

Notices

Federal Register

Vol. 61, No. 19

Monday, January 29, 1996

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. 95-067-2]

Northrup King Co.; Availability of Determination of Nonregulated Status for Corn Line Genetically Engineered for Insect Resistance

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our determination that a corn line developed by the Northrup King Company designated as Bt11 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 Northrup King 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 Northrup King 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: January 18, 1996.

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. Subhash Gupta, 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 July 14, 1995, the Animal and Plant Health Inspection Service (APHIS) received a petition (APHIS Petition No. 95-195-01p) from the Northrup King Company (Northrup King) of Golden Valley, MN, seeking a determination that a corn line designated as Bt11 that has been genetically engineered for resistance to the European corn borer (ECB) does not present a plant pest risk and, therefore, is not a regulated article under APHIS' regulations in 7 CFR part 340.

On September 7, 1995, APHIS published a notice in the Federal Register (60 FR 46573-46574, Docket No. 95-067-1) announcing that the Northrup King 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 corn line and food products derived from it. In the notice, APHIS solicited written comments from the public as to whether the subject corn line posed a plant pest risk. The comments were to have been received by APHIS on or before November 6, 1995.

APHIS received a total of 106 comments on the subject petition during the designated 60-day comment period from seed companies, individuals, farmers and farm seed dealers, agricultural products companies, State departments of agriculture, an agricultural council, a growers association, and a university. All of the comments were favorable to the petition.

Analysis

Corn line Bt11 has been genetically engineered to contain the *cryIA(b)* gene from *Bacillus thuringiensis* subsp. *kurstaki* (Btk), which expresses a delta-

endotoxin insecticidal protein known to be effective against certain lepidopteran insects, including ECB. Corn line Bt11 also contains the *pat* gene isolated from *Streptomyces viridochromogenes* that encodes a selectable marker, the phosphinothricin-N-acetyltransferase (PAT) enzyme. When introduced into the plant cell, the PAT enzyme can inactivate glufosinate herbicides. Expression of the introduced genes is controlled by the 35S promoter derived from the plant pathogen cauliflower mosaic virus and a NOS terminator derived from the nopaline synthase gene of *Agrobacterium tumefaciens*.

Corn line Bt11 has been considered a regulated article under APHIS' regulations in 7 CFR part 340 because it contains regulatory gene sequences derived from plant pathogens. However, evaluation of field data reports from field tests of the subject corn line conducted under APHIS permits or notifications 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 Northrup King and a review of other scientific data, comments received, and field tests of the subject corn line, APHIS has determined that corn line Bt11: (1) Exhibits no plant pathogenic properties; (2) is no more likely to become a weed than corn developed by traditional breeding techniques; (3) is unlikely to increase the weediness potential for any other cultivated or wild species with which it can interbreed; (4) should not cause damage to raw or processed agricultural commodities; (5) will not harm other organisms, including agriculturally beneficial organisms and threatened and endangered species; and (6) should not reduce the ability to control insects in corn and other crops. Therefore, APHIS has concluded that corn line Bt11 and any progeny derived from hybrid crosses with other nontransformed corn varieties will be just as safe to grow as traditionally bred corn lines that are not regulated under 7 CFR part 340.

The effect of this determination is that a corn line designated as Bt11 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 Bt11 or its progeny. However, the importation of the subject corn line or seeds 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, February 1, 1995). Based on that EA, APHIS has reached a finding of no significant impact (FONSI) with regard to its determination that corn line Bt11 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 22nd day of January 1996.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–1507 Filed 1–26–96; 8:45 am]

BILLING CODE 3410–34–P

Farm Service Agency

National Conservation Review Group; Meeting

AGENCY: Farm Service Agency.

ACTION: Notice of meeting.

SUMMARY: The National Conservation Review Group will meet to consider recommendations from State and County Conservation Review Groups with respect to the operational features of the Agricultural Conservation Program (ACP), the Conservation Reserve Program (CRP), and the Emergency Conservation Program (ECP). Comments and suggestions will be received prior to the NCRG meeting concerning the ACP, CRP, and ECP

administered by the Farm Service Agency (FSA).

DATES: The meeting is scheduled for February 29, 1996.

ADDRESSES: The meeting will be held at United States Department of Agriculture (USDA), South Building, room 5066, at 14th and Independence Avenue, SW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Cheryl Zavodny, FSA, USDA, P.O. Box 2415, room 4768, South Building, Washington, DC, 20013–2415, telephone 202–720–7333.

SUPPLEMENTARY INFORMATION: The National Conservation Review Group meeting will be held from 9 a.m. to 3 p.m. on February 29, 1996, at the USDA South Building, room 5066, 14th and Independence Avenue, SW, Washington, DC. Meeting sessions will be open to the public.

The agenda will include consideration of State and County Conservation Review Group recommendations for changes in the administrative procedures and policy guidelines of the ACP, CRP, and ECP. An opportunity will be provided for the public to present comments at the meeting on these conservation and environmental programs administered by FSA.

Because of time constraints and anticipated participation from interested individuals and groups, comments will be limited to not more than 5 minutes. Individuals or groups interested in making recommendations may also make them in writing and submit them by February 15, 1996, to Cheryl Zavodny, FSA, USDA, P.O. Box 2415, room 4768–S, Washington, DC 20013–2415. The meeting may also include discussion of current procedures, criteria, and guidelines relevant to the implementation of these programs.

Because of limited space, persons desiring to attend the meeting should call Cheryl Zavodny at 202–720–7333 to make reservations.

Signed at Washington, DC, on January 22, 1996.

Grant Buntrock,

Administrator, Farm Service Agency.

[FR Doc. 96–1480 Filed 1–26–96; 8:45 am]

BILLING CODE 3410–05–P

Food Safety and Inspection Service

[Docket No. 95–053N]

Nutritional Labeling/Safe Handling Information Study, Raw Meat and Poultry; Availability

AGENCY: Food and Safety and Inspection Service, USDA.

ACTION: Notice of availability of report.

SUMMARY: The Food Safety and Inspection Service (FSIS) is announcing the availability of the report, "Nutritional Labeling/Safe Handling Information Study, Raw Meat and Poultry." This report summarizes survey data on actions taken by food retailers to provide consumers with nutrition information and safe handling instructions on raw meat and poultry products.

DATES: Comments may be submitted at any time.

ADDRESSES: Submit written comments and requests for single copies of the report to: Charles R. Edwards, Director, Product Assessment Division, Regulatory Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, Docket #95–053N. Send a self-addressed, adhesive mailing label to assist the office in processing requests for copies.

FOR FURTHER INFORMATION CONTACT: Charles R. Edwards, Director, Product Assessment Division, Regulatory Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 254–2565.

SUPPLEMENTARY INFORMATION: On January 6, 1993, FSIS published a final rule, "Nutrition Labeling of Meat and Poultry Products," (58 FR 632) that, in part, established a voluntary nutrition labeling program for single-ingredient, raw meat and poultry products.

To determine if significant numbers of food retailers were participating in the voluntary nutrition labeling program and were providing nutrition labeling for single-ingredient, raw meat and poultry products, FSIS contracted with National Retail Tracking Index, Inc. (NRTI) to collect this data. The survey showed that of the nearly 2,000 grocery stores surveyed nationwide, 66.5 percent were providing nutrition information in accordance with the voluntary nutrition labeling program guidelines. When the results are weighted by the stores' annual sales volumes, the participation level rose to 72.2 percent, comfortably exceeding the target goal of 60 percent.

FSIS will continue to assess retailer participation in the program every two years. If significant participation by food retailers exists, that is, at least 60 percent of all stores that are evaluated are participating in accordance with the guidelines, the voluntary nutrition labeling program will remain in effect.

On March 28, 1994 (59 FR 14528), FSIS made safety handling instructions mandatory on the labels of all raw meat