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

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

November 9, 1995.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20503 *and* to Department Clearance Officer, USDA, OIRM, Ag Box 7630, Washington, D.C. 20250–7630. Copies of the submission(s) may be obtained by calling (202) 720–6204 or (202) 720–6746.

Consolidated Farm Services Agency

- *Title:* 7 CFR 719—Eminent Domain Acquisitions: Reallocating Allotments, Quotas, and Acreage Bases.

Summary: The Agricultural Adjustment Act of 1938 as amended provides for pooling allotments for any commodity for any land from which the owner is displaced because of acquisition of land by any federal, state or local agency having right of eminent domain.

Need and Use of the Information: The collection of information is necessary to determine eligibility for program benefits. The forms are used to establish the record of the producer's pooled allotments or bases, and to request a transfer of the pooled allotments or bases to other owned land.

Description of Respondents: Farms.

Number of Respondents: 3,000.

Frequency of Responses: Reporting—On occasion.

Total Burden Hours: 3,000.

Emergency processing of this submission has been requested by November 13, 1995.

- *Title:* Payment Limitation and Determination of Eligibility of Foreign Individuals or Entities to Receive Program Benefits—7 CFR parts 795, 1497, and 1498.

Summary: Regulation require an ''actively engaged in farming'' status determination be made for individuals or entities with respect to a particular farming operation in order for them to be considered a person eligible for program payments, from Price Support Programs, Production Adjustments, and Conservation Reserve Programs.

Need and Use of the Information: Information is needed so maximum payment eligibility can be determined for the Price Support Production Adjustments and Conservation Reserve Programs. The information collected will be used to determine eligibility and for general statistical purposes.

Description of Respondents: Farms; State, Local or Tribal Government.

Number of Respondents: 356,800.

Frequency of Responses: Reporting—Annually.

Total Burden Hours: 307,985.

Emergency processing of this submission has been requested by November 14, 1995.

Donald Hulcher,

Deputy Departmental Clearance Officer.

[FR Doc. 95–28322 Filed 11–15–95; 8:45 am]

BILLING CODE 3410–01–M

Animal and Plant Health Inspection Service

[Docket No. 95–076–1]

Plant Genetic Systems (America), Inc.; Receipt of Petition for Determination of Nonregulated Status for Corn Genetically Engineered for Male Sterility and Glufosinate Herbicide Tolerance as a Marker

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 Plant Genetic Systems (America), Inc., seeking a determination of nonregulated status for a corn line designated as event MS3 that has been genetically engineered for male sterility and tolerance to the herbicide glufosinate as a marker. 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 corn line presents a plant pest risk.

DATES: Written comments must be received on or before January 16, 1996.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 95–076–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 95–076–1. 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. James White, Team Leader, Biotechnology Permits, BBEP, APHIS, Suite 5B05, 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) 734–7612.

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 August 16, 1995, APHIS received a petition (APHIS Petition No. 95–228–01p) from Plant Genetic Systems (America), Inc., (PGS) of Des Moines, IA, requesting a determination of nonregulated status under 7 CFR part 340 for a male sterile, glufosinate tolerant corn line designated as transformation event MS3 (event MS3). The PGS petition states that corn event MS3 should not be regulated by APHIS because it does not present a plant pest risk.

As described in the petition, corn event MS3 has been genetically engineered with a gene from *Bacillus amyloliquefaciens* encoding a ribonuclease called barnase, which inhibits pollen formation and results in male sterility of the transformed plants. Corn event MS3 also contains the *bar* gene isolated from the bacterium *Streptomyces hygroscopicus* that encodes a phosphinothricin acetyltransferase (PAT) enzyme, which, when introduced into a plant cell, inactivates glufosinate. Linkage of the *barnase* gene, which induces male sterility, with the bar gene, a glufosinate tolerance gene used as a marker, enables identification of the male sterile line before the plant begins to flower. Event MS3 was transformed via immature embryo electroporation in yellow dent corn material. Expression of the introduced genes is controlled in part by the P35S promoter derived from the plant pathogen cauliflower mosaic virus and the 3'nos sequence from the plant pathogen *Agrobacterium tumefaciens.*

PGS' corn event MS3 is currently considered a regulated article under the regulations in 7 CFR part 340 because it contains the above-mentioned gene sequences derived from plant pathogenic sources. The subject corn line has been evaluated in field trials conducted since 1992 under APHIS permits or notifications. In the process of reviewing the applications for field trials of the corn event MS3, APHIS determined that the trials, which were conducted under conditions of reproductive and physical containment or isolation, 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.

The U.S. Environmental Protection Agency (EPA) is responsible for the regulation of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (7 U.S.C. 136 *et seq.*). FIFRA requires that all pesticides, including herbicides, be registered prior to distribution or sale, unless exempt by EPA regulation. In cases in which the genetically modified plants allow for a new use of an herbicide or involve a different use pattern for the herbicide, the EPA must approve the new or different use. In conducting such an approval, the EPA considers the possibility of adverse effects to human health and the environment from the use of this herbicide. When the use of the herbicide on the genetically modified plant would result in an increase in the residues of the herbicide in a food or feed crop for which the herbicide is currently registered, or in new residues in a crop for which the herbicide is not currently registered, establishment of a new tolerance or a revision of the existing tolerance would be required. Residue tolerances for pesticides are established by the EPA under the Federal Food, Drug and Cosmetic Act (FFDCA) (21 U.S.C. 201 *et seq.*), and the Food and Drug Administration (FDA) enforces tolerances set by the EPA under the FFDCA.

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.

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 PGS' corn event MS3 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 8th day of November 1995.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–28326 Filed 11–15–95; 8:45 am]

BILLING CODE 3410–34–P

Forest Service

Wild and Scenic River Suitability Study for the South Platte River and the North Fork of the South Platte River in Douglas, Jefferson, and Park Counties, CO

AGENCY: Forest Service, USDA.

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

SUMMARY: The USDA, Forest Service will prepare a wild and scenic river study report and legislative environmental impact statement (LEIS) to address the suitability of sections of the South Platte River and the North Fork of the South Platte River primarily within the Pike National Forest in Douglas, Jefferson, and Park counties, Colorado, for inclusion into the National Wild and Scenic Rivers System. The Forest Service invites written comments and suggestions on the management of these river sections and the scope of this analysis. The agency gives notice of the full environmental analysis and decision making process that will occur in this study so that interested and affected people are aware of how they may participate and contribute to the final recommendation to Congress.