

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. 98-041-2]

Secretary's Advisory Committee on Foreign Animal and Poultry Diseases

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of intent.

SUMMARY: We are giving notice that the Secretary of Agriculture intends to reestablish the Secretary's Advisory Committee on Foreign Animal and Poultry Diseases for a 2-year period. The Secretary of Agriculture has determined that the Committee is necessary and in the public interest.

FOR FURTHER INFORMATION CONTACT: Dr. Joe Anelli, Chief Staff Veterinarian, Emergency Programs, Veterinary Services, APHIS, 4700 River Road Unit 41, Riverdale, MD 20737-1231, (301) 734-8073.

SUPPLEMENTARY INFORMATION: The purpose of the Secretary's Advisory Committee on Foreign Animal and Poultry Diseases is to advise the Secretary of Agriculture regarding program operations and measures to suppress, control, or eradicate an outbreak of foot-and-mouth disease, or other destructive foreign animal or poultry diseases, in the event these diseases should enter the United States. The Committee also advises the Secretary of Agriculture of means to prevent these diseases.

Done in Washington, DC, this 9th day of October 1998.

Reba Pittman Evans,

Acting Deputy Assistant Secretary for Administration.

[FR Doc. 98-27827 Filed 10-15-98; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 98-089-1]

Monsanto Co.; Receipt of Petition for 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 that the Animal and Plant Health Inspection Service has received a petition from Monsanto Company seeking a determination of nonregulated status for a canola line designated as RT73, which has been genetically engineered for tolerance to the herbicide glyphosate. 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 canola line presents a plant pest risk.

DATES: Written comments must be received on or before December 15, 1998.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 98-089-1, 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. 98-089-1. 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. Subhash Gupta, Biotechnology and Biological Analysis, PPQ, APHIS, Suite 4C46, 4700 River Road Unit 133, Riverdale, MD 20737-1236; (301) 734-8761. To obtain a copy of the petition, contact Ms. Kay Peterson at (301) 734-4885; e-mail: Kay.Peterson@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 August 4, 1998, APHIS received a petition (APHIS Petition No. 98-216-01p) from Monsanto Company (Monsanto) of St. Louis, MO, (Monsanto) requesting a determination of nonregulated status under 7 CFR part 340 for a canola (*Brassica napus* L.) line designated as RT73, which has been genetically engineered for tolerance to the herbicide glyphosate. The Monsanto petition states that the subject canola line should not be regulated by APHIS because it does not present a plant pest risk.

As described in the petition, canola line RT73 has been genetically engineered to express a CP4 EPSPS gene derived from *Agrobacterium* sp. strain CP4, and a *gox* gene derived from *Ochrobactrum anthropi* strain LBAA. The CP4 EPSPS gene encodes a 5-enolpyruvylshikimate-3-phosphate synthase (EPSPS) protein, and the *gox* gene encodes a glyphosate oxidoreductase (GOX) protein. The EPSPS and GOX proteins confer tolerance to the herbicide glyphosate. The *Agrobacterium tumefaciens* method was used to transfer the added genes into the parental canola Westar variety plants, and expression of the added genes is controlled in part by gene sequences derived from the plant pathogen figwort mosaic virus.

Canola line RT73 has been considered a regulated article under the regulations in 7 CFR part 340 because it contains gene sequences from plant pathogens. The subject canola line has been field tested since 1996 under APHIS permits. In the process of reviewing the permit applications for field trials of this canola line, 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 glyphosate for use on canola. 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. Monsanto has completed consultation with FDA on the subject canola line.

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 the Monsanto RT73 canola line 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 9th day of October 1998.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98-27828 Filed 10-15-98; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Forest Service

Discovery Basin Ski Area Expansion, Philipsburg Ranger District, Beaverhead-Deerlodge National Forest, Granite County, Montana

AGENCY: Forest Service, USDA.

ACTION: Notice; intent to prepare environmental impact statement.

SUMMARY: A private consulting firm, Land & Water Consulting, Inc.,

Missoula, Montana, and the Forest Service will prepare an environmental impact statement (EIS) to document the analysis and disclose the environmental impacts of the proposed action to expand the Discovery Basin Ski Area. The project area is located approximately 6 miles southeast of Philipsburg, Montana, primarily in the Summer Gulch and Echo Lake headwaters area.

The proposed expansion of the ski area would implement Phase III of the Discovery Basin Master Plan dated May 1988. A Special Use Permit will be required for the proposed action, which would authorize additional development, construction, and operation of ski area facilities on National Forest Systems lands. The Phase III expansion includes approximately 106 acres of cleared ski runs (6), 2.8 miles of new road, 2 acres of new parking, a restaurant on the top of Rumsey Mountain, expanded snowmaking capacity, and 9,400 feet of new chair lifts (2 lifts). Approximately 1,500 vertical feet of skiing would be added on the north side of Rumsey Mountain, serviced by a new chair lift. The other chair lift would be installed parallel to the existing on the south side of Rumsey Mountain in order to increase uphill skier capacity and reduce lift lines. New access roads would service the new lift station in Summer Gulch.

DATES: Initial comments concerning the scope of the analysis should be received in writing no later than November 27, 1998.

ADDRESSES: Send written comments to Deborah L.R. Austin, Forest Supervisor, c/o Bob Gilman, District Ranger, Philipsburg Ranger District, P.O. Box 805, Philipsburg, Montana 95858.

FOR FURTHER INFORMATION CONTACT: Ed Casey, Interdisciplinary Team Leader or Bill Sprauer, Recreation Specialist, Philipsburg Ranger District, P.O. Box 805, Philipsburg, MT, 59858, or phone: (406) 859-3211.

SUPPLEMENTARY INFORMATION: To accommodate the additional skiers anticipated with the new restaurant on top of Rumsey Mountain would include approximately 3,000 square feet of indoor space and 1,000 square feet of outdoor deck area. A septic system would be installed to serve the restaurant. Water would be supplied by a well in the base area and a pipeline.

The total area of National Forest lands affected by the ski area would increase from 1,970 acres to 2,220 acres if the expansion is approved.

Approximately 110 acres of the Fred Burr Roadless Area (No. 01-435) would