

Transportation Improvements, Funding, COE Section 404 Permit, US Coast Guard and NPDES Permits, Cowlitz, Lewis and Thurston Counties, WA, *Due:* March 10, 1997, *Contact:* Gene Fong (360) 753-9480.

EIS No. 970014, Draft EIS., AFS, WA, Long Draw Salvage Sale, Implementation, Okanogan National Forest, Tonasket Ranger District, Okanogan County, WA, *Due:* March 10, 1997, *Contact:* John Townsley (509) 826-3568.

EIS No. 970015, Final EIS, COE, VA, Lower Virginia Peninsula Regional Raw Water Supply Plan, Permit Approval, Cohoke Mill Creek, King William County, VA, *Due:* February 24, 1997, *Contact:* Pamela K. Painter (757) 441-7654.

EIS No. 970016, Final EIS, BLM, CA, Eagle Mountain Landfill and Recycling Center Project, Land Exchange, Right-of-Way Grants and COE Section 404 Permit Issuance, Riverside County, CA, *Due:* February 24, 1997, *Contact:* Douglas Romoli (909) 697-5237.

EIS No. 970017, Final Supplement, AFS, OR, Mount Hood Meadows Ski Area Additional Development and Expansion to the Skiing and Summer Areas, Construction to Forest Road 3555, Special Use Permit and NPDES Permit, Hood River Ranger District, Mount Hood National Forest, Hood River County, OR, *Due:* February 24, 1997, *Contact:* Ken Davis (541) 352-6002.

EIS No. 970018, Final EIS, NPS, AK, Denali (South Slope) National Park and Preserve Development Concept Plan, Implementation, Mantanuska-Susitna Borough, AK, *Due:* February 24, 1997, *Contact:* Nancy Swanton (907) 257-2651.

EIS No. 970019, Draft EIS., AFS, CA, Desolation Wilderness Management Guidelines Revisions for the Eldorado National Forest and the Lake Tahoe Basin Management Unit (LTBMU), Limits of Acceptable Change (LAC), Eldorado County, CA, *Due:* April 04, 1997, *Contact:* Diana Erickson (916) 622-5061.

EIS No. 970020, Draft EIS., FHW, CA, CA-84—Realignment Project, Transportation Improvement between CA-84 from I-880 to CA-2389/Mission Blvd, Funding and COE Section 404 Permit, in the Cities of Fremont, Hayward and Union, Alameda County, CA, *Due:* March 21, 1997, *Contact:* John R. Schultz (916) 498-5041.

EIS No. 970021, Draft EIS., GSA, FL, 9300-9499 NW 41st Street Immigration and Naturalization Service Facility Consolidation, Development, Construction and Operation, Leasing, Dade County, FL, *Due:* March 10, 1997,

Contact: Philip Youngberg (404) 331-4540.

EIS No. 970022, Final EIS, USA, CA, Camp Roberts Army National Guard Training Site, Implementation, Combined-Forces Training Activities, New Equipment Utilization and Range Modernization Program, Monterey and San Luis Obispo Counties, CA, *Due:* February 24, 1997, *Contact:* Major Brad Jorgensen (703) 607-7986.

EIS No. 970023, Draft EIS, FHW, NC, Wilmington Bypass Transportation Improvements, US 17 to US 421, Funding, COE Section 10 and 404 Permits and US Coast Guard Bridge Permit Issuance, Brunswick and New Hanover Counties, NC, *Due:* March 14, 1997, *Contact:* Nicholas L. Graf (919) 856-4346.

EIS No. 970024, Draft EIS, COE, MD, Baltimore Harbor Anchorages and Channels Feasibility Study, Maritime Improvements, Port of Baltimore, Baltimore City, Baltimore County, and Anne Arundel County, MD, *Due:* March 10, 1997, *Contact:* Wes Coleman (410) 962-4713.

Dated: January 21, 1997
William D. Dickerson,
Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 97-1813 Filed 1-23-97; 8:45 am]

BILLING CODE 6560-50-P

[PF-660; FRL-5380-2]

**DeKalb Genetics Corporation;
Pesticide Tolerance Petitions Filings**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing.

SUMMARY: This notice announces the filing of pesticide petitions proposing regulations establishing exemptions from the requirement of a tolerance for residues of the active ingredient plant-pesticide *Bacillus thuringiensis* subsp. *kurstaki* CryIA(c) protein and the genetic material necessary for the production of this protein in or on all raw agricultural commodities and the inert ingredient plant-pesticide phosphinothricin acetyltransferase protein and the genetic material necessary for the production of this protein in or on all raw agricultural commodities. This notice includes a summary of the petition that was prepared by the petitioner, DeKalb Genetics Corporation.

DATES: Comments, identified by the docket number PF-660, must be received on or before February 24, 1997.

ADDRESSES: By mail, submit written comments to: Public Response and

Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

A record has been established for this notice document under docket number PF-660 (including any comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov or by submitting disks. Electronic comments must be submitted either in ASCII format (avoiding the use of special characters and any form of encryption) or in WordPerfect in 5.1 file format. All comments and data in electronic form must be identified by the docket number PF-660. Electronic comments on this notice may be filed online at many Federal Depository Libraries. The official record for this rulemaking, as well as the public version described above, will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record, which will also include all comments submitted directly in writing.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. No CBI should be submitted through e-mail. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

FOR FURTHER INFORMATION CONTACT:

Mike Mendelsohn, Biopesticides and Pollution Prevention Division (7501W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: 5th Floor, CS B1, 2805 Jefferson Davis Hwy., Arlington, VA, 703-308-8715; e-mail: mendelsohn.mike@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA has received pesticide petitions (PP) 6E4710 and 6F4711 from DeKalb Genetics Corporation (DeKalb), 3100 Sycamore Road, DeKalb, IL 60115. The petitions propose, pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, to amend 40 CFR part 180 to establish exemptions from the requirement of a tolerance for the plant-pesticides *Bacillus thuringiensis* subsp. *kurstaki* CryIA(c) protein and the genetic material necessary for the production of this protein in or on all raw agricultural commodities and phosphinothricin acetyltransferase protein and the genetic material necessary for the production of this protein in or on all raw agricultural commodities. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

DeKalb has stated that analytical methods for the detection and measurement of the CryIA(c) and PAT proteins are not needed since they are petitioning for exemptions from the requirement of a tolerance on the basis of mammalian safety.

As required by section 408(d) of the FFDCA, as recently amended by the Food Quality Protection Act, DeKalb included in the petition a summary of the petition and authorization for the summary to be published in the Federal Register in a notice of receipt of the petition. The summary represents the views of DeKalb; EPA, as mentioned above, is in the process of evaluating the petition. As required by section 408(d)(3) EPA is including the summary as a part of this notice of filing. EPA may have made minor edits to the summary for the purpose of clarity.

I. Petition Summary for PP 6F4711

This unit summarizes information cited by DeKalb to support the proposed tolerance exemption for *Bacillus thuringiensis* subsp. *kurstaki* CryIA(c) protein and the genetic material

necessary for the production of this protein in or on all raw agricultural commodities when used as a plant-pesticide active ingredient.

A. *Bacillus thuringiensis* subsp. *kurstaki* CryIA(c) Protein Uses

Corn, *Zea mays* L., has been genetically engineered to be resistant to Lepidopteran insect pests. Insect protection was accomplished by insertion of the cryIA(c) gene from *Bacillus thuringiensis* subsp. *kurstaki* which encodes a protein that is specifically insecticidal to Lepidopteran insect larvae but DeKalb believes is safe to nontarget organisms such as mammals, birds, fish, and nontarget insects. CryIA(c) protein is used as a "plant-pesticide" in transgenic corn plants to control Lepidopteran insects including European corn borer. CryIA(c) corn will be deployed in situations where Lepidopteran insect control is important.

B. Product Identity and Chemistry

Product analysis data demonstrated that microbially expressed and purified CryIA(c) delta endotoxin used for mammalian toxicological testing purposes is not significantly different than the delta endotoxin expressed in the plant. The following assays were used to determine the similarity of the microbially expressed and purified CryIA(c) delta endotoxin and that produced in corn: SDS-PAGE, Western blots, amino acid sequencing, testing for post translational modification, and insect bioactivity. These assays demonstrated that the truncated CryIA(c) delta endotoxin expressed in corn and the tryptic core of the microbially-produced CryIA(c) endotoxin are similar.

C. Mammalian Toxicological Profile

The CryIA(c) protein produced in transgenic corn is the tryptic core of CryIA(c) found in nature and used in *Bacillus thuringiensis* susp. *kurstaki* microbial formulations that have been registered with the EPA and have been commercially available for over 30 years. To be active against the target insect, CryIA(c) protein must be ingested. In the insect gut, the protein binds to specific receptors in the insect mid-gut, inserts into the membrane and forms ion-specific pores. These events disrupt the digestive processes and cause the death of the insect. There are no receptors for the protein delta endotoxins of *Bacillus thuringiensis* subspecies on the surface of mammalian intestinal cells; therefore humans are not susceptible to these proteins.

The mammalian toxicological data submitted in support of the exemption from the requirement of a tolerance include an acute oral toxicity study with mice and a test for digestibility under simulated gastric conditions. The results of these studies demonstrate that CryIA(c) protein has an acute LD₅₀ greater than 3,325 mg/kg. In tests for digestibility in simulated gastric fluid, CryIA(c) protein was found to degrade to below detectable levels within a few seconds when exposed to full strength gastric fluid. When exposed to simulated gastric fluid that had been diluted 100-fold, CryIA(c) protein degraded to below detectable levels in five minutes. Given the rapid digestibility of CryIA(c) delta endotoxin, no chronic effects are expected. CryIA(c) delta endotoxin, or metabolites of the endotoxin are not known to, or expected to have any effect on the immune or endocrine systems. Proteins in general are not carcinogenic, therefore, no carcinogenic risk is associated with the CryIA(c) protein.

Current scientific knowledge suggests that common food allergens tend to be resistant to degradation by heat, acid, and proteases and are glycosylated and present at high concentrations in food. CryIA(c) delta endotoxin is rapidly degraded by simulated gastric fluid, is not present as a major component in food, and is apparently nonglycosylated or otherwise post-translationally modified when produced in plants. Despite decades of widespread use of *Bacillus thuringiensis* as a pesticide (it has been registered since 1961), there have been no confirmed reports of immediate or delayed allergic reactions to the delta endotoxins despite significant oral, dermal, and inhalation exposure to microbial products containing the delta endotoxins.

The genetic material necessary for the production of *Bacillus thuringiensis* CryIA(c) delta endotoxin are nucleic acids (DNA) which comprise the genetic material encoding the CryIA(c) delta endotoxin and the regulatory regions associated with the gene. Regulatory regions are the genetic material that control the expression of the genetic material encoding the CryIA(c) delta endotoxin, such as promoters, terminators, introns, and enhancers. DNA is common to all forms of plant and animal life, and there are no known instances of where nucleic acids have been associated with toxic effects related to their consumption. The nucleic acids introduced into CryIA(c) corn have been characterized. No mammalian toxicity is expected from dietary exposure to the genetic material necessary for the production of the

Bacillus thuringiensis CryIA(c) endotoxin in corn.

D. Aggregate Exposure

Exposure via dermal exposure or inhalation is unlikely given that the delta endotoxin is contained in plant cells. Transfer of the pesticide to drinking water is highly unlikely given that CryIA(c) protein has been shown to degrade in senescing corn plants and Bt proteins are known to rapidly degrade in the soil. Oral exposure, at very low levels, may occur from ingestion of processed corn products however the lack of mammalian toxicity, and the digestibility of the protein have been demonstrated.

E. Cumulative Exposure

Consideration of a common mode of toxicity is not appropriate given that there is no indication of mammalian toxicity of CryIA(c) protein and no information that indicates that toxic effects would be cumulative with any other compounds.

F. Safety Determination

1. *U.S. population in general.* The lack of acute toxicity and the rapid digestibility of CryIA(c) delta endotoxin provides evidence for the lack of toxicity and allergenicity and Dekalb believes support an exemption for the requirement for a tolerance for *Bacillus thuringiensis* subsp. *kurstaki* CryIA(c) protein. *Bacillus thuringiensis* subsp. *kurstaki* delta endotoxins have been used in microbial insecticide formulations that have been registered by the EPA and commercially available since the early 1960s.

2. *Infants and children.* The use sites for CryIA(c) delta endotoxin are all agricultural for control of Lepidopteran insects. Therefore, nondietary exposure to infants and children is not expected. Dekalb believes that the lack of toxicity of CryIA(c) delta endotoxin and history of safe use of *Bacillus thuringiensis* subsp. *kurstaki* delta endotoxins provides reasonable certainty that no harm will result to infants and children from aggregate dietary exposure to residues of CryIA(c).

G. Existing Tolerances or Tolerance Exemptions

An exemption from the requirement for a tolerance was granted by the EPA for "Plant-pesticide *Bacillus thuringiensis* CryIA(c) Delta-Endotoxin and the Genetic Material Necessary for Its Production in Cotton," Federal Register: September 15, 1995, (60 FR 47871; FRL-4976-9).

II. Petition Summary for PP 6E4710

This unit summarizes information cited by DeKalb to support the proposed tolerance exemption for phosphinothricin acetyltransferase protein and the genetic material necessary for the production of this protein in or on all raw agricultural commodities when used as a plant-pesticide inert ingredient.

A. Phosphinothricin Acetyltransferase Protein Uses

Phosphinothricin acetyltransferase or PAT protein, is used as "plant-pesticide inert ingredient" in transgenic, insect protected corn plants. PAT functions as a selectable marker and as well as a source of resistance to glufosinate herbicides. PAT protein is encoded by the bar gene, originally cloned from a common soil bacterium, *Streptomyces hygrosopicus*. Insect protected corn will be deployed in situations where Lepidopteran insect control is important.

B. Product Identity and Chemistry

Product analysis data demonstrated that microbially expressed and purified PAT protein used for mammalian toxicological testing purposes is not significantly different than the PAT protein expressed in the plant. The following assays were used to determine the similarity of the microbially expressed and purified PAT protein and that produced in corn: SDS-PAGE, Western blots, amino acid sequencing and testing for post translational modification. These assays demonstrated that the PAT protein expressed in corn and PAT protein produced in and purified from a microbial source are similar.

C. Mammalian Toxicological Profile

The PAT enzyme catalyzes the transfer of an acetyl group from acetyl CoA to the amino group of phosphinothricin (also known as glufosinate). The enzyme is highly substrate specific. Dekalb believes it is therefore highly unlikely that PAT will acetylate any naturally occurring compound in maize cells.

The mammalian toxicological data submitted in support of the exemption from the requirement for a tolerance include an acute oral toxicity study with mice and a test for digestibility under simulated gastric conditions. The results of these studies demonstrate that PAT protein has an acute LD₅₀ greater than 2,500 mg/kg. In tests for digestibility in simulated gastric fluid, PAT protein was found to degrade to below detectable levels within 2 minutes when exposed to full strength gastric fluid. When

exposed to simulated gastric fluid that had been diluted 100-fold, PAT protein degraded to below detectable levels in 5 minutes. Given the rapid digestibility of PAT protein, no chronic effects are expected. PAT protein or metabolites protein are not known to, or expected to have any effect on the immune or endocrine systems. Proteins in general are not carcinogenic, therefore, no carcinogenic risk is associated with the PAT protein.

Current scientific knowledge suggests that common food allergens tend to be resistant to degradation by heat, acid, and proteases and are glycosylated and present at high concentrations in food. PAT protein is rapidly degraded by simulated gastric fluid, is not present as a major component in food, and is apparently nonglycosylated or otherwise post-translationally modified when produced in plants.

The genetic material necessary for the production of PAT protein are nucleic acids (DNA) which comprise the genetic material encoding the PAT protein and the regulatory regions associated with the gene. Regulatory regions are the genetic material that control the expression of the genetic material encoding the PAT protein, such as promoters, terminators, introns, and enhancers. DNA is common to all forms of plant and animal life, and there are no known instances of where nucleic acids have been associated with toxic effects related to their consumption. The nucleic acids introduced into insect protected corn have been characterized. No mammalian toxicity is expected from dietary exposure to the genetic material necessary for the production of the PAT protein in corn.

D. Aggregate Exposure

Exposure via dermal exposure or inhalation is unlikely given that the PAT protein is contained in plant cells. Transfer of the pesticide to drinking water is highly unlikely given that PAT protein is undetectable in pollen, has been shown to degrade in senescing corn plants. Oral exposure, at very low levels, may occur from ingestion of processed corn products; however, Dekalb believes that the lack of mammalian toxicity, and the digestibility of the protein have been demonstrated.

E. Cumulative Exposure

Dekalb believes that consideration of a common mode of toxicity is not appropriate given that there is no indication of mammalian toxicity of PAT protein and no information that indicates that toxic effects would be cumulative with any other compounds.

F. Safety Determination

1. *U.S. population in general.* Dekalb believes that the lack of acute toxicity and the rapid digestibility of PAT protein provide evidence for the lack of toxicity and allergenicity and support an exemption from the requirement for a tolerance for PAT protein.

2. *Infants and children.* The use sites for insect protected corn containing PAT protein are all agricultural for control of Lepidopteran insects. Therefore, nondietary exposure to infants and children is not expected. Dekalb believes that the lack of toxicity of PAT protein provides reasonable certainty that no harm will result to infants and children from aggregate dietary exposure to residues of PAT.

G. Existing Tolerances or Tolerance Exemptions

An exemption from the requirement for a tolerance was granted by the EPA for "Plant-pesticide Inert Ingredient Phosphinothricin Acetyltransferase (PAT) and the Genetic Material Necessary for Its Production (Plasmid Vector pCIBP3064) in Corn," Federal Register: August 16, 1995, (60 FR 42450; FRL-4971-2).

III. Administrative Matters

EPA invites interested persons to submit comments on this notice of filing. Comments must bear a notification indicating the document control number [PF-660]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above from 8:30 a.m. to 4 p.m., Monday through Friday, except legal holidays.

A record has been established for this notice under docket number [PF-660] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:
opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the

use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

Authority: 21 U.S.C. 346a.

List of Subjects

Environmental protection, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping.

Dated: January 17, 1997.

Flora Chow,

Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 97-1754 Filed 1-23-97; 8:45 am]

BILLING CODE 6560-50-F

[PF-693; FRL-5583-8]

Drexel Chemical Company; Pesticide Tolerance Petition Filing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing.

SUMMARY: This notice is a summary of a pesticide petition proposing the establishment of a tolerance for residues of diuron in or on the edible portions of catfish. The summary was prepared by the petitioner, Drexel Chemical Company.

DATES: Comments, identified by the docket number [PF-693], must be received on or before, February 24, 1997.

ADDRESSES: By mail, submit written comments to Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to Rm. 1132, CM#2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments should be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be

accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by docket number [PF-693]. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions may be found below in this document.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). CBI should not be submitted through e-mail. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT:

Phillip V. Errico, Product Manager (PM) 25, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305-6027; e-mail: errico.phillip@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA has received pesticide petition (PP) 6F4680 from Drexel Chemical Company, POB 13327, Memphis, TN 38133-0237, proposing to amend 40 CFR 180.106 by establishing a tolerance for residues of the herbicide diuron [3-(3,4-dichlorophenyl)-1,1-dimethylurea] in or on the raw agricultural commodity catfish at 1 part per million (ppm). The proposed analytical method is gas chromatography (GC) with a nitrogen-phosphorous detector.

Pursuant to section 408(d)(A)(i) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), as amended, Drexel Chemical Company has submitted the following summary of information, data and arguments in support of their pesticide petition. The summary was prepared by Drexel Chemical Company and EPA has not fully evaluated the merits of the petition. EPA edited the summary to clarify that the conclusions and arguments were the petitioner's and not