indicates that there were no deleterious effects on plants, nontarget organisms, or the environment as a result of the environmental release of the subject corn line.

Determination

Based on its analysis of the data submitted by Mycogen c/o Dow and Pioneer and a review of other scientific data and field tests of the subject corn line, APHIS has determined that corn line 1507: (1) Exhibits no plant pathogenic properties; (2) is no more likely to become a weed than insect-resistant and herbicide-tolerant corn varieties developed by traditional plant breeding; (3) is unlikely to increase the weediness potential for any sexually compatible cultivated or wild species; (4) will not cause damage to raw or processed agricultural commodities; (5) will not harm nontarget organisms, including threatened or endangered

species or organisms that are recognized as beneficial to the agricultural ecosystem; and (6) should not reduce the ability to control insects or weeds in corn or other crops. Therefore, APHIS has concluded that the subject corn line and any progeny derived from hybrid crosses with other corn varieties will be as safe to grow as corn in traditional breeding programs that is not subject to regulation under 7 CFR part 340.

The effect of this determination is that the Mycogen c/o Dow and Pioneer corn line 1507 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 corn line or its progeny. However, importation of corn line 1507 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 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 the Mycogen c/o Dow and Pioneer corn line 1507 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 2nd day of August 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–20307 Filed 8–13–01; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Herger-Feinstein Quincy Library Forest Recovery Act Forest Plan Amendment

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare a supplemental environmental impact statement.

SUMMARY: The Department of Agriculture, Forest Service, Lassen National Forest, Plumas National Forest, and Tahoe National Forest will prepare a supplemental environmental impact statement (EIS) in response to a recent United States District Court Decision in *CALIFORNIANS FOR ALTERNATIVES TO TOXICS v. MICHAEL DOMBECK NO. CIV. S–00–605 LKK/PAN*. This supplemental EIS will address maintenance of defensible fuels profile zones (DFPZs) in the Herger-Feinstein Quincy Library Forest Recovery Act Pilot Project Area.

DATES: The public is not asked to provide any additional information at this time. A draft supplemental environmental impact statement will be circulated for public review in October 2001. The comment period for the supplemental draft environmental impact statement will extend 45 days from the date its availability is published in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Contact David Arrasmith, Team Leader, USDA Forest Service, 801 I Street, Room 419, Sacramento, CA 95814. Phone number (916) 492–7559.

SUPPLEMENTARY INFORMATION:

Background

In October 1998, Herger-Feinstein Quincy Library Group Forest Recovery Act (HFQLG Act) became law as part of the Department of the Interior and Related Agencies Appropriations Act. The HFQLG Act required the Forest Service to conduct a 5-year pilot project to implement certain resource protection measures and management activities on the Plumas, Lassen, and Tahoe National Forests. Based on the direction in the HFQLG Act, the Forest Service prepared an environmental impact statement (EIS) evaluating the impacts of, among other things, the creation of fuelbreaks, or defensible fuel profile zones (DFPZs), over the 5-year pilot project period. In August 1999, the Lassen, Plumas, and Tahoe Forest Supervisors issued the Record of Decision (ROD) and the Final Environmental Impact Statement (FEIS) for pilot project implementation.

In a recent court decision, based on a lawsuit filed by the Californians for Alternatives to Toxics (CAT), the Forest Service was directed to undertake supplementation of the EIS to analyze the need for, and environmental effects of, maintaining DFPZs in the HFQLG Forest Recovery Act Pilot Project Area.