

Transformation Event CBH-351 (event CBH-351), which has been genetically engineered for insect resistance and tolerance to the herbicide glufosinate. The AgrEvo petition states that the subject corn should not be regulated by APHIS because it does not present a plant pest risk.

As described in the petition, event CBH-351 corn has been genetically engineered to express a Cry9C insecticidal protein derived from the common soil bacterium, *Bacillus thuringiensis* subsp. *tolworthi* (*Bt tolworthi*). The petitioner states that the Cry9C protein is effective in controlling the larvae of the European corn borer during the complete growing season. The subject corn also contains the *bar* gene derived from the bacterium *Streptomyces hygroscopicus*. The *bar* gene encodes the phosphinothricin acetyltransferase (PAT) protein, which confers tolerance to the herbicide glufosinate. Expression of these added genes is controlled in part by gene sequences from the plant pathogens cauliflower mosaic virus and *Agrobacterium tumefaciens*. Microprojectile bombardment was used to transfer the added genes into the recipient inbred corn line (PA91 × H99) × H99. While the subject corn contains the *bla* selectable marker gene, which is normally expressed in bacteria, tests indicate that this gene is not expressed in the plant.

Event CBH-351 corn has been considered a regulated article under the regulations in 7 CFR part 340 because it contains gene sequences from plant pathogens. This corn has been field tested since 1995 in the United States under APHIS notifications. In the process of reviewing the notifications for field trials of the subject corn, APHIS determined that the vectors and other elements were disarmed and 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 genetically modified plants allow for a new use of an herbicide or involve a different use pattern for the herbicide, EPA must approve the new or different use. 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 EPA under the Federal Food, Drug and Cosmetic Act (FFDCA), as amended (21 U.S.C. 301, *et seq.*), and the Food and Drug Administration (FDA) enforces tolerances set by EPA under the FFDCA. A pesticide petition has been filed with EPA to establish a regulation for an exemption from the requirement of a tolerance for residues of *Bt tolworthi* Cry9C and the genetic material necessary for its production in or on all raw agricultural commodities.

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 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. The petitioner has begun consultation with FDA on the subject corn.

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 AgrEvo's insect resistant and glufosinate-tolerant corn event CBH-351 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 2.22, 2.80, and 371.2(c).

Done in Washington, DC, this 18th day of February 1998.

**Craig A. Reed,**

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

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## DEPARTMENT OF AGRICULTURE

### Rural Housing Service

### Rural Business-Cooperative Service

### Rural Utilities Service

### Farm Service Agency

### Notice of Request for Extension of a Currently Approved Information Collection

**AGENCIES:** Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, and Farm Service Agency, USDA.

**ACTION:** Proposed collection; comments request.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the above-named Agencies to request an extension for the currently approved information collection in support of the servicing of Community and Insured Business Programs Loans and Grants. **DATES:** Comments on this notice must be received by April 24, 1998 to be assured of consideration.

**FOR FURTHER INFORMATION CONTACT:** Sharon R. Douglas, Loan Specialist, Community Programs Division, Rural Housing Service, U.S. Department of Agriculture, Stop 3222, 1400 Independence Avenue SW., Washington, DC 20250-3222. Telephone (202) 720-1506.

**SUPPLEMENTARY INFORMATION:**

*Title:* 7 CFR 1951, subpart O, "Servicing Cases Where Unauthorized Loan or Other Financial Assistance Was Received—Community and Business Programs."

*OMB Number:* 0575-0103.

*Expiration Date of Approval:* March 31, 1998.

*Type of Request:* Extension of a currently approved information collection.

*Abstract:* The following Community and Insured Business, Indian Tribal Land Acquisition, Grazing, Association, Irrigation and Drainage, and Water and Waste Disposal programs are serviced by this currently approved regulation: The Community Facilities loan program is authorized by Section 306 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926) to make loans to public entities, nonprofit corporations, and Indian tribes for the development of community facilities for public use in rural areas.

The Economic Opportunity Act of 1964, Title 3 (Pub. L. 88-452), authorizes Economic Cooperative loans to assist incorporated and unincorporated associations in providing to low-income rural families essential processing, purchasing, or marketing services, supplies, or facilities.

The Water and Waste Disposal program is authorized by Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) to provide basic human amenities, alleviate health hazards, and promote the orderly growth of the rural areas of the Nation by meeting the need for new and improved water and waste disposal systems.

The Business and Industry program is authorized by Section 310 B (7 U.S.C. 1932) (Pub. L. 92-419, August 30, 1972) of the Consolidated Farm and Rural Development Act to improve, develop, or finance business, industry, and employment and to improve the economic and environmental climate in rural communities, including pollution abatement and control.

The Food Security Act of 1985, Section 1323 (Pub. L. 99-198), authorizes loan guarantees and grants to Nonprofit National Corporations to provide technical and financial assistance to for-profit or nonprofit local businesses in rural areas.

The Powerplant and Industrial Fuel Use Act of 1978, Section 601 (42 U.S.C. 8401), authorizes Energy Impact Assistance Grants to states, councils of local government, and local

governments to assist areas impacted by coal or uranium development activities. Assistance is for the purposes of growth management, housing planning, and acquiring and developing sites for housing and public facilities.

The Consolidated Farm and Rural Development Act, Section 310 B(c) (7 U.S.C. 1932 (c)), authorizes Rural Business Enterprise Grants to public bodies and nonprofit corporations to facilitate the development of private businesses in rural areas.

The Consolidated Farm and Rural Development Act, Section 310 B(f)(i) (7 U.S.C. 1932 (c)), authorizes Rural Technology and Cooperative Development Grants to nonprofit institutions for the purpose of enabling such institutions to establish and operate centers for rural technology or cooperative development.

The Indian Tribal Land Acquisition program is authorized under 25 U.S.C., 488, et seq. to make direct loans to Indian Tribes or tribal corporations within tribal reservations and Alaskan communities. The Consolidated Farm and Rural Development Act, as amended, also gives the authority for grazing, other irrigation and drainage projects, and association irrigation and drainage loans.

The purpose of the loan and grant servicing function for the above programs is to service cases where unauthorized assistance was received by a borrower or grantee for which there was not regulatory authorization or for which the recipient was not eligible. This assistance may be in the form of a loan or grant where the recipient did not meet the eligibility requirements set forth in program regulations or where the recipient qualified for assistance but interest subsidy benefit was erroneously granted and the loan was closed.

Supervision by the Agencies include, but is not limited to: review of financial data such as facts and written records to assist in the determination that the assistance received was unauthorized and the necessary account adjustments can be made. The borrower submits the information requested on Rural Development forms or on other forms, if desired. The information collected is evaluated by the local Rural Development or Farm Service Agency servicing office.

Information will be collected by the field offices from applicants and borrowers. Under the provisions of this regulation, the information collected will be primarily financial data.

Failure to collect information could result in improper servicing of these loans.

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average 0.86 hours per response.

*Respondents:* State, local or tribal Governments, Not-for-profit institutions.

*Estimated Number of Respondents:* 14.

*Estimated Number of Responses per Respondent:* 1.

*Estimated Total Annual Burden on Respondents:* 12 hours.

Copies of this information collection can be obtained from Tracy Gillin, Regulations and Paperwork Management Branch, (202) 690-1065.

*Comments:* Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the function of the Agencies, including whether the information will have practical utility; (b) the accuracy of the Agencies' estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Tracy Gillin, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, Rural Development, Stop 0743, 1400 Independence Avenue SW., Washington, DC 20250-0743. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: February 12, 1998.

**Eileen M. Fitzgerald,**

*Acting Administrator, Rural Housing Service.*

Dated: February 17, 1998.

**Wilber T. Peer,**

*Acting Administrator Business-Cooperative Rural Service.*

Dated: February 13, 1998.

**Wally Beyer,**

*Administrator, Rural Utilities Service.*

Dated: February 13, 1998.

**Bruce R. Weber,**

*Acting Administrator, Farm Service Agency.*

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