

mechanical, and other collection technologies, e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.5 hours per response.

Respondents: Growers/appliers of pesticides, State Department of Agriculture personnel.

Estimated annual number of respondents: 15.

Estimated annual number of responses per respondent: 20.

Estimated annual number of responses: 300.

Estimated total annual burden on respondents: 150 hours. (Due to rounding, the total annual burden hours may not equal the product of the annual number of responses multiplied by the average reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 2nd day of February 1998.

Craig A. Reed,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98-3047 Filed 2-5-98; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 97-130-1]

AgrEvo USA Co.; Receipt of Petition for Determination of Nonregulated Status for Sugar Beet Genetically Engineered for Glufosinate Herbicide Tolerance

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 AgrEvo USA Company seeking a determination of nonregulated status for sugar beet designated as Transformation Event T120-7, which has been genetically engineered for tolerance to the herbicide glufosinate. 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 sugar beet presents a plant pest risk.

DATES: Written comments must be received on or before April 7, 1998.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 97-130-1, 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. 97-130-1. 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 to facilitate entry into the reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Ved Malik, Biotechnology and Biological Analysis, PPQ, APHIS, Suite 5B05, 4700 River Road Unit 147, Riverdale, MD 20737-1236; (301) 734-7612. To obtain a copy of the petition, contact Ms. Kay Peterson at (301) 734-4885; e-mail: mkpeterson@aphis.usda.gov.

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 December 2, 1997, APHIS received a petition (APHIS Petition No. 97-336-01p) from AgrEvo USA Company (AgrEvo) of Wilmington, DE, requesting a determination of nonregulated status under 7 CFR part 340 for sugar beet (*Beta vulgaris* L.) designated as Transformation Event T120-7 (event T120-7), which has been genetically engineered for tolerance to the herbicide

glufosinate. The AgrEvo petition states that the subject sugar beet should not be regulated by APHIS because it does not present a plant pest risk.

As described in the petition, event T120-7 sugar beet has been genetically engineered to contain a synthetic version of the *pat* gene derived from *Streptomyces viridochromogenes*. The *pat* gene encodes the enzyme phosphinothricin acetyltransferase (PAT), which confers tolerance to the herbicide glufosinate. Expression of the *pat* gene is controlled by 35S promoter and terminator sequences derived from the plant pathogen cauliflower mosaic virus. Event T120-7 sugar beet also contains the *aph(3')II* or *nptII* marker gene used in plant transformation. Expression of the *nptII* gene is controlled by gene sequences derived from the plant pathogen *Agrobacterium tumefaciens*, and analysis indicates that the NPTII protein is expressed in certain parts of the subject plants. The *A. tumefaciens* method was used to transfer the added genes into the parental sugar beet line.

Event T120-7 sugar beet has been considered a regulated article under the regulations in 7 CFR part 340 because it contains gene sequences from plant pathogens. The subject sugar beet has been field tested in the U.S. since 1994 under APHIS permits. In the process of reviewing the permit applications for field trials of this sugar beet, 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 herbicides, be registered prior to distribution or sale, unless exempt by EPA regulation. In cases in which genetically modified plants allow for a new use of an herbicide or involve a different use pattern for the herbicide, EPA must approve the new or different use. Accordingly, a submission has been made to EPA for registration of the herbicide glufosinate for use on sugar beet. 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 EPA under the Federal Food, Drug and Cosmetic Act (FFDCA), as amended (21 U.S.C. 301 *et seq.*), and the Food and Drug Administration (FDA) enforces tolerances set by EPA under the FFDCA.

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 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. AgrEvo has begun consultation with FDA on the subject sugar beet.

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

AgrEvo's event T120-7 sugar beet 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 2nd day of February 1998.

Craig A. Reed,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98-3048 Filed 2-5-98; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Forest Service

Young'n Timber Sales, Willamette National Forest, Lane County, OR

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The USDA, Forest Service, will prepare an environmental impact statement (EIS) on a Proposed Action to harvest and regenerate timber, and thin young stands created by past regeneration harvest. This EIS was triggered during an environmental analysis (EA) which discovered a potential for significant impacts as defined under NEPA 1508.27. The proposed action also calls for the construction, reconstruction, decommissioning of roads, restoration of degraded stream channels, improvement of big game forage, and other habitat restoration projects within the Middle Fork drainage of the Willamette River watershed. The planning area is bisected by the Middle Fork of the Willamette River. The west side of the planning area is bounded by Forest Road 5850, Forest Road 2125 forms the south boundary, and Snow Creek forms the north boundary. On the east side of the planning area, Warner Mountain, Logger Butte, and Joe's Prairie border the east and north side of the planning area, and the Young's Rock Trail borders the southern end of the planning area. The area is approximately 57 air miles southeast of the City of Eugene and 12 air miles south of the City of Oakridge. The Forest Service proposal will be in compliance with the 1990 Willamette National Forest Land and Resource Management Plan as amended by the 1994 Northwest Forest Plan, which provides the overall guidance for management of this area. These proposals are tentatively planned for implementation in fiscal years 1999-2001.

The Willamette National Forest invites written comments and suggestions on the scope of the analysis in addition to those comments already received as a result of local public participation activities. The agency will also give notice of the full environmental analysis and decision-making process so that interested and affected people are made aware as to how they may participate and contribute to the final decision.

DATES: Comments concerning the scope and implementation of the analysis should be received in writing by March 1, 1998.

ADDRESSES: Send written comments and suggestions concerning the management of this area to Rick Scott, District Ranger, Rigdon Ranger District, Willamette National Forest, P.O. Box 1410, Oakridge, Oregon 97463.

FOR FURTHER INFORMATION CONTACT:

Direct questions about the proposed action and the scope of analysis to Kristie Miller, Planning Resource Management Assistant or John Agar, Project Coordinator, Rigdon Ranger District, phone 541-782-2283.

SUPPLEMENTARY INFORMATION: The Young'n Planning area is entirely within the Middle Fork of the Willamette River watershed. A Watershed Analysis was completed for the Middle Fork of the Willamette River in August, 1995, titled; the Middle Fork Willamette River Downstream Tributaries Watershed Analysis Report.

The purpose of this project is to harvest timber in a manner that implements the Forest Plan management objectives and Watershed Analysis recommendations.

The proposal includes harvesting timber in four to five separate timber sales, over the next three years. Up to four sales would involve regeneration harvest and one sale would involve commercial thinning. Both thinning and regeneration harvest timber sale proposals would involve road construction, reconstruction, and decommissioning. This analysis will evaluate a range of alternatives addressing the Forest Service proposals to harvest approximately 20.5 million board feet; approximately 1.1 million board feet would be generated from thinning some 218 acres of young managed stands created by past clearcut harvest, and approximately 19.4 million board feet would be generated by regeneration harvest on approximately 580 acres. All the above proposed harvest would require a total of 2.7 miles of temporary road construction and 40 miles of road reconstruction.