

# 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. 95-016-1]

#### Receipt of Petition for Determination of Nonregulated Status for Genetically Engineered Tomato Lines

**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 Zeneca Plant Science and Petoseed Company, Inc., seeking a determination of nonregulated status for tomato lines designated as B, Da, and F that have been genetically engineered for suppressed polygalacturonase enzyme activity. 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 tomato lines present a plant pest risk.

**DATES:** Written comments must be received on or before May 16, 1995.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 95-016-1, Animal and Plant Health Inspection Service, Policy and Program Development, Regulatory Analysis and Development, 4700 River Road Unit 118, Riverdale, MD 20737-1228. Please state that your comments refer to Docket No. 95-016-01. 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.

**FOR FURTHER INFORMATION CONTACT:** Dr. Subhash Gupta, Biotechnologist, Animal and Plant Health Inspection Service, Biotechnology, Biologics, and Environmental Protection, Biotechnology Permits, 4700 River Road Unit 147, Riverdale, MD 20737-1228; (301) 734-7612. To obtain a copy of the petition, contact Ms. Kay Peterson at (301) 734-7612.

**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 February 7, 1995, APHIS received a petition (APHIS Petition No. 94-290-01p) from Zeneca Plant Science of Wilmington, DE, and Petoseed Company, Inc., of Woodland, CA, (Zeneca/Petoseed) requesting a determination of nonregulated status under 7 CFR part 340 for modified T7 processing tomato inbred lines designated as B, Da, and F that have been genetically engineered for suppressed polygalacturonase (PG) enzyme activity. As described in the petition, tomato lines B, Da, and F have been developed from an unmodified proprietary inbred tomato line coded as T7, genetically engineered to contain a fragment of the tomato PG gene in the sense or antisense orientation. The PG enzyme is responsible for the breakdown of pectin molecules in the cell walls of tomato fruit during

ripening. The inhibition of the PG enzyme resulting from the transcription of the PG gene fragment results in an increased thickness of the tomato, which is a desired characteristic in processing tomatoes.

The PG gene fragment in the subject tomato lines is regulated by the 35S promoter from the plant pathogen cauliflower mosaic virus. Tomato lines B, Da, and F were transformed through the use of disabled vectors from a common soil-borne bacterium, the plant pathogen *Agrobacterium tumefaciens*. The subject tomato lines also contain the bacterial neomycin phosphotransferase (*nptII*) gene that is used as a selectable marker.

The subject tomato lines are currently considered regulated articles under the regulations in 7 CFR part 340 because they contain gene sequences (vectors, promoters, and terminators) derived from plant pathogens. Tomato lines B, Da, and F were evaluated in field trials conducted under APHIS permits in 1991, 1992, and 1993, and under APHIS notifications in 1994. In the process of reviewing the applications for those field trials, APHIS determined that the vectors and other elements were disabled and that the trials, which were conducted under conditions of reproductive confinement, 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.

Food or animal feed uses of the subject tomato lines may be subject to regulation by the Food and Drug Administration (FDA) under the

authority of the Federal Food, Drug, and Cosmetic Act (FFDCA) (21 U.S.C. 301 *et seq.*). 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. Zeneca has notified the FDA that it has completed its food safety and nutritional assessment for the subject tomato 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 petitioners, 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 Zeneca/Petoseed's tomato lines B, Da, and F 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 13th day of March 1995.

**Terry L. Medley,**

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

[FR Doc. 95-6651 Filed 3-16-95; 8:45 am]

**BILLING CODE 3410-34-P**

## Forest Service

### Elsmere Canyon Proposed Solid Waste Management Facility

**AGENCY:** Forest Service, USDA.

**ACTION:** Revised date for end of comment period.

**SUMMARY:** The Angeles National Forest made available an Environmental

Impact Statement for the Elsmere Canyon Proposed Solid Waste Management Facility on January 20, 1995. This was announced in the **Federal Register** / Vol. 60, No. 13 / Friday, January 20, 1995 by the Environmental Protection Agency, under the Environmental Impact Statements, Notice of Availability. The EIS No. is 950009, Draft EIS. The comment period was to end on April 28, 1995.

The Angeles National Forest has extended the comment period. Comments are due by close of business, August 4, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Paul Johnson, Deputy Forest Supervisor at 818-574-5217 or Charles McDonald at 818-574-5257 or written questions may be directed to the U.S. Forest Service, Elsmere EIS, 701 N. Santa Anita Ave., Arcadia, CA 91006.

Dated: March 10, 1995.

**Paul Johnson,**

*Deputy Forest Supervisor.*

[FR Doc. 95-6633 Filed 3-16-95; 8:45 am]

**BILLING CODE 3410-11-M**

### Beaver/Cedar Land Exchange; Clearwater National Forest; Clearwater and Latah Counties, Idaho

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice; Intent to prepare an environmental impact statement.

**SUMMARY:** The Department of Agriculture, Forest Service, Clearwater National Forest, with assistance from Potlatch Corporation, will prepare an EIS (environmental impact statement) for a proposal to exchange National Forest land for Potlatch owned land. The project area is located on the North Fork Ranger District on the Clearwater National Forest and the Palouse Ranger District on the St. Joe National Forest and administered by the Clearwater National Forest, head-quartered in Orofino, Idaho. The Agreement to Initiate a land exchange was signed by Potlatch Corporation on September 17, 1993, and the Forest Service on October 8, 1993. This exchange is proposed pursuant to the General Exchange Acts of March 1, 1911 and March 20, 1922, as amended, and the Federal Land Policy Management Act of October 21, 1976.

The EIS will tier to the Clearwater National Forest Land and Resource Management Plan Final EIS of September, 1987, which provides overall guidance of all land management activities on the Clearwater National Forest. Analyses will also be conducted

in compliance with the Stipulation of Dismissal agreed to for the lawsuit between the Forest Service and the Sierra Club, et al (signed September 13, 1993).

The agency invites written comments and suggestions on the issues and management opportunities for the area being analyzed.

**DATES:** Comments concerning the scope of the analysis should be received within 45 days following publication of this notice to receive timely consideration in the preparation of the Draft EIS. The Draft EIS is anticipated to be filed with the Environmental Protection Agency in August 1995. The Final EIS and Record of Decision are expected to be issued in December of 1995.

**ADDRESSES:** Submit written comments and suggestions on the proposed action or requests to be placed on the project mailing list to James L. Caswell, Forest Supervisor, Clearwater National Forest, 12730 U.S. Highway 12, Orofino, ID, 83544. FAX: 208-476-8329.

**FOR FURTHER INFORMATION CONTACT:**

Bill Jones, Interdisciplinary Team Leader, Clearwater National Forest, Supervisor's Office, telephone (208) 476-4541.

**SUPPLEMENTARY INFORMATION:** Potlatch Corporation owns approximately thirty-seven sections of land, each containing approximately 640 acres, within the Cedars-Trout area of the North Fork Ranger District. These sections alternate with National Forest sections, and together they comprise what is referred to as a "checkerboard" area on the Clearwater National Forest. The majority of this area is unroaded and is adjacent to the Upper North Fork and Great Burn roadless areas. Large portions of the area were impacted by the 1910 burn and have returned to stands of lodgepole pine, where as, the unburned areas support stands of western redcedar, grand fir, Douglas-fir, western larch, Engelmann spruce, and subalpine fir. A good elk population inhabits the area, as do mule deer, white tail deer, moose, mountain lion, river otter, black bear, and maybe some mountain goats in the higher elevations. Fishing is excellent with an abundance of cutthroat trout and bull trout, with some brook trout in the smaller cold streams. The area contains the popular Cedars Campground and is adjacent to a lot of historic gold mining activity in Moose City and the surrounding country.

The Beaver Block, owned by the Forest Service, is characterized as an island of timber surrounded by cut-over private lands. It has a good gravel road