

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

Agricultural Research Service

Notice of Intent to Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Science, intends to grant to Union Camp Corporation of Wayne, New Jersey, an exclusive license for all uses in the field of tree seedling coatings to U.S. Patent Application Serial No. 08/233,173 filed April 26, 1994, "Non-Separable Starch-Oil Compositions." Notice of Availability was published in the Federal Register on October 24, 1994.

DATES: Comments must be received on or before November 27, 1995.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, Room 401, Building 005, BARC-West, Baltimore Boulevard, Beltsville, Maryland 20705-2350.

FOR FURTHER INFORMATION CONTACT: June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301-504-5989.

SUPPLEMENTARY INFORMATION: The Federal Government's patents 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 Union Camp Corporation 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 sixty 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.

[FR Doc. 95-26532 Filed 10-25-95; 8:45 am]

BILLING CODE 3410-03-M

Animal and Plant Health Inspection Service

[Docket No. 95-075-1]

Dupont Agricultural Products; Receipt of Petition for Determination of Nonregulated Status for Cotton Genetically Engineered for Tolerance to Sulfonylurea Herbicides

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 Dupont Agricultural Products seeking a determination of nonregulated status for a cotton line designated as 19-51a that has been genetically engineered for tolerance to sulfonylurea herbicides. 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 this cotton line presents a plant pest risk.

DATES: Written comments must be received on or before December 26, 1995.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 95-075-1, 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. 95-075-1. 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. Sivramiah Shantharam, Team Leader, Biotechnology Permits, BBEP, APHIS, Suite 5B05, 4700 River Road Unit 147, Riverdale, MD 20737-1237; (301) 734-7612. To obtain a copy of the petition, contact Ms. Kay Peterson at (301) 734-7612.

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 September 13, 1995, APHIS received a petition (APHIS Petition No. 95-256-01p) from Dupont Agricultural Products (Dupont) of Wilmington, DE, requesting a determination of nonregulated status under 7 CFR part 340 for a sulfonylurea-tolerant cotton line designated as 19-51a. The Dupont petition states that the subject cotton line should not be regulated by APHIS because it does not present a plant pest risk.

As described in the petition, cotton line 19-51a has been genetically engineered with a gene from tobacco which encodes an altered acetolactate synthase enzyme that enhances tolerance to sulfonylurea herbicides. The subject cotton line was developed through the use of the *Agrobacterium tumefaciens* transformation system.

Dupont's cotton line 19-51a is currently considered a regulated article under the regulations in 7 CFR part 340 because it contains gene sequences derived from the plant pathogen *A.*

tumefaciens. The subject cotton line has been evaluated in field trials conducted since 1991 under APHIS permits or notifications. In the process of reviewing the applications for field trials of the subject cotton, 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.

This genetically engineered cotton line is also currently subject to regulation by other agencies. 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. Plants that have been genetically modified for tolerance or resistance to herbicides are not regulated under the FIFRA because the plants themselves are not considered pesticides.

In cases in which the genetically modified plants allow for a new use of an herbicide or involve a different use pattern for the herbicide, the EPA must approve the new or different use. In conducting such an approval, the EPA considers the possibility of adverse effects to human health and the environment from the use of this herbicide. 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 the EPA under the Federal Food, Drug and Cosmetic Act (FFDCA) (21 U.S.C. 201 *et seq.*), and the Food and Drug Administration (FDA) enforces tolerances set by the EPA under the FFDCA.

The 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 the 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.

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 Dupont's cotton line 19-51a 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 2.17, 2.51, and 371.2(c).

Done in Washington, DC, this 20th day of October 1995.

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-26616 Filed 10-25-95; 8:45 am]

BILLING CODE 3410-34-P

Food Safety and Inspection Service

[Docket No. 95-047N]

Food Safety Forum

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of meeting and invitation to file comments.

SUMMARY: The Secretary of Agriculture will hold a Food Safety Forum on November 8, 1995, in Washington, DC. The Forum will focus on food safety reform issues beyond the specific issues addressed in FSIS' February 3, 1995, Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems proposed rule. FSIS seeks suggested topics for the Food Safety Forum agenda. Those unable to attend the Food Safety Forum are encouraged to provide written comments on food safety reform issues.

DATES: The Forum will be held on November 8, 1995 from 9 a.m. to 4 p.m.

ADDRESSES: The Forum will be convened at the U.S. Department of Agriculture, 14th and Independence Avenue, Back of the South Building Cafeteria (between the 2nd and 3rd wings).

Suggested topics should be submitted by November 1, 1995. Written comments on food safety reform should be submitted in triplicate by November 13, 1995. Send suggested topics and written comments to the FSIS Docket Clerk, DOCKET 95-047N, Room 4352, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Danner, Director, Planning Office, Policy Evaluation and Planning Staff, FSIS, USDA, Room 6904, Franklin Court, Washington, DC 20250, (202) 501-7138. Persons who wish to attend the Forum should contact Ms. Lisa Parks at (202) 501-7138; fax (202) 501-7642.

SUPPLEMENTARY INFORMATION: Secretary of Agriculture Dan Glickman is holding a Food Safety Forum on November 8, 1995, in Washington, DC. The purpose of the Forum is to foster discussion among all interested parties concerning improvement of the Department of Agriculture's meat and poultry inspection programs. The Forum is intended to address food safety reform issues beyond the specific issues addressed in FSIS' Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems proposal. However, a transcript of the Food Safety Forum discussions will be made part of that rulemaking record.

Food Safety Forum agenda topics include: (1) Whether legislative changes to the Federal meat and poultry inspection acts are needed; (2) how USDA can best improve food safety through FSIS organizational change, regulatory reform, reliance on user fees,