

Notices

Federal Register

Vol. 60, No. 195

Tuesday, October 10, 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

Animal and Plant Health Inspection Service

[Docket No. 95-042-2]

Availability of Determination of Nonregulated Status for Genetically Engineered Tomato Line of Monsanto Company

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our determination that a tomato line developed by the Monsanto Company designated as 8338 that has been genetically engineered for delayed ripening 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 the Monsanto Company 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 Monsanto Company 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: September 27, 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. 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 determination or the environmental assessment and finding of no significant impact, contact Ms. Kay Peterson at (301) 734-7612.

SUPPLEMENTARY INFORMATION:

Background

On February 22, 1995, the Animal and Plant Health Inspection Service (APHIS) received a petition (APHIS Petition No. 95-053-01p) from the Monsanto Company (Monsanto) of St. Louis, MO, seeking a determination that a tomato line designated as 8338 that has been genetically engineered for delayed ripening does not present a plant pest risk and, therefore, is not a regulated article under APHIS' regulations in 7 CFR part 340.

On June 13, 1995, APHIS published a notice in the **Federal Register** (60 FR 31139-31140, Docket No. 95-042-1) announcing that the Monsanto petition had been received and was available for public review. The notice also discussed the role of APHIS and the Food and Drug Administration in regulating the subject tomato line and food products derived from it. In the notice, APHIS solicited written comments from the public as to whether the subject tomato line posed a plant pest risk. The comments were to have been received by APHIS on or before August 14, 1995.

APHIS received two comments on the subject petition, both from State departments of agriculture. Both of the comments were in support of nonregulated status for tomato line 8338.

Analysis

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. Removal of ACC in the subject tomato line reduces ethylene production and delays ripening. Tomato line 8338 also contains the neomycin phosphotransferase (*nptII*) selectable marker gene, which encodes the enzyme NPTII. 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 has been considered a regulated article under APHIS' 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. However, evaluation of field data reports from field tests of the subject tomato line conducted under APHIS permits or notifications since 1992 indicates that there were no deleterious effects on plants, nontarget organisms, or the environment as a result of the subject tomato plants' release into the environment.

Determination

Based on its analysis of the data submitted by Monsanto and a review of other scientific data, comments received, and field tests of the subject tomato line, APHIS has determined that tomato line 8338: (1) Exhibits no plant pathogenic properties; (2) is no more likely to become a weed than other tomatoes developed by traditional breeding techniques; (3) is unlikely to increase the weediness potential for any other cultivated or wild species with which it can interbreed; (4) will not harm other organisms, such as bees, that are beneficial to agriculture; and (5) should not cause damage to raw or processed agricultural commodities. Therefore, APHIS has concluded that tomato line 8338 and any progeny derived from hybrid crosses with other nontransformed tomato varieties will be just as safe to grow as traditionally bred tomato lines that are not regulated under 7 CFR part 340.

The effect of this determination is that a tomato line designated as 8338 is no longer considered a regulated article under APHIS' regulations in 7 CFR part 340. Therefore, the notification requirements pertaining to regulated articles under those regulations no longer apply to the field testing, importation, or interstate movement of tomato line 8338 or its progeny. However, the importation of the subject

tomato line 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; 60 FR 6000–6005, February 1, 1995). Based on that EA, APHIS has reached a finding of no significant impact (FONSI) with regard to its determination that tomato line 8338 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 October 1995.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–25015 Filed 10–6–95; 8:45 am]

BILLING CODE 3410–34–P

Forest Service

Eastern Washington Cascades Provincial Interagency Executive Committee (PIEC), Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Eastern Washington Cascades PIEC Advisory Committee will meet on November 9, 1995 in Campbell's Conference Center (River Room), 104 W. Wooden, Chelan, Washington. The meeting will begin at 9 a.m. and continue until 4 p.m. The focus of this meeting will be to continue discussion on Forest Health. All Eastern Washington Cascades Province Advisory Committee meetings are open to the public. Interested citizens are welcome to attend.

FOR FURTHER INFORMATION CONTACT:

Direct questions regarding this meeting to Paul Hart, Designated Federal Official, USDA, Wenatchee National Forest, P.O. Box 811, Wenatchee, Washington, 98807, 509–662–4335.

Dated: September 25, 1995.

Paul Hart,

Designated Federal Official, Wenatchee National Forest.

[FR Doc. 95–25039 Filed 10–6–95; 8:45 am]

BILLING CODE 3410–11–M

Yakima Provincial Interagency Executive Committee (PIEC), Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Yakima PIEC Advisory Committee will meet on October 11, 1995 at the Hal Holmes Conference Center, 201 N. Ruby, Ellensburg, Washington. The meeting will begin at 9 a.m. and continue until 4 p.m. This meeting will focus on continued discussion regarding recreation use in riparian areas. All Yakima Province Advisory Committee meetings are open to the public. Interested citizens are welcome to attend.

FOR FURTHER INFORMATION CONTACT:

Direct questions regarding this meeting to Paul Hart, Designated Federal Official, USDA, Wenatchee National Forest, P.O. Box 811, Wenatchee, Washington. 98807, 509–662–4335.

Dated: September 25, 1995.

Paul Hart,

Designated Federal Official, Wenatchee National Forest.

[FR Doc. 95–25040 Filed 10–6–95; 8:45 am]

BILLING CODE 3410–11–M

Western Washington Cascades Provincial Interagency Executive Committee (PIEC) Advisory Committee; Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Western Washington Cascades PIEC Advisory Committee will meet on October 31, 1995 at the Swinomish Indian Tribal Community Center, 1729 Reservation Road, in La Conner, Washington. The meeting will begin at 9 a.m. and continue until 4 p.m.

Agenda items to be covered include: (1) Briefing on marbled murrelet critical habitat and recovery plans by U.S. Fish & Wildlife Service; (2) discussion and update of Section 2001 of the "Recession Bill (Pub. L. 104–19) relating to release of Section 318 timber sales, substitute volume, FY 1996 salvage program, and citizen participation (public involvement) under the provisions of Section 2001; (3) Access and Travel Management subcommittee update; (4) overview of management

alternatives from the Draft Environmental Impact Statement for the Snoqualmie Pass Adaptive Management Area; (5) overview of the proposed Plum Creek Timber Company Habitat Conservation Plan; (6) other topics, as appropriate; and (7) open public forum. All Western Washington Cascades Province Advisory Committee meetings are open to the public. Interested citizens are encouraged to attend.

FOR FURTHER INFORMATION CONTACT:

Direct questions regarding this meeting to Christopher Hansen-Murray, Province Liaison, USDA, Mt. Baker-Snoqualmie National Forest, 21905 64th Avenue West, Mountlake Terrace, Washington 98043, 206–744–3276.

Dated: October 3, 1995.

Dennis E. Bschor,

Forest Supervisor.

[FR Doc. 95–25035 Filed 10–6–95; 8:45 am]

BILLING CODE 3410–11–M

Wildcat River Advisory Commission

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Wildcat River Advisory Commission will meet at the Jackson Town Hall in Jackson, New Hampshire, on October 25, 1995, November 15, 1995 and December 13, 1995. The purpose of these meetings is to continue with the development of a Draft River Management Plan for administration of the designated Wild and Scenic Wildcat River. The Wild and Scenic Rivers Act requires the establishment of an advisory commission to advise the Secretary of Agriculture on administration of the river. The public is encouraged to attend the meeting and may provide written comment on the plan to the commissioners c/o the district office.

DATES: The meetings will be held October 25, November 15, and December 13, 1995 at 7:30 p.m.

ADDRESSES: The meetings will be held at the Jackson Town Hall, Route 16B, Jackson, New Hampshire

Send written comments to Davis Pratt III, Saco Ranger District, White Mountain National Forest, 33 Kancamagus Highway, Conway, NH 03818.

FOR FURTHER INFORMATION CONTACT:

David Pratt III, Saco Ranger District, (603) 447–5448.

Dated: September 29, 1995.

Terrence O. Clark III,

Acting Forest Supervisor.

[FR Doc. 95–24955 Filed 10–6–95; 8:45 am]

BILLING CODE 3410–11–M