

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 October 17, 1996, APHIS received a petition (APHIS Petition No. 96-291-01p) from the Dekalb Genetics Corporation (Dekalb) of Mystic, CT, requesting a determination of nonregulated status under 7 CFR part 340 for an insect-resistant corn line designated as DBT418. The Dekalb petition states that the subject corn line should not be regulated by APHIS because it does not present a plant pest risk.

As described in the petition, corn line DBT418 has been genetically engineered to express a CryIA(c) insect control protein derived from the common soil bacterium *Bacillus thuringiensis* subsp. *kurstaki* (Bt). The petitioner states that the Bt delta-endotoxin protein is expressed at an effective level in plant tissue in the subject corn line and is effective in controlling the European corn borer throughout the growing season. Corn line DBT418 also expresses the *bar* gene isolated from *Streptomyces hygroscopicus* that encodes a phosphinothricin acetyltransferase (PAT) enzyme, which, when introduced into a plant cell, inactivates glufosinate, also known as phosphinothricin, the active ingredient in the herbicides Basta®, Rely®, Finale®, and Liberty®. The *cryIA(c)* and *bar* genes were introduced into the subject corn line by microprojectile bombardment and their expression is controlled in part by gene sequences derived from the plant pathogens cauliflower mosaic virus and *Agrobacterium tumefaciens*.

Dekalb's corn line DBT418 is currently considered a regulated article under the regulations in 7 CFR part 340 because it contains gene sequences derived from plant pathogenic sources. The subject corn line has been evaluated in field trials conducted since 1993 under APHIS notifications. In the process of reviewing the applications 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 insecticides, be registered prior to distribution or sale, unless exempt by EPA regulation. Accordingly, Dekalb has submitted to the EPA an application to register insect-resistant corn containing the plant pesticide active ingredient Bt CryIA(c) delta-endotoxin and the genetic material necessary for its production in corn. 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. Dekalb has also submitted pesticide petitions to the EPA for exemptions from tolerance requirements for residues of the Bt CryIA(c) delta-endotoxin active ingredient and the PAT enzyme inert ingredient in corn.

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 Dekalb's corn line DBT418 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 21st day of November 1996.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96-30319 Filed 11-26-96; 8:45 am]

BILLING CODE 3410-34-P

Forest Service

Intergovernmental Advisory Committee Subcommittee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Intergovernmental Advisory Committee will meet on December 5, 1996, at the Red Lion Hotel, Columbia River, 1401 N. Hayden Island Drive, Portland, Oregon 97217. The meeting will begin at 9:00 a.m. and continue until 4:30 p.m. Agenda items to be discussed include, but are not limited to: (1) implementation monitoring, (2) adaptive management areas, and (3) recommendations on the Joint Planning Team proposal. The IAC meeting will be open to the public and is fully accessible for people with disabilities. Interpreters are available upon request in advance. Written comments may be submitted for the record at the meeting. Time will also be scheduled for oral public comments. Interested persons are encouraged to attend.

FOR FURTHER INFORMATION CONTACT:

Questions regarding this meeting may be directed to Don Knowles, Executive Director, Regional Ecosystem Office, 333 SW 1st Avenue, P.O. Box 3623, Portland, OR 97208 (Phone: 503-326-6265).

Dated: November 21, 1996.

Donald R. Knowles,

Designated Federal Official.

[FR Doc. 96-30273 Filed 11-26-96; 8:45 am]

BILLING CODE 3410-11-M