

Notices

Federal Register

Vol. 64, No. 23

Thursday, February 4, 1999

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. 98-089-2]

Monsanto Co.; Availability of Determination of Nonregulated Status for Canola Genetically Engineered for Glyphosate Herbicide Tolerance

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our determination that the Monsanto Company's canola line designated as RT73, which has been genetically engineered for tolerance to the herbicide glyphosate, 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 Monsanto Company in its petition for a determination of nonregulated status and an analysis of other scientific data. 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 27, 1999.

ADDRESSES: The determination, an environmental assessment and finding of no significant impact, and 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 to facilitate entry into the reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Subhash Gupta, Biotechnology and Biological Analysis, PPQ, APHIS, 4700

River Road Unit 133, 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: Kay.Peterson@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

On August 4, 1998, the Animal and Plant Health Inspection Service (APHIS) received a petition (APHIS Petition No. 98-216-01p) from Monsanto Company (Monsanto) of St. Louis, MO, seeking a determination that a canola (*Brassica napus* L.) line designated as Roundup Ready® canola line RT73 (canola line RT73), which has been genetically engineered for tolerance to the herbicide glyphosate, does not present a plant pest risk and, therefore, is not a regulated article under APHIS' regulations in 7 CFR part 340.

On October 16, 1998, APHIS published a notice in the **Federal Register** (63 FR 55573-55574, Docket No. 98-089-1) 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 canola and food products derived from it. In the notice, APHIS solicited written comments from the public as to whether this canola line posed a plant pest risk. The comments were to have been received by APHIS on or before December 15, 1998. APHIS received no comments on the subject petition during the designated 60-day comment period.

Analysis

Canola line RT73 has been genetically engineered to contain a CP4 EPSPS gene derived from *Agrobacterium* sp. strain CP4, and a modified *goxv247* gene derived from *Ochrobactrum anthropi* strain LBAA. The CP4 EPSPS gene encodes a 5-enolpyruvyl-shikimate-3-phosphate synthase (CP4 EPSPS) protein, and the *goxv247* gene encodes a glyphosate oxidoreductase (GOXv247) protein. The CP4 EPSPS and GOXv247 proteins confer tolerance to the herbicide glyphosate. Expression of the added genes is controlled in part by gene sequences derived from the plant pathogen figwort mosaic virus, and the *Agrobacterium tumefaciens* method was

used to transfer the added genes into the parental canola Westar variety plants.

The subject canola 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 this canola conducted under APHIS permits and notifications since 1995 indicates that there were no deleterious effects on plants, nontarget organisms, or the environment as a result of the environmental release of canola line RT73.

Determination

Based on its analysis of the data submitted by Monsanto, and a review of other scientific data and field tests of the subject canola, APHIS has determined that canola line RT73: (1) Exhibits no plant pathogenic properties; (2) is no more likely to become a weed than canola 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; and (5) will not harm threatened or endangered species or other organisms, such as bees, that are beneficial to agriculture. Therefore, APHIS has concluded that the subject canola and any progeny derived from hybrid crosses with other nontransformed canola varieties will be as safe to grow as canola in traditional breeding programs that are not subject to regulation under 7 CFR part 340.

The effect of this determination is that Monsanto's canola line RT73 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 subject canola or its progeny. However, importation of canola line RT73 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 canola line RT73 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 29th day of January 1999.

Thomas E. Walton,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–2656 Filed 2–3–99; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 99–003N]

Notice of Public Meeting on *Listeria monocytogenes*

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: The Food Safety and Inspection Service (FSIS) is holding a public meeting on *Listeria monocytogenes*. Current industry and government procedures will be discussed such as sampling programs, monitoring programs, and recall procedures. FSIS anticipates using the information gathered at this meeting as a vehicle for developing a short- and long-term strategy for research, regulation, education, and enforcement regarding *Listeria monocytogenes*.

DATES: The meeting will be held February 10, 1999, from 9:00 a.m. to 5:00 p.m. Written comments must be received by March 8, 1999.

ADDRESSES: The meeting will be held at the Arlington Hilton—Ballston, 950 N. Stafford Street, Arlington, VA 22203, telephone number is 703–528–6000. To register for the meeting and to schedule a presentation, contact Jennifer Callahan by telephone at (202) 501–7136 or by FAX at (202) 501–7642. If a sign language interpreter or other special accommodation is necessary, contact Jennifer Callahan at the above number.

Submit one original and two copies of written comments to: FSIS Docket Clerk,

Docket #99–003N, Room 102 Cotton Annex, 300 12th Street, SW, Washington, DC 20250–3700. All comments received in response to this notice will be considered part of the public record and will be available for viewing in the FSIS Docket Room between 8:30 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Judith Riggins, Associate Deputy Administrator, Office of Policy, Program Development and Evaluation by telephone at (202) 720–2709 or by Fax at (202) 720–2025.

SUPPLEMENTARY INFORMATION:

USDA believes the current nationwide listeriosis outbreaks associated with meat and poultry products, as unfortunate as they are, present an opportunity to strengthen control efforts from farm to table and to reduce the risk of human illness. In addition to coordinating with the Center for Disease Control (CDC) and the states to trace the chain of events that led to illness, FSIS is reviewing regulatory, enforcement, and educational strategies for reducing the number of foodborne illnesses associated with *Listeria monocytogenes*. FSIS is reexamining its consumer education materials, particularly those for “at risk” audiences, as well as its strategy for distributing these materials. FSIS will coordinate education and information activities with CDC and the Food and Drug Administration by means of the Partnership for Food Safety.

In light of these concerns and initiatives, FSIS will hold a public meeting on February 10, 1999. The following issues are to be discussed at the meeting:

- Protocols for sampling ready-to-eat product, recall procedures established by industry and FSIS, and the status of the FSIS sampling programs for ready-to-eat products;
- The public health implications of *Listeria monocytogenes*;
- The use of sell-by and pull-by dates on meat and poultry labels, how they are determined, and whether the factors considered in determining them adequately reflect the possibility of *Listeria monocytogenes* grow out;
- Steps industry may take to address this pathogen; and
- Education initiatives, including special materials for “at risk” audiences, FSIS and industry information dissemination procedures, consumer discussion about understanding of sell-by and pull-by dates on labels, and briefings on FoodNet, PulseNet, and DNA “fingerprinting.”

Done at Washington, DC, on February 1, 1999.

Thomas J. Billy,
Administrator.

[FR Doc. 99–2644 Filed 2–1–99; 1:34 pm]

BILLING CODE 3410–DM–M

AMERICAN BATTLE MONUMENTS COMMISSION

Performance Review Board Appointments

AGENCY: American Battle Monuments Commission.

ACTION: Notice of performance review board appointments.

SUMMARY: This notice provides the names of individuals who have been appointed to serve as members of the American Battle Monuments Commission Performance Review Board. The publication of these appointments is required by Section 405(a) of the Civil Service Reform Act of 1978 (Pub. L. 95–454, 5 U.S.C. 4314(c)(4)).

DATES: These appointments are effective as of 1 February 1999.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Colonel Theodore Gloukhoff, Director of Personnel and Administration, American Battle Monuments Commission, Courthouse Plaza II, Suite 500, 2300 Clarendon Boulevard, Arlington, Virginia 22201, Telephone Number: (703) 696–6908.

American Battle Monuments Commission SES Performance Review Board—1999/2000

Donald Leverenz, Assistant Director, Research and Development, U.S. Army Corps of Engineers
John P. D'Aniello, P.E., Deputy Director of Civil Works, U.S. Army Corps of Engineers
William A. Brown, Sr., Deputy Director of Military Programs, U.S. Army Corps of Engineers

Theodore Gloukhoff,

Director, Personnel and Administration.

[FR Doc. 99–2653 Filed 2–3–99; 8:45 am]

BILLING CODE 6120–01–U

COMMISSION ON CIVIL RIGHTS

Sunshine Act Meeting

AGENCY: U.S. Commission on Civil Rights.

DATE AND TIME: Friday, February 12, 1999, 9:30 a.m.

PLACE: U.S. Commission on Civil Rights, 624 Ninth Street, N.W., Room 540, Washington, DC 20425.