

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 99-013-1]

Availability of Environmental Assessments and Findings of No Significant Impact

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that two environmental assessments and findings of no significant impact have been prepared by the Animal and Plant Health Inspection Service relative to the issuance of permits to allow the field testing of genetically engineered organisms. The environmental assessments provide a basis for our conclusion that the field testing of the genetically engineered organisms will not present a risk of introducing or disseminating a plant pest and will not have a significant impact on the quality of the human environment. Based on its findings of no significant impact, the Animal and Plant Health Inspection Service has determined that environmental impact statements need not be prepared.

ADDRESSES: Copies of the environmental assessments and findings of no

significant impact are available for public inspection 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 requested to call ahead on (202) 690-2817 to facilitate entry into the reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Arnold Foudin, Assistant Director, Scientific Services, PPQ, APHIS, Suite 5B05, 4700 River Road Unit 147, Riverdale, MD 20737-1237; (301) 734-7710. For copies of the environmental assessments and findings of no significant impact, contact Ms. Linda Lightle at (301) 734-8231; e-mail: Linda.Lightle@usda.gov. Please refer to the permit numbers listed below when ordering documents.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340 (referred to below as the regulations) regulate the introduction (importation, interstate movement, and release into the environment) of genetically engineered organisms and products that are plant pests or that there is reason to believe are plant pests (regulated articles). A permit must be obtained or a notification acknowledged before a regulated article may be introduced into the United States. The regulations set

forth the permit application requirements and the notification procedures for the importation, interstate movement, and release into the environment of a regulated article.

In the course of reviewing each permit application, the Animal and Plant Health Inspection Service (APHIS) assessed the impact on the environment that releasing the organisms under the conditions described in the permit applications would have. APHIS has issued permits for the field testing of the organisms listed below after concluding that the organisms will not present a risk of plant pest introduction or dissemination and will not have a significant impact on the quality of the human environment. The environmental assessments and findings of no significant impact, which are based on data submitted by the applicants and on a review of other relevant literature, provide the public with documentation of APHIS' review and analysis of the environmental impacts associated with conducting the field tests.

Environmental assessments and findings of no significant impact have been prepared by APHIS relative to the issuance of permits to allow the field testing of the following genetically engineered organisms:

Permit No.	Permittee	Date issued	Organisms	Field test location
98-274-02r	Monsanto Company	2-03-99	Corn plants genetically engineered to express a novel protein of pharmaceutical interests..	Florida, Texas
98-274-01r	Monsanto Company	2-04-99	Corn plants genetically engineered to express a novel protein of pharmaceutical interests..	Hawaii

The environmental assessments and findings of no significant impact have been 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).

Done in Washington, DC, this 3rd day of March 1999.

Joan M. Arnoldi,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99-5782 Filed 3-8-99; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 98-067-2]

Monsanto Co.; Availability of Determination of Nonregulated Status for Potato Genetically Engineered for Insect and Virus Resistance

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our determination that certain potato lines developed by Monsanto Company, which have been genetically engineered for resistance to the Colorado potato beetle and potato virus Y, 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 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'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: February 25, 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 requested to call before visiting on (202) 690-2817 to facilitate entry into the reading room.

FOR FURTHER INFORMATION CONTACT: Dr. David Heron, Biotechnology and Biological Analysis, PPQ, APHIS, Suite 5B05, 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 December 5, 1997, the Animal and Plant Health Inspection Service (APHIS) received a petition (APHIS Petition No. 97-339-01p) from Monsanto Company (Monsanto) of St. Louis, MO, seeking a determination that four NewLeaf® Y potato lines, which have been genetically engineered for resistance to the Colorado potato beetle (CPB) and potato virus Y (PVY) do not present a plant pest risk and, therefore, are not regulated articles under APHIS' regulations in 7 CFR part 340. Subsequently, Monsanto requested that one of the four NewLeaf® Y potato lines, Hilite line HLMT15-46, be withdrawn from consideration in the subject petition.

On July 20, 1998, APHIS published a notice in the **Federal Register** (63 FR 38805-38806, Docket No. 98-067-1) 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, and the Food and Drug Administration in regulating the subject potato lines and food products derived from them. In the notice, APHIS solicited written comments from the public as to whether these potato lines posed a plant pest risk. The comments were to have been received by APHIS on or before September 18, 1998. During the designated 60-day comment period, APHIS received 6 comments from potato growers and State and national trade associations. All of the comments were in support of the subject petition.

The subject three NewLeaf® Y potato lines include one line of Russet Burbank (RBMT15-101) and two lines of Shepody (SEMT15-02 and SEMT15-15). These three potato lines have been genetically engineered to contain the *cry3A* gene derived from *Bacillus thuringiensis* subsp. *tenebrionis* (BTT), which encodes a protein that is insecticidal to CPB, and the PVY coat protein gene (*PVYcp*), which imparts

resistance to PVY. In addition to the *cry3A* gene and the *PVYcp* gene, the subject potato lines contain and express the *nptII* gene, which is used as a selectable marker in the early stages of plant selection. While the two Shepody lines (SEMT15-02 and SEMT15-15) also contain the *aad* marker gene, tests indicate that this gene is not expressed in the potato plants. The subject potato lines were developed through use of the *Agrobacterium tumefaciens* transformation method, and expression of the added genes is controlled in part by gene sequences derived from the plant pathogens *A. tumefaciens* and figwort mosaic virus.

Russet Burbank potato line RBMT15-101 and Shepody potato lines SEMT15-02 and SEMT15-15 have been considered regulated articles under APHIS' regulations in 7 CFR part 340 because they contain gene sequences derived from plant pathogens. These potato lines have been evaluated in field trials conducted since 1993 under APHIS notifications. In reviewing the notifications, APHIS determined that these field trials, which were conducted under reproductive and physical containment, would not present a risk of plant pest introduction or dissemination.

Determination

Based on its analysis of the data submitted by Monsanto, a review of other scientific data and field tests of the subject potato lines, and an analysis of comments from the public on the subject petition, APHIS has determined that Russet Burbank potato line RBMT15-101 and Shepody potato lines SEMT15-02 and SEMT15-15: (1) Exhibit no plant pathogenic properties and will not pose an increased plant pest risk from the appearance of new plant viruses; (2) are no more likely to become weeds than pest-resistant potato lines 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 other organisms, such as bees, that are beneficial to agriculture; and (5) will not cause damage to raw or processed agricultural commodities. Therefore, APHIS has concluded that the subject potato lines and any progeny derived from crosses with other potato varieties will be as safe to grow as potatoes that are not subject to regulation under 7 CFR part 340.

The effect of this determination is that Monsanto's Russet Burbank potato line RBMT15-101 and Shepody potato lines SEMT15-02 and SEMT15-15 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 field testing, importation, or interstate movement of the subject potato lines or their progeny. However, importation of Russet Burbank potato line RBMT15-101 and Shepody potato lines SEMT15-02 and SEMT15-15 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 Monsanto's Russet Burbank potato line RBMT15-101 and Shepody potato lines SEMT15-02 and SEMT15-15 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 3rd day of March, 1999.

Joan M. Arnoldi,

Acting Administrator, Animal and Plant Health Inspection Service.

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DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Uruguay Round Agricultural Safeguard Trigger Levels

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice of product coverage and trigger levels for safeguard measures provided for in the Uruguay Round Agreement on Agriculture.

SUMMARY: This notice lists the updated quantity trigger levels for products