

# 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

### Animal and Plant Health Inspection Service

[Docket No. 98-126-2]

#### AgrEvo USA Co.; Availability of Determination of Nonregulated Status for Rice Genetically Engineered for Glufosinate Herbicide Tolerance

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

**SUMMARY:** We are advising the public of our determination that certain rice transformation events developed by AgrEvo USA Company, which have been genetically engineered for tolerance to the herbicide glufosinate, are no longer considered regulated articles under our regulations governing the introduction of certain genetically engineered organisms. Our determination is based on our evaluation of data submitted by AgrEvo USA Company in its petition for a determination of nonregulated status, our 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 AgrEvo USA Company's 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:** April 15, 1999.

**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 to facilitate entry into the reading room.

**FOR FURTHER INFORMATION CONTACT:** Dr. David Heron, Biotechnology and Biological Analysis, PPQ, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737-1236; (301) 734-5141. To obtain a copy of the determination or the environmental assessment and finding of no significant impact, contact Ms. Kay Peterson at (301) 734-4885; e-mail: kay.peterson@usda.gov.

#### SUPPLEMENTARY INFORMATION:

##### Background

On November 25, 1998, the Animal and Plant Health Inspection Service (APHIS) received a petition (APHIS Petition No. 98-329-01p) from AgrEvo USA Company (AgrEvo) of Wilmington, DE, seeking a determination that rice (*Oryza sativa* L.) designated as Liberty Link® Rice Transformation Events LLRICE06 and LLRICE62 (rice transformation events LLRICE06 and LLRICE62), which have been genetically engineered for tolerance to the herbicide glufosinate, do not present a plant pest risk and, therefore, are not regulated articles under APHIS' regulations in 7 CFR part 340.

On January 26, 1999, APHIS published a notice in the **Federal Register** (64 FR 3924-3925, Docket No. 98-126-1) announcing that the AgrEvo petition had been received and was available for public review. The notice also discussed the role of APHIS, the Environmental Protection Agency, and the Food and Drug Administration in regulating the subject rice transformation events and food products derived from them. In the notice, APHIS solicited written comments from the public as to whether rice transformation events LLRICE06 and LLRICE62 posed a plant pest risk. The comments were to have been received by APHIS on or before March 29, 1999. APHIS received four comments on the subject petition during the designated 60-day comment period from the following: a farmers rice cooperative; a State rice growers association; a State rice research board; and a State university rice research station. All of the comments were in support of the subject petition.

##### Analysis

Rice transformation events LLRICE06 and LLRICE62 have been genetically

engineered to contain a *bar* gene derived from *Streptomyces hygroscopicus* strain HP632. The *bar* gene encodes the enzyme phosphinothricin-N-acetyltransferase (PAT), which confers tolerance to the herbicide glufosinate. Expression of the *bar* gene is controlled by 35S promoter and terminator sequences derived from the plant pathogen cauliflower mosaic virus. The direct gene transfer method was used to transfer the added genes into the parental rice varieties M202 (LLRICE06) and Bengal (LLRICE62).

The subject rice transformation events have been considered regulated articles under APHIS' regulations in 7 CFR part 340 because they contain gene sequences derived from a plant pathogen. However, evaluation of field data reports from field tests of these rice transformation events conducted under APHIS notifications since 1997 indicates that there were no deleterious effects on plants, nontarget organisms, or the environment as a result of the environmental release of rice transformation events LLRICE06 and LLRICE62.

##### Determination

Based on its analysis of the data submitted by AgrEvo, and a review of other scientific data and field tests of the subject rice transformation events, APHIS has determined that rice transformation events LLRICE06 and LLRICE62: (1) Exhibit no plant pathogenic properties; (2) are no more likely to become weeds than rice varieties developed by traditional plant breeding; (3) are unlikely to increase the weediness potential for any other cultivated or wild species with which they can interbreed; (4) will not harm threatened or endangered species or organisms that are recognized as beneficial to agriculture; and (5) will not cause damage to raw or processed agricultural commodities. Therefore, APHIS has concluded that the subject rice transformation events and any progeny derived from hybrid crosses with other rice varieties will be as safe to grow as rice in traditional breeding programs that are not subject to regulation under 7 CFR part 340.

The effect of this determination is that AgrEvo's rice transformation events LLRICE06 and LLRICE62 are no longer considered regulated articles under APHIS' regulations in 7 CFR part 340.

Therefore, the requirements pertaining to regulated articles under those regulations no longer apply to the subject rice transformation events or their progeny. However, importation of the subject rice transformation events or seeds capable of propagation are 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), as amended (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). Based on that EA, APHIS has reached a finding of no significant impact (FONSI) with regard to its determination that AgrEvo's rice transformation events LLRICE06 and LLRICE62 and lines developed from them 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 20th day of April 1999.

**Craig A. Reed,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 99–10510 Filed 4–26–99; 8:45 am]

BILLING CODE 3410–34–P

#### DEPARTMENT OF AGRICULTURE

##### Grain Inspection, Packers and Stockyards Administration

##### Official Moisture Meter for Barley, Oats, Long and Medium Grain Rough Rice, Sorghum, and All Classes of Wheat

**AGENCY:** Grain Inspection, Packers and Stockyards Administration, USDA.

**ACTION:** Notice.

**SUMMARY:** The Grain Inspection, Packers and Stockyards Administration (GIPSA) is announcing that as of May 1, 1999, and thereafter, all official moisture content measurements of barley, oats, long and medium grain rough rice, sorghum, and all classes of wheat inspected under the United States Grain Standards Act will be made with the

Grain Analysis Computer Model 2100 (GAC 2100).

Official moisture content measurements of other grains and agricultural commodities that have not yet been given an official transition date will continue to be made with the Motomco Model 919 Moisture Meter until the changeover date for those grains is announced.

**EFFECTIVE DATE:** May 1, 1999.

#### FOR FURTHER INFORMATION CONTACT:

Steven N. Tanner, Director, Technical Services Division, GIPSA, USDA, 10383 N. Executive Hills Boulevard, Kansas City, Missouri 64153; telephone (816) 891–0401; fax (816) 891–0478.

**SUPPLEMENTARY INFORMATION:** The Grain Inspection, Packers and Stockyards Administration (GIPSA) announced the selection of the Grain Analysis Computer Model 2100 (GAC 2100), manufactured by Dickey-john Corporation, Auburn, Illinois, to replace the Motomco Model 919 Moisture Meter for official moisture content measurements in the **Federal Register** (63 FR 17356) on April 9, 1998. Implementation of the new instruments for official measurements of grains, oilseeds, and processed commodities will continue to be phased in, product by product. For any given product, all official moisture measurements will be performed using the Motomco Model 919 until the transition date for that product; the GAC 2100 will be used exclusively thereafter. Transition dates for each product are being selected to minimize the impact of the changes on the value of carry-over stocks and will be announced by GIPSA through a Notice in the **Federal Register** prior to the transition.

The transition date for barley, oats, long and medium grain rough rice, sorghum, and all classes of wheat is May 1, 1999. The GAC 2100 will be used for all official moisture determinations on these grains after April 30, 1999. Official calibrations for the GAC 2100 to be used with these grains are provided in GIPSA Directive 9180.61, dated May 1, 1999.

The transition date for corn, soybeans, and oil-type sunflower seeds was August 1, 1998. Transition dates for other grains and commodities will be announced in the future.

GIPSA's decision to use the GAC 2100 for official moisture measurements does not mean that the Agency endorses or recommends this instrument for unofficial purposes over other similar instruments that are not approved for the official system. The Agency's selection of this instrument was based on GIPSA's unique operational needs.

Other instrument models may be as suitable or more suitable for a commercial entity's needs.

**Authority:** Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*); and Secs. 202–208, 60 Stat. 1087, as amended (7 U.S.C. 1621 *et seq.*).

Dated: April 20, 1999.

**David R. Shipman,**

*Acting Administrator, Grain Inspection, Packers and Stockyards Administration.*

[FR Doc. 99–10393 Filed 4–26–99; 8:45 am]

BILLING CODE 3410–EN–P

#### ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

##### Meeting

**AGENCY:** Architectural and Transportation Barriers Compliance Board.

**ACTION:** Notice of meeting.

**SUMMARY:** The Architectural and Transportation Barriers Compliance Board (Access Board) has scheduled its regular business meetings to take place in Washington, DC on Tuesday and Wednesday, May 11–12, 1999, at the times and location noted below.

**DATES:** The schedule of events is as follows:

*Tuesday, May 11, 1999*

1:30 p.m.–3:30 p.m.—Technical Programs Committee

3:30 p.m.–5:00 p.m.—Planning and Budget Committee

*Wednesday, May 12, 1999*

9:00 a.m.–Noon—Committee of the Whole Meeting on Rulemaking Plan (Closed Meeting)

2:00 p.m.–4:00 p.m.—Board Meeting

**ADDRESSES:** The Technical Programs Committee, Planning and Budget Committee, and Committee of the Whole Meeting on Rulemaking Plan will be held at the Marriott at Metro Center, 775 12th Street, NW, Washington, DC. The Board meeting will be held at the Grand Hyatt Washington, 1000 H Street, NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** For further information regarding the meetings, please contact Lawrence W. Roffee, Executive Director, (202) 272–5434, ext. 14 (voice) and (202) 272–5449 (TTY).

**SUPPLEMENTARY INFORMATION:** At the Board meeting, the Access Board will consider the following agenda items.

##### Open Meeting

- Executive Director's Report