

Notices

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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.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 95-011-2]

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 corn developed by AgrEvo USA Company designated as Glufosinate Resistant Corn Transformation Events T14 and T25 that has been genetically engineered for tolerance to the herbicide glufosinate 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 AgrEvo USA 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 AgrEvo USA Company 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: June 22, 1995.

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. David Heron, 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 December 23, 1994, the Animal and Plant Health Inspection Service (APHIS) received a petition (APHIS Petition No. 94-357-01p) from AgrEvo USA Company (AgrEvo) of Wilmington, DE, seeking a determination that corn designated as Glufosinate Resistant Corn (GRC) Transformation Events T14 and T25 (GRC Events T14 and T25) that has been genetically engineered for tolerance to the herbicide glufosinate does not present a plant pest risk and, therefore, is not a regulated article under APHIS' regulations in 7 CFR part 340.

On February 27, 1995, APHIS published a notice in the **Federal Register** (60 FR 10537-10538, Docket No. 95-011-1) announcing that the AgrEvo 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 and food products derived from it. In the notice, APHIS solicited written comments from the public as to whether the subject corn posed a plant pest risk. The comments were to have been received by APHIS on or before April 28, 1995.

APHIS received nine comments on the AgrEvo petition. Comments were received from associations, universities, seed companies, and a State department of agriculture. All the commenters supported the AgrEvo petition for nonregulated status for the subject corn.

Analysis

GRC Events T14 and T25 contain a gene that encodes the enzyme phosphinothricin-N-acetyltransferase (PAT). The PAT enzyme catalyzes the conversion of L-phosphinothricin, the active ingredient in glufosinate-ammonium, to an inactive form, thereby conferring resistance to herbicides in

the phosphinothricin class. The *pat* gene in GRC Events T14 and T25 is a synthetic version of the gene isolated from the bacterium *Streptomyces viridochromogenes*. Expression of the *pat* gene is regulated by the 35S promoter and the 35S terminator derived from the plant pathogen cauliflower mosaic virus. The subject corn has been considered a regulated article under APHIS' regulations in 7 CFR part 340 because it contains certain gene sequences derived from a plant pathogen. However, evaluation of field data reports from field tests of the subject corn conducted under APHIS permits or notifications since 1992 indicate 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 AgrEvo and a review of other scientific data, comments received from the public, and field tests of the subject corn, APHIS has determined that GRC Events T14 and T25: (1) Exhibit no plant pathogenic properties; (2) are no more likely to become weeds than other corn developed by traditional breeding techniques; (3) are unlikely to increase the weediness potential for any other cultivated or wild species with which they can interbreed; (4) will not harm other organisms, such as bees, that are beneficial to agriculture; and (5) should not cause damage to processed agricultural commodities. APHIS has also concluded that there is no reason to believe that new progeny corn varieties derived from GRC Events T14 and T25 will exhibit new plant pest properties, i.e., properties substantially different from any observed for the GRC Events T14 and T25 already field tested or those observed for corn in traditional breeding programs.

The effect of this determination is that corn designated as GRC Events T14 and T25 is no longer considered a regulated article under APHIS' regulations in 7 CFR part 340. Therefore, the permit and notification requirements pertaining to regulated articles under those regulations no longer apply to the field testing, importation, or interstate movement of GRC Events T14 and T25 or their progeny. However, the importation of the subject corn or seeds