

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

Agriculture Research Service

Notice of Federal Invention Available for Licensing and Intent to Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of availability and intent.

SUMMARY: Notice is hereby given that a Federally owned invention, U.S. Plant Patent Application Serial No. 08/634,149, filed April 19, 1996, entitled "Tift 94 Bermudagrass" is available for licensing and that the U.S. Department of Agriculture, Agricultural Research Service intends to grant to The University of Georgia Research Foundation of Athens, Georgia, an exclusive license for U.S. Plant Patent Application Serial No. 08/634,149.

DATES: Comments must be received by May 22, 1997.

ADDRESSES: Send comments to: USDA, ARS, Office of the Director, National Center for Agricultural Utilization Research, Room 2042, 1815 N. University Street, Peoria, Illinois 61604.

FOR FURTHER INFORMATION CONTACT: Andrew Watkins of the National Center for Agricultural Utilization Research at the Peoria address given above; telephone: 309-681-6545.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights to this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as The University of Georgia Research Foundation has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within ninety days from the date of this published Notice, the

Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

R.M. Parry, Jr.,

Assistant Administrator.

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BILLING CODE 3410-03-M

Animal and Plant Health Inspection Service

[Docket No. 97-006-1]

Calgene, Inc.; Receipt of Petition for Determination of Nonregulated Status for Genetically Engineered Cotton

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 Calgene, Inc., seeking a determination of nonregulated status for cotton lines designated as BXN[®] with Bt cotton lines derived from transformation events 31807 and 31808 that have been genetically engineered for tolerance to the herbicide bromoxynil and for resistance to lepidopteran insect pests. 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 these cotton lines present a plant pest risk.

DATES: Written comments must be received on or before April 22, 1997.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 97-006-1, 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. 97-006-1. 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, BSS, PPQ, APHIS, Suite 5B05, 4700 River Road Unit 147, Riverdale, MD 20737-1236; (301) 734-7612. To obtain a copy of the petition, contact Ms. Kay Peterson at (301) 734-7612; e-mail: mkipeterson@aphis.usda.gov.

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 January 13, 1997, APHIS received a petition (APHIS Petition No. 97-013-01p) from Calgene, Inc., (Calgene) of Davis, CA, requesting a determination of nonregulated status under 7 CFR part 340 for bromoxynil-tolerant and lepidopteran insect-resistant cotton lines designated as BXN[®] with BT derived from transformation events 31807 and 31808 (events 31807 and 31808). The Calgene petition states that the subject cotton lines should not be regulated by APHIS because they do not present a plant pest risk.

As described in the petition, events 31807 and 31808 have been genetically engineered to express a nitrilase enzyme isolated from *Klebsiella pneumoniae* subsp. *ozaenae* which degrades the herbicide bromoxynil, and a CryIA(c) insect control protein originally derived from *Bacillus thuringiensis* subsp. *kurstaki* HD-73 (Bt). The subject cotton lines also contain the *np1II* gene which