

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. 95-041-2]

Availability of Determination of Nonregulated Status for Genetically Engineered Corn

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our determination that the Monsanto Company's corn line designated as MON 80100 that has been genetically engineered for insect resistance is no longer considered a regulated article under our regulations governing the introduction of certain genetically engineered organisms. Our determination is based on our evaluation of data submitted by the Monsanto Company in its petition for a determination of nonregulated status, an 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 Monsanto Company 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: August 22, 1995.

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.

FOR FURTHER INFORMATION CONTACT: Dr. Ved Malik, Biotechnologist, Biotechnology Permits, BBEP, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737-1237; (301) 734-7612. To obtain a copy of the determination or the environmental assessment and finding of no significant impact, contact Ms. Kay Peterson at (301) 734-7612.

SUPPLEMENTARY INFORMATION:

Background

On April 3, 1995, the Animal and Plant Health Inspection Service (APHIS) received a petition (APHIS Petition No. 95-093-01p) from the Monsanto Company (Monsanto) of St. Louis, MO, seeking a determination that corn designated as MON 80100 that has been genetically engineered for insect resistance does not present a plant pest risk and, therefore, is not a regulated article under APHIS' regulations in 7 CFR part 340.

On June 7, 1995, APHIS published a notice in the **Federal Register** (60 FR 30061-30062, Docket No. 95-041-1) announcing that the Monsanto petition had been received and was available for public review. The notice also discussed the role of APHIS, the Environmental Protection Agency (EPA), and the Food and Drug Administration in regulating the subject corn line and food products derived from it. In the notice, APHIS solicited written comments from the public as to whether corn line MON 80100 posed a plant pest risk. The comments were to have been received by APHIS on or before August 7, 1995.

APHIS received nine comments on the Monsanto petition, from farmers, industry, universities, a growers association, and a State department of agriculture. All the commenters expressed support for the subject petition.

Analysis

Monsanto's corn line MON 80100 has been genetically engineered to express a CryCIA(b) insect control protein derived from the common soil bacterium *Bacillus thuringiensis* subsp. *kurstaki* (*Btk*). *Btk* proteins are effective against certain lepidopteran insects, including European corn borer (ECB), a major corn pest. Results of field tests conducted by Monsanto under permits and notifications granted by APHIS and under an experimental use permit obtained from EPA indicate that corn

plants producing the CryCIA(b) protein were protected throughout the growing season from leaf and stalk feeding damage caused by ECB. In addition to expressing the CryCIA(b) protein, the plants also express the selectable marker enzyme 5-enolpyruvylshikimate-3-phosphate synthase (CP4 EPSPS). The *cryIA(b)* gene and the CP4 EPSPS marker gene were introduced into the subject corn line by a particle acceleration method and their expression is under the control of the enhanced 35S promoter derived from the plant pathogen cauliflower mosaic virus.

The subject corn line has been considered a regulated article under APHIS' regulations in 7 CFR part 340 because it contains certain gene sequences derived from plant-pathogenic sources. However, evaluation of field data reports from field tests of corn line MON 80100 conducted since 1992 indicates that there were no deleterious effects on plants, nontarget organisms, or the environment as a result of the subject corn plants' release into the environment.

Determination

Based on its analysis of the data submitted by Monsanto and a review of other scientific data, comments received from the public, and field tests of the subject corn, APHIS has determined that corn line MON 80100: (1) Exhibits no plant pathogenic properties; (2) is no more likely to become a weed than lepidopteran-insect-resistant corn developed through traditional breeding techniques; (3) is unlikely to increase the weediness potential of any other cultivated plant or native wild species with which it can interbreed; (4) should not cause damage to raw or processed agricultural commodities; (5) is unlikely to harm organisms beneficial to the agricultural ecosystem; and (6) when cultivated, should not reduce the ability to control insects in corn and other crops. APHIS has also concluded that there is a reasonable certainty that new varieties developed from corn line MON 80100 will not exhibit new plant pest properties, i.e., properties substantially different from any observed in the field tested corn line MON 80100, or those observed in corn in traditional breeding programs.

The effect of this determination is that an insect-resistant corn line designated as MON 80100 is no longer considered a regulated article under APHIS' regulations in 7 CFR part 340. Therefore, the notification requirements pertaining to regulated articles under those regulations no longer apply to the field testing, importation, or interstate movement of corn line MON 80100 or its progeny. However, the importation of the subject corn line or seed capable of propagation is 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) (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; 60 FR 6000-6005). Based on that EA, APHIS has reached a finding of no significant impact (FONSI) with regard to its determination that the subject corn line and lines developed from it 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 28th day of August 1995.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-21847 Filed 9-1-95; 8:45 am]

BILLING CODE 3410-34-P

Cooperative State Research, Education, and Extension Service

National Sustainable Agriculture Advisory Council; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Cooperative State Research, Education, and Extension Service announces the following meeting:

Name: National Sustainable Agriculture Advisory Council.

Date: September 25-26, 1995.

Time: 8:30 am to 4:30 pm, Sept. 25, 8:30 am to 2 pm Sept. 26.

Place: Governor's House Hotel, Rhode Island Ave., 17th St., NW., Washington, DC.

Type of Meeting: Open to public.

Comments: The public may file written comments before or after the meeting with the contact person listed below. A specific time for public comments will be scheduled for the afternoon of September 25, 1995.

Purpose: To serve as an annual meeting for the National Sustainable Agriculture Advisory Council, and to advise the Secretary of Agriculture with respect to initiatives and priorities related to sustainable agriculture.

Contact Person for Agenda and More Information: Dr. Robert Myers, Director, Office of Sustainable Agriculture Programs, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, South Building, Room 3863, 14th & Independence Ave., SW., Washington, DC 20250, Telephone 202-720-5623.

Done at Washington, DC this 25th day of August, 1995.

Alma Hobbs,

Acting Administrator, Cooperative State Research, Education, and Extension Service.

[FR Doc. 95-21850 Filed 9-1-95; 8:45 am]

BILLING CODE 3410-22-M

Grain Inspection, Packers and Stockyards Administration

Designation for the Louisiana and North Carolina Areas

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA).

ACTION: Notice.

SUMMARY: GIPSA announces the designation of Louisiana Department of Agriculture and Forestry (Louisiana) and North Carolina Department of Agriculture (North Carolina) to provide official services under the United States Grain Standards Act, as amended (Act).

EFFECTIVE DATE: October 1, 1995.

ADDRESSES: Janet M. Hart, Chief, Review Branch, Compliance Division, GIPSA, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090-6454.

FOR FURTHER INFORMATION CONTACT: Janet M. Hart, telephone 202-720-8525.

SUPPLEMENTARY INFORMATION:

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the March 31, 1995, **Federal Register** (60 FR 16602), GIPSA asked persons interested in providing official services in the geographic areas assigned to Louisiana and North Carolina to submit an application for

designation. Applications were due by May 1, 1995. There were three applicants: Louisiana and North Carolina each applied for designation to provide official services in the entire areas currently assigned to them; Saybolt-South Texas Inspection Service, Inc., main office located in Galena Park, Texas, applied for the entire Louisiana area.

GIPSA requested comments on the applicants in the June 1, 1995, **Federal Register** (60 FR 28571). Comments were due by June 30, 1995. GIPSA received no comments by the deadline.

GIPSA evaluated all available information regarding the designation criteria in Section 7(f)(l)(A) of the Act; and according to Section 7(f)(l)(B), determined that Louisiana is better able to provide official services in the geographic area for which they applied, and North Carolina is able to provide official services in the geographic area for which they applied. Effective October 1, 1995, and ending September 30, 1998, Louisiana is designated to provide official inspection and Class X and Class Y weighing services, and North Carolina is designated to provide official inspection services in the geographic areas specified in the March 31, 1995, **Federal Register**.

Interested persons may obtain official services by contacting Louisiana at 318-487-5088 and North Carolina at 919-733-4491.

Authority: Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: August 25, 1995

Neil E. Porter

Director, Compliance Division

[FR Doc. 95-21855 Filed 9-1-95; 8:45 am]

BILLING CODE 3410-EN-F

Opportunity for Designation in the Grand Forks (ND) Area

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA).

ACTION: Notice.

SUMMARY: Grand Forks Grain Inspection, Inc. (Grand Forks), asked that their designation be terminated on December 31, 1995, due to a change in ownership and the dissolution of the company. GIPSA is asking persons interested in providing official services in the specified geographic area to submit an application for designation.

DATES: Applications must be postmarked or sent by telecopier (FAX) on or before September 11, 1995.

ADDRESSES: Applications must be submitted to Janet M. Hart, Chief, Review Branch, Compliance Division,