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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. 97-094-2]

#### Monsanto Co.; Availability of Determination of Nonregulated Status for Potato Genetically Engineered for Insect and Virus Resistance

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** We are advising the public of our determination that certain potato lines developed by the Monsanto Company, which have been genetically engineered for insect and virus resistance, are no longer considered regulated articles under our regulations governing the introduction of certain genetically engineered organisms. Our determination is based on our evaluation of data submitted by the Monsanto 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 Monsanto Company's 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:** December 3, 1998.

**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 requested to call before visiting on (202) 690-2817 to facilitate entry into the reading room.

**FOR FURTHER INFORMATION CONTACT:** Dr. James White, Biotechnology and Biological Analysis, PPQ, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737-1236; (301) 734-5940. 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 July 23, 1997, the Animal and Plant Health Inspection Service (APHIS) received a petition (APHIS Petition No. 97-204-01p) from the Monsanto Company (Monsanto) of St. Louis, MO, seeking a determination that seven NewLeaf® Plus Russet Burbank potato lines, which have been genetically engineered for resistance to the Colorado potato beetle (CPB) and potato leaf roll virus (PLRV), do not present a plant pest risk and, therefore, are not regulated articles under APHIS' regulations in 7 CFR part 340. Subsequently, Monsanto requested that all but two (RBMT21-129 and RBMT21-350) of the NewLeaf® Plus Russet Burbank potato lines be withdrawn from consideration in the subject petition.

On November 20, 1997, APHIS published a notice in the **Federal Register** (62 FR 61961-61962, Docket No. 97-094-1) 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 potato lines and food products derived from them. In the notice, APHIS solicited written comments from the public as to whether these potato lines posed a plant pest risk. The comments were to have been received by APHIS on or before January 20, 1998. During the designated 60-day comment period, APHIS received 14 comments from the following: Potato farmers and processors; State and national trade associations; a State congressional delegation; the U.S. Department of Agriculture's Agricultural Research Service; a research entomologist from a university agricultural research center; and a European crop research institute. All of the comments were in support of the subject petition.

##### Analysis

Russet Burbank potato lines RBMT21-129 and RBMT21-350 have been genetically engineered to contain the *cryIIIA* gene derived from *Bacillus thuringiensis* subsp. *tenebrionis* (*Btt*), which encodes an insecticidal protein that is effective against CPB, and the *orf1/orf2* gene derived from PLRV, which imparts resistance to PLRV. In addition to the *cryIIIA* gene and the *orf1/orf2* gene, these potato lines contain the *nptII* gene, which encodes the NPTII protein used as a selectable marker in the initial stages of plant transformation. The subject potato lines were developed through use of the *Agrobacterium tumefaciens* transformation method, and expression of the added genes is controlled in part by gene sequences derived from the plant pathogens *A. tumefaciens* and figwort mosaic virus.

The subject potato lines have been considered regulated articles under APHIS' regulations in 7 CFR part 340 because they contain gene sequences derived from plant pathogens. However, evaluation of field data reports from field tests of these potato lines conducted under APHIS permits and notifications since 1994 indicates that there were no deleterious effects on plants, nontarget organisms, or the environment as a result of the environmental release of the subject potato plants.

##### Determination

Based on its analysis of the data submitted by Monsanto, a review of other scientific data and field tests of the subject potato lines, and an analysis of comments from the public on the subject petition, APHIS has determined that Russet Burbank potato lines RBMT21-129 and RBMT21-350:

(1) Exhibit no plant pathogenic properties; (2) are no more likely to become a weed than pest-resistant potato lines 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 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, or have an adverse impact on the ability to control nontarget insect pests.

Therefore, APHIS has concluded that the subject Russet Burbank potato lines and any progeny derived from crosses with other potato varieties will be as safe to grow as potatoes that are not subject to regulation under 7 CFR part 340.

The effect of this determination is that Monsanto's Russet Burbank potato lines RBMT21-129 and RBMT21-350 are no longer considered regulated articles under APHIS' regulations in 7 CFR part 340. Therefore, the requirements pertaining to regulated articles under those regulations no longer apply to the field testing, importation, or interstate movement of the subject potato lines or their progeny. However, importation of the subject potato lines 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, as amended (NEPA) (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 Russet Burbank potato lines RBMT21-129 and RBMT21-350 and lines developed from them 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 14th day of December 1998.

**Joan M. Arnoldi,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 98-33435 Filed 12-16-98; 8:45 am]

BILLING CODE 3410-34-P

**DEPARTMENT OF AGRICULTURE**

**Natural Resources Conservation Service**

**Mining Specifications for Prime Farmland**

**AGENCY:** Natural Resources Conservation Service, USDA.

**ACTION:** Proposed notice; extension of comment period.

**SUMMARY:** This document extends the comment period of a proposed notice published in the **Federal Register** on October 28, 1998. This notice sets forth specifications for soil handling in relation to mining activities on Prime Farmland as provided for in the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This proposed notice is located on pages 57651-57656, (Volume 63, Number 208).

**DATES:** Comments must be received by January 26, 1999.

**ADDRESSES:** All comments concerning this proposed notice should be addressed to: Gary Nordstrom, Director, Conservation Operations Division, Natural Resources Conservation Service, PO Box 2890, Washington, DC 20013-2890; Submit electronic comments to gary.nordstrom@usda.gov.

**FOR FURTHER INFORMATION CONTACT:** Gary Nordstrom, Director, Conservation Operations Division, Natural Resources Conservation Service, (202) 720-1845.

Signed in Washington, DC, on December 10, 1998.

**Danny D. Sells,**

*Associate Chief, Natural Resources Conservation Service.*

[FR Doc. 98-33458 Filed 12-16-98; 8:45 am]

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**DEPARTMENT OF AGRICULTURE**

**Rural Utilities Service**

**Municipal Interest Rates for the First Quarter of 1999**

**AGENCY:** Rural Utilities Service, USDA.

**ACTION:** Notice of municipal interest rates on advances from insured electric loans for the first quarter of 1999.

**SUMMARY:** The Rural Utilities Service hereby announces the interest rates for advances on municipal rate loans with interest rate terms beginning during the first calendar quarter of 1999.

**DATES:** These interest rates are effective for interest rate terms that commence during the period beginning January 1, 1999, and ending March 31, 1999.

**FOR FURTHER INFORMATION CONTACT:** Carolyn Dotson, Loan Funds Control Assistant, U.S. Department of Agriculture, Rural Utilities Service, Room 0227-S, Stop 1524, 1400 Independence Avenue, SW, Washington, DC 20250-1500. Telephone: 202-720-1928. FAX: 202-690-2268. E-mail: CDotson@rus.usda.gov.

**SUPPLEMENTARY INFORMATION:** The Rural Utilities Service (RUS) hereby announces the interest rates on advances made during the first calendar quarter of 1999 for municipal rate electric loans. RUS regulations at § 1714.4 state that each advance of funds on a municipal rate loan shall bear interest at a single rate for each interest rate term. Pursuant to § 1714.5, the interest rates on these advances are based on indexes published in the "Bond Buyer" for the four weeks prior to the third Friday of the last month before the beginning of the quarter. The rate for interest rate terms of 20 years or longer is the average of the 20 year rates published in the Bond Buyer in the four weeks specified in § 1714.5(d). The rate for terms of less than 20 years is the average of the rates published in the Bond Buyer for the same four weeks in the table of "Municipal Market Data—General Obligation Yields" or the successor to this table. No interest rate may exceed the interest rate for Water and Waste Disposal loans.

The table of Municipal Market Data includes only rates for securities maturing in 1999 and at 5 year intervals thereafter. The rates published by RUS reflect the average rates for the years shown in the Municipal Market Data table. Rates for interest rate terms ending in intervening years are a linear interpolation based the average of the rates published in the Bond Buyer. All rates are adjusted to the nearest one eighth of one percent (0.125 percent) as required under § 1714.5(a). The market interest rate on Water and Waste Disposal loans for this quarter is 5.000 percent.

In accordance with § 1714.5, the interest rates are established as shown in the following table for all interest rate terms that begin at any time during the first calendar quarter of 1999.

Interest rate term ends in (year)	RUS rate (0.000 percent)
2019 or later .....	5.000
2018 .....	5.000
2017 .....	4.875
2016 .....	4.875
2015 .....	4.875
2014 .....	4.750
2013 .....	4.750
2012 .....	4.625
2011 .....	4.500
2010 .....	4.500
2009 .....	4.375
2008 .....	4.250
2007 .....	4.250
2006 .....	4.125
2005 .....	4.000
2004 .....	4.000
2003 .....	3.875
2002 .....	3.750
2001 .....	3.500