

# Notices

## Federal Register

Vol. 60, No. 119

Wednesday, June 21, 1995

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

#### Forms Under Review by Office of Management and Budget

June 16, 1995.

The Department of Agriculture has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extension, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) Who will be required or asked to report; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404-W Admin. Bldg., Washington, D.C. 20250, (202) 690-2118.

#### Revision

##### Animal and Plant Health Inspection Service

7 CFR 330 & 360 & 9 CFR 94.5—Federal Plant Pest and Noxious Weeds Regulations

PPQ 525A, PPQ 526, PPQ 526-1, & PPQ 519

Business or other for-profit; Individuals or households; Federal Government; State, Local or Tribal Government; 45,480 responses; 36,383 hours  
Althea Langston, (302) 734-7633

#### Reinforcement

Federal Crop Insurance Corporation

7 CFR 402, Catastrophic Risk Protection Plan, Crop Insurance

Application And Continuous Contract And Related Requirements FCI-6, FCI-12, FCI-12-A, FCI-19, FCI-19-A(APH), FCI-19-C, FCI-549, and FCI-553

Individuals or households; Farms; 6,360,000 responses; 1,793,750 hours  
Jerry Frank, (202) 690-1324.

#### New Collection

Food and Consumer Service  
Evaluation of the Application of Regulation E to Electronic Benefit Transfer (EBT) Systems

Individuals or households; State, Local or Tribal government; 40,009 responses; 2,477 hours  
Carol Olander, (703) 305-2133.

**Larry K. Roberson,**

*Deputy Departmental Clearance Officer.*  
[FR Doc. 95-15192 Filed 6-20-95; 8:45 am]  
BILLING CODE 3410-01-M

#### Animal and Plant Health Inspection Service

[Docket No. 95-007-2]

#### Availability of Determination of Nonregulated Status for Genetically Engineered Corn

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

**SUMMARY:** We are advising the public of our determination that Ciba Seeds' corn designated as Event 176 Corn that has been genetically engineered for insect resistance 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 Ciba Seeds in its petition for a determination of nonregulated status, an analysis of other scientific data, and our review of comments received from the public in response to a previous notice announcing our receipt of the Ciba Seeds petition. This notice also announces the availability of our written determination document and its associated environmental assessment and finding of no significant impact.

**EFFECTIVE DATE:** May 17, 1995.

**ADDRESSES:** The determination, an environmental assessment and finding

of no significant impact, the petition, and all written comments received regarding the petition 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 to inspect those documents are asked to call in advance of visiting at (202) 690-2817.

**FOR FURTHER INFORMATION CONTACT:** Dr. Ved Malik, Biotechnologist, Biotechnology Permits, BBEP, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737-1237; (301) 734-7612. To obtain a copy of the determination or the environmental assessment and finding of no significant impact, contact Ms. Kay Peterson at (301) 734-7612.

#### SUPPLEMENTARY INFORMATION:

#### Background

On November 15, 1994, the Animal and Plant Health Inspection Service (APHIS) received a petition (APHIS Petition No. 94-319-01p) from Ciba Seeds of Research Triangle Park, NC, seeking a determination that corn designated as Event 176 Corn that has been genetically engineered for insect resistance does not present a plant pest risk and, therefore, is not a regulated article under APHIS' regulations in 7 CFR part 340.

On February 21, 1995, APHIS published a notice in the **Federal Register** (60 FR 9656-9657, Docket No. 95-007-1) announcing receipt of the Ciba Seeds petition and announcing that the petition 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 and food products derived from it. In the notice, APHIS solicited written comments from the public as to whether the subject corn posed a plant pest risk. The comments were to have been received by APHIS on or before April 24, 1995.

APHIS received 37 comments on the Ciba Seeds petition. Comments were received from farm-related businesses, universities, national and State associations, farmers cooperatives, farmers, individuals, a cooperative extension research center, and a member of the U.S. House of Representatives. Thirty-five commenters either expressed support for the Event

176 Corn petition for nonregulated status or endorsed the concept of an insect-resistant corn variety without specific reference to the petition. Two of the 37 commenters expressed reservations about a determination in favor of the subject petition based on their concerns about resistance management. APHIS has provided a summary and discussion of the comments in the determination document, which is available upon request from the individual listed under **FOR FURTHER INFORMATION CONTACT**.

#### Analysis

Ciba Seeds' Event 176 Corn has been genetically engineered to express an insect control protein representing a truncated form of the CryIA(b) protein that occurs naturally in *Bacillus thuringiensis* subsp. *kurstaki* (*Btk*), a common gram-positive soil bacterium. *Btk* proteins are very effective against certain lepidopteran insects, including European corn borer (ECB). Event 176 Corn has been modified to produce the CryIA(b) protein in green tissues and pollen cells. During field tests of Event 176 Corn, ECB infestations were significantly reduced as compared to the nontransgenic control plants.

The subject corn has been considered a regulated article under APHIS' regulations in 7 CFR part 340 because it contains certain gene sequences derived from plant-pathogenic sources. However, evaluation of field data reports from field tests of the subject corn conducted since 1992 indicates that there were no deleterious effects on plants, nontarget organisms, or the environment as a result of the subject corn plants' release into the environment.

#### Determination

Based on its analysis of the data submitted by Ciba Seeds and a review of other scientific data, comments received from the public, and field tests of the subject corn, APHIS has determined that Event 176 Corn: (1) Exhibits no plant pathogenic properties; (2) is no more likely to become a weed than lepidopteran-insect-resistant corn developed through traditional breeding techniques; (3) is unlikely to increase the weediness potential of any other cultivated plant or native wild species with which it can interbreed; (4) should not cause damage to raw or processed agricultural commodities; (5) is unlikely to harm organisms beneficial to the agricultural ecosystem; and (6) when cultivated, should not reduce the ability to control insects in corn and other crops. APHIS has also concluded that there is a reasonable certainty that new

varieties developed from Event 176 Corn will not exhibit new plant pest properties, i.e., properties substantially different from any observed in the field tested Event 176 Corn, or those observed in corn in traditional breeding programs.

The effect of this determination is that insect-resistant corn designated as Event 176 Corn is no longer considered a regulated article under APHIS' regulations in 7 CFR part 340. Therefore, the permit and notification requirements pertaining to regulated articles under those regulations no longer apply to the field testing, importation, or interstate movement of the subject corn or its progeny. However, the importation of the subject corn or seeds capable of propagation is still subject to the restrictions found in APHIS' foreign quarantine notices in 7 CFR part 319.

#### National Environmental Policy Act

An environmental assessment (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) (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 subject corn 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 13th day of June 1995.

**Lonnie J. King**

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

[FR Doc. 95-15112 Filed 6-20-95; 8:45 am]

BILLING CODE 3410-34-P

---

#### DEPARTMENT OF COMMERCE

#### Bureau of Export Administration

[Docket Nos. 5103-01; 5104-01; 5105-01]

#### Decision and Order

In the matter of: Waldemar Znamierowski, Krzwińska Str., 16/1, 03-324, Warsaw, Poland; Paul A. Prandecki a/k/a Paul Prand,

3178 El Centro Circle, Las Vegas, Nevada 89121 and Beta Computer Trading Pte. Limited, One Rockor Canal Road, Sim Lin Square #06-67, Singapore 0718; Respondents.

On May 31, 1995, the Administrative Law Judge (ALJ) entered his Recommended Decision and Order in the above-referenced matters. The Recommended Decision and Order, a copy of which is attached hereto and made a part hereof, has been referred to me for final action. After describing the facts of the case and his findings based on those facts, the ALJ found that the Respondents Znamierowski and Prandecki had violated Section 787.2 of the Export Administration Regulations (EAR) by causing, aiding and abetting the export of three U.S.-origin Apollo computer workstations from the United States through Singapore to Poland without obtaining the validated export licenses required by Section 772.1 of the EAR. The ALJ also found that the Respondent Beta Computer Trading PTE, Limited reexported three U.S.-origin Apollo computer workstations from Singapore to Poland without obtaining from the Department of Commerce the reexport authorization required by Section 774.1 of the EAR.

The ALJ found that the appropriate penalty for the violations should be that the Respondents and all successors, assignees, officers, representatives, agents and employees be denied for a period of ten years from this date all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction in the United States or abroad involving commodities or technical data exported or to be exported from the United States and subject to the Export Administration Regulations.

Based on my review of the entire record, I affirm the Recommended Decision and Order of the Administrative Law Judge.

This constitutes final agency action in this matter.

Dated: June 13, 1995.

**William A. Reinsch**,

*Under Secretary for Export Administration.*

#### Recommended Decision and Order

On December 9, 1993, the Office of Export Enforcement, Bureau of Export Administration, U.S. Department of Commerce (Department), issued separate charging letters against Paul A. Prandecki, also known as Paul Prand (Prandecki); Beta Computer Trading Pte. Limited (Beta Computer); and Waldemar Znamierowski (Znamierowski) (hereinafter collectively referred to as respondents). None of the respondents