

terminators) derived from plant pathogenic sources. In cotton growing locations throughout the United States, cotton line 531 was evaluated under 5 APHIS permits issued between 1991 and 1993, and cotton lines 757 and 1076 were tested under 6 APHIS permits or notifications in 1993 and 1994. After reviewing Monsanto's permit applications for field trials of cotton lines 531, 757, and 1076, 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.

These genetically engineered cotton lines are also currently subject to regulation by other agencies. The 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, Monsanto has submitted to EPA an application for a conditional registration for a transgenic plant pesticide containing the new active ingredient Btk delta endotoxin protein as produced by the cryIA(c) gene and its controlling sequences. On September 29, 1994, EPA announced receipt of this application (EPA File Symbol 524-UT1) in the **Federal Register** (59 FR 49663, OPP-30373; FRL-4913-5).

Under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), pesticides added to raw agricultural commodities generally are considered to be unsafe unless a tolerance or exemption from tolerance has been established. Foods containing unsafe

pesticides are deemed to be adulterated. Residue tolerances for pesticides are established by EPA under the Federal Food, Drug, and Cosmetic Act; the Food and Drug Administration (FDA) enforces the tolerances set by the EPA. Monsanto has also submitted to the EPA a pesticide petition (PP 4F4331) proposing to amend 40 CFR part 180 to establish a tolerance exemption for residues of the plant pesticide active ingredient Btk delta endotoxin protein as produced by the cryIA(c) gene and its controlling sequences. On September 14, 1994, EPA announced receipt of this petition in the **Federal Register** (59 FR 47136-47137, PF-605; FRL-4904-7). Consistent with the "Coordinated Framework for Regulation of Biotechnology" (51 FR 23302-23350, June 26, 1986), APHIS and the EPA are coordinating their reviews of these genetically engineered cotton lines to avoid duplication and assure that all relevant issues are addressed.

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 authority for ensuring food safety under the Federal Food, Drug, and Cosmetic Act, 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 Monsanto's genetically engineered cotton lines 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 2.17, 2.51, and 371.2(c).

Done in Washington, DC, this 3rd day of February 1995.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

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[Docket 94-119-3]

Boll Weevil Control Program; Change of Public Hearing Site

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 changed the location and time of one of two public hearings scheduled to be held regarding an environmental assessment and preliminary finding of no significant impact for a proposed program to eradicate the boll weevil in the Lower Rio Grande Valley, Texas. The hearings were announced in a notice published in the **Federal Register** on January 30, 1995. We have changed the site and time of the second hearing in response to requests from the public.

DATES: Two public hearings will be held on February 16, 1995, in Weslaco, TX; one from 1 p.m. to 5:30 p.m., the other from 7:30 p.m. to 10:30 p.m. Pre-hearing registration for oral participation at a hearing may be made by mail (postmarked on or before February 8, 1995), or at the hearing site on the date of the hearings, beginning one hour prior to each hearing.

ADDRESSES: The first public hearing (1 p.m. to 5:30 p.m.) will be held in the Hoblitzelle Auditorium, Texas Agriculture Experiment Station, 2415 East Highway 83, Weslaco, TX. The second public hearing (7:30 p.m. to 10:30 p.m.) will be held at the Best Western Palm Air Motor Inn, 415 South International Boulevard (Highway 1015), Weslaco, TX. Registration for oral participation at either hearing may be mailed to Vicki Wickheiser, Environmental Analysis and Documentation, BBEP, APHIS, USDA, Room 543, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Vicki Wickheiser at the address listed above or by telephone at (301) 436-8963.

SUPPLEMENTARY INFORMATION: On January 30, 1995, the Animal and Plant Health Inspection Service published in the **Federal Register** (60 FR 5617-5618, Docket No. 94-119-2) a notice that, in part, announced that two public