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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.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Proposed Nationwide Agreement Regarding the Protection of Historic Properties During Federal Agency Emergency Response Under the National Contingency Plan

AGENCIES: Advisory Council on Historic Preservation (ACHP); United States Coast Guard; United States Environmental Protection Agency; Department of the Interior; Department of Agriculture; Department of Commerce, National Oceanic and Atmospheric Administration; Department of Defense; and Department of Energy.

ACTION: Notice of intent to execute a nationwide programmatic agreement on protection of historic properties during emergency removal of oil and hazardous material releases.

SUMMARY: Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470f) requires Federal agencies to consider the effects of their undertakings on historic properties and to provide the ACHP a reasonable opportunity to comment on Federal agency decisions and actions that may affect historic properties. Historic properties include districts, sites, structures, buildings, and objects included in or eligible for inclusion in the National Register of Historic Places. Implementing regulations for the NHPA, at 36 CFR Part 800, provide specific procedures for compliance with Section 106 which are not well suited to emergency situations.

The proposed Programmatic Agreement (PA) has been developed pursuant to 36 CFR 800.13 among the ACHP, the National Conference of State Historic Preservation Officers (NCSHPO), and Federal agencies that are members of the National Response Team. The purpose of the PA is to provide those participating Federal

agencies with uniform procedures for consideration of historic properties during emergency response actions and to demonstrate the ACHP's endorsement of such procedures. The proposed PA provides a process for ensuring appropriate consideration of historic properties during emergency response actions and planning activities under the NCP, recognizing that the Federal On-Scene Coordinator (OSC) may have to make emergency response decisions that adversely affect historic properties. The PA includes provisions for Federal agencies to consult with the interested public, including Indian tribal/Hawaiian Native organizations, in pre-incident planning and prior to emergency response actions that may adversely affect historic properties. Upon signature, compliance with the PA will be deemed to constitute compliance with Section 106 of the NHPA.

Public comments on the proposed agreement should be provided within 45 days from the date of publication of this notice. Interested members of the public may provide comments to, or obtain additional information regarding this PA, from Carol Gleichman, Advisory Council on Historic Preservation, Office of Planning and Review—West, 12136 W. Bayaud Ave., Suite 330, Lakewood, CO 80228; (303) 969-5110.

Dated: November 21, 1996.
John M. Fowler,
Acting Executive Director.
[FR Doc. 96-30274 Filed 11-26-96; 8:45 am]
BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 96-079-1]

Dekalb Genetics Corp.; Receipt of Petition for Determination of Nonregulated Status for Genetically Engineered Corn

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 the Dekalb Genetics Corporation seeking a determination of

nonregulated status for a corn line designated as DBT418 that has been genetically engineered for insect resistance. 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 corn line presents a plant pest risk.

DATES: Written comments must be received on or before January 27, 1997.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 96-079-1, 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. 96-079-1. 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.

FOR FURTHER INFORMATION CONTACT: Dr. Subhash Gupta, Biotechnologist, BSS, 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) 734-7612; e-mail: mkipeterson@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 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