

Notices

Federal Register

Vol. 62, No. 68

Wednesday, April 9, 1997

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. 96-079-2]

Dekalb Genetics Corp.; 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 Dekalb Genetics Corporation's corn line designated as DBT418 that has been genetically engineered for lepidopteran 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 Dekalb Genetics Corporation 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 Dekalb Genetics Corporation'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: March 28, 1997.

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, BSS, PPQ, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737-1236; (301) 734-8761. 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: mkpeterson@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

On October 17, 1996, the Animal and Plant Health Inspection Service (APHIS) received a petition (APHIS Petition No. 96-291-01p) from the Dekalb Genetics Corporation (Dekalb) of Mystic, CT, seeking a determination that a corn line designated as DBT418 that has been genetically engineered for lepidopteran 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 November 27, 1996, APHIS published a notice in the **Federal Register** (61 FR 60257-60258, Docket No. 96-079-1) announcing that the Dekalb 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 this corn line posed a plant pest risk. The comments were to have been received by APHIS on or before January 27, 1997. During the designated 60-day comment period, APHIS received one comment on the subject petition from a university. The comment was favorable to the petition.

Analysis

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 effective in controlling the European corn borer throughout the growing season. The subject corn line also expresses the *bar* gene derived from *Streptomyces hygroscopicus* that encodes the enzyme

phosphinothricin-N-acetyltransferase (PAT), which, when introduced into the plant cell, confers tolerance to the herbicide glufosinate. The microprojectile bombardment method was used to transfer the added genes into the parental corn line, and their expression is controlled in part by gene sequences from the plant pathogens *Agrobacterium tumefaciens* and cauliflower mosaic virus (CaMV).

The subject corn line has been considered a regulated article under APHIS' regulations in 7 CFR part 340 because it contains gene sequences derived from plant pathogens. However, evaluation of field data reports from field tests of the corn line conducted under APHIS notifications since 1993 indicates that there were no deleterious effects on plants, nontarget organisms, or the environment as a result of the environmental release of corn line DBT418.

Determination

Based on its analysis of the data submitted by Dekalb and a review of other scientific data, comment received, and field tests of the subject corn line, APHIS has determined that corn line DBT418: (1) Exhibits no plant pathogenic properties; (2) is no more likely to become a weed than insect resistant corn lines 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) will not cause damage to raw or processed agricultural commodities; (5) will not harm threatened or endangered species or other organisms, such as bees, that are beneficial to agriculture; and (6) should not reduce the ability to control insects in corn or other crops when cultivated. Therefore, APHIS has concluded that the subject corn line and any progeny derived from hybrid crosses with other nontransformed corn varieties will be as safe to grow as corn in traditional breeding programs that are not subject to regulation under 7 CFR part 340.

The effect of this determination is that Dekalb's corn line DBT418 is no longer considered a regulated article 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 corn line or its progeny. However, importation of corn line DBT418 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, as amended (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). Based on that EA, APHIS has reached a finding of no significant impact (FONSI) with regard to its determination that Dekalb's corn line DBT418 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 3rd day of April 1997.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97–9066 Filed 4–8–97; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Rural Business–Cooperative Service

Rural Utilities Service

Farm Service Agency

Notice of Request for Information Collection

AGENCY: The Rural Housing Service, Rural Business–Cooperative Service, Rural Utilities Service and Farm Service Agency, USDA.

ACTION: Proposed collection; comments request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Housing Service's (RHS) intention to reinstate the information collection procedures in support of the Multi-Family Housing Supervised Bank Account regulatory requirements.

DATES: Comments on this notice must be received on or before [insert date 60 days after date of publication in the **Federal Register**] to be assured of consideration.

FOR FURTHER INFORMATION CONTACT:

James E. Vollmer, Senior Loan Specialist, Multi-Family Housing Portfolio Management Division, RHS, Stop 0782, U.S. Department of Agriculture, 1400 Independence Avenue SW, Washington, DC 20250–0782, Telephone (202) 720–1060.

SUPPLEMENTARY INFORMATION:

Title: 1902–A, Supervised Bank Accounts.

OMB Number: 0575–0158.

Type of Request: Reinstate information collection.

Abstract: The Rural Housing Service (RHS) is a credit agency for Rural Development. The RHS is an Agency of the U.S. Department of Agriculture (USDA). As a creditor of last resort the Agency extends financial assistance in support of housing for rural residents.

This regulation prescribes the policies and responsibilities for the use of supervised accounts. In carrying out its mission as a supervised credit Agency, this regulation authorizes the use of supervised accounts for the disbursement of funds. The use may be necessitated to disburse Government funds consistent with the various stages of any development (construction) work actually achieved. On limited occasions a supervised account is used to provide temporary credit counseling and oversight to those being assisted who demonstrate an inability to handle their financial affairs responsibly. Another use is for depositing multi-housing reserve account funds in a manner requiring Agency co-signature for withdrawals. Multi-housing reserve account funds are held in a sinking fund for the future capital improvements needs for apartment projects. Supervised accounts are established to ensure Government security is adequately protected against fraud, waste, and abuse.

The legislative authority for requiring the use of supervised accounts is contained in Section 339 of the Consolidated Farm and Rural Development Act (CON ACT), as amended (7 U.S.C. 1989), and Section 510 of the Housing Act of 1949 (Housing Act), as amended (42 U.S.C. 1480). These provisions authorize the Secretary of Agriculture to make such rules and regulations as deemed necessary to carry out the responsibilities and duties the Government is charged with administering.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.42 hours per response.

Respondents: The primary respondents are small business organizations.

Estimated Number of Responses Per Respondent: 2.48.

Estimated Total Annual Burden on Respondents: 26,260 hours.

Copies of this information collection can be obtained from Johnnie Anderson, Regulations and Paperwork Management Division, at (202) 720–9735.

Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Johnnie Anderson, Regulations and Paperwork Management Division, Stop 0743, U.S. Department of Agriculture, 1400 Independence Avenue SW, Washington, DC 20250–0743. All responses to this notice will be summarized and included in any request for OMB approval. All comments will also become a matter of public record.

Dated: March 12, 1997.

Jan E. Shadburn,

Acting Administrator, Rural Housing Service.

Dayton J. Watkins,

Administrator, Rural Business–Cooperative Service.

Dated: March 24, 1997.

Wally B. Beyer,

Administrator, Rural Utilities Service.

Dated: March 27, 1997.

Grant Buntrock,

Administrator, Farm Service Agency.

[FR Doc. 97–8994 Filed 4–8–97; 8:45 am]

BILLING CODE 3410–XV–U