

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. 95-042-1]

Receipt of Petition for Determination of Nonregulated Status for Genetically Engineered Tomato Line

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 the Monsanto Company seeking a determination of nonregulated status for a tomato line designated as 8338 that has been genetically engineered for delayed ripening. 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 tomato line presents a plant pest risk.

DATES: Written comments must be received on or before August 14, 1995.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 95-042-1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1237. Please state that your comments refer to Docket No. 95-042-1. 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.

FOR FURTHER INFORMATION CONTACT: Dr. Susan Koehler, Biotechnologist, Biotechnology Permits, BBEP, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737-1237; (301) 734-7612. To obtain a copy of the petition, contact Ms. Kay Peterson at (301) 734-7601.

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 22, 1995, APHIS received a petition (APHIS Petition No. 95-053-01p) from the Monsanto Company (Monsanto) of St. Louis, MO, requesting a determination of nonregulated status under 7 CFR part 340 for a tomato line designated as 8338 that has been genetically engineered for delayed ripening. The Monsanto petition states that the subject tomato line shall not be regulated by APHIS because it does not present a plant pest risk.

As described in the petition, tomato line 8338 has been genetically engineered to express the enzyme 1-aminocyclopropane-1-carboxylic acid deaminase (ACCd), which catalyzes deamination of ACC, an essential precursor for ethylene biosynthesis. Levels of ethylene control the rate of fruit ripening, and removal of ACC in the subject tomato line reduces ethylene production and delays ripening. The *accd* gene, which confers the delayed-ripening trait, was isolated from the soil bacterium *Pseudomonas chloroaphis*,

strain 6G5. Tomato line 8338 also contains the neomycin phosphotransferase (*nptII*) selectable marker gene which encodes the enzyme NPTII. The presence of the NPTII protein in the plant genome confers tolerance to the antibiotic kanamycin and allows selection of the transformed cells in the presence of kanamycin. Expression of the *accd* gene and the *nptII* gene is driven by constitutive 35S promoters derived from the plant pathogenic caulimoviruses figwort mosaic virus and cauliflower mosaic virus, respectively. The subject tomato line was transformed through the use of disarmed vectors from a common soil-borne bacterium, the plant pathogen *Agrobacterium tumefaciens*.

Tomato line 8338 is currently considered a regulated article under the regulations in 7 CFR part 340 because it contains the 35S promoters and 3' regulatory gene sequences derived from the plant pathogens mentioned above, and because *A. tumefaciens* was used as the plant transformation vector. Tomato line 8338 was evaluated in field trials conducted under APHIS permits or notifications since 1992. In the process of reviewing the applications for those field trials, APHIS determined that the vectors and other elements were disarmed 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 line 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. Monsanto has completed its consultation with the FDA on the food safety of the subject tomato line.

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 tomato line 8338 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 5th day of June 1995.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-14382 Filed 6-12-95; 8:45 am]

BILLING CODE 3410-34-M

Forest Service

Bennett-Cottonwood Oil and Gas Development EIS; Custer National Forest, McKenzie County, ND

AGENCY: Forest Service, USDA.

ACTION: Notice; withdrawal of intent to prepare an environmental impact statement.

SUMMARY: A Notice of Intent was published in the **Federal Register** [60 FR 1765] on Thursday, January 5, 1995, indicating that an environmental impact statement (EIS) would be prepared on the proposal to develop thirteen additional oil wells in the Bennett-Cottonwood area by Meridian Oil, Inc. and Apache Corporation. That Notice of Intent is hereby withdrawn.

The development of the thirteen proposed wells was contingent upon the successful production of oil from approved wells approved and drilled since 1993. In March 1995, Meridian Oil, Inc. and Apache Corporation withdrew their proposals because of four unsuccessful wells drilled in the area the last two years and for other corporate reasons.

Originally the draft environmental impact statement was scheduled to be released to the public on May 1, 1995 with the final statement to be filed by July 1, 1995. A letter was mailed on March 24, 1995 to all who commented during the scoping period, as well as all other individuals or groups on the project scoping mailing list, notifying them of the withdrawal of this project.

DATES: This action is effective on June 13, 1995.

ADDRESSES: Lesley W. Thompson, District Ranger, McKenzie Ranger District, Little Missouri National Grassland, Custer National Forest, HC02 Box 8, Watford City, ND 58854.

FOR FURTHER INFORMATION CONTACT: Lesley W. Thompson, District Ranger, McKenzie Ranger District. Telephone number: (406) 657-6361.

Dated: June 2, 1995.

Lesley W. Thompson,

Acting Forest Supervisor.

[FR Doc. 95-14418 Filed 6-12-95; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of the Census.

Title: Current Population Survey—October 1995 School Enrollment Supplement.

Agency Approval Number: 0607-0464.

Type of Request: Reinstatement, without change.

Burden: 7,200 hours.

Number of Respondents: 54,000.

Avg Hours Per Response: 8 minutes.

Needs and Uses: The School

Enrollment Supplement is the only source of data on enrollment in all schools by demographic, social, and economic characteristics. This annual supplement to the Current Population Survey provides school enrollment data for persons 3 years old or older who are enrolled in elementary school, high school, college, and vocational/technical schools, as well as for children enrolled in nursery schools and kindergarten. It also provides higher education data for adults and computer usage data for adults and children. The data are used by Federal agencies; state, county, and city governments; and private organizations responsible for education to formulate and implement education policy. They are also used by employers and analysts to anticipate the composition of the labor force in the future.

Affected Public: Individuals or households.

Frequency: Annually.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Maria Gonzalez, (202) 395-7313.

Copies of the above information collection proposal can be obtained by calling or writing Gerald Taché, DOC Forms Clearance Officer, (202) 482-3271, Department of Commerce, room 5312, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Maria Gonzalez, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: June 8, 1995.

Gerald Taché,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 95-14455 Filed 6-12-95; 8:45 am]

BILLING CODE 3510-07-F

Bureau of Export Administration

[Docket Nos. 3108-01, 3108-02]

Amancio J. Abelairas, et al.; Decision and Order

In the Matter of: Amancio J. Abelairas, also known as Jesus Gonzalez, individually with an address at 6486 S.W. 9th Street, Miami, Florida 33144, and doing business as Estrella Del Caribe Import and Export Inc., with an address at 5529 S.W. 9th Street, Miami, Florida 33144, Respondents.

On May 17, 1995, the Administrative Law Judge (ALJ) entered his Recommended Decision and Order in