

Food, Drug, and Cosmetic Act (21 U.S.C. 201 *et seq.*), 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 Agritope's cherry tomato line 35-1-N 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 17th day of January 1996.

Terry L. Medley,
Administrator, Animal and Plant Health
Inspection Service.

[FR Doc. 96-871 Filed 1-22-96; 8:45 am]

BILLING CODE 3410-34-P

[Docket No. 95-059-2]

**Dekalb Genetics Corporation;
Availability of Determination of
Nonregulated Status for Corn Line
Genetically Engineered for Glufosinate
Herbicide Tolerance**

AGENCY: Animal and Plant Health
Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our determination that a corn line developed by the Dekalb Genetics Corporation designated as B16 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 the Dekalb Genetics Corporation 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 Dekalb Genetics Corporation'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 19, 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. Keith Reding, 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 May 25, 1995, the Animal and Plant Health Inspection Service (APHIS) received a petition (APHIS Petition No. 95-145-01p) from the Dekalb Genetics Corporation (Dekalb) of Mystic, CT, seeking a determination that a corn line designated as B16 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 August 1, 1995, APHIS published a notice in the Federal Register (60 FR 39146-39147, Docket No. 95-059-1) announcing that the Dekalb 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 line and food products derived from it. In the notice, APHIS solicited written comments from the public as to whether the subject corn line posed a plant pest risk. The

comments were to have been received by APHIS on or before October 2, 1995.

APHIS received a total of six comments on the subject petition from universities, State departments of agriculture, and an agency of the U.S. government. None of the commenters expressed opposition to the subject petition.

Analysis

Corn line B16 has been genetically engineered with a modified version of the *bar* gene from *Streptomyces hygroscopicus* that encodes a phosphinothricin acetyltransferase (PAT) enzyme. When introduced into the plant cell, the PAT enzyme can inactivate glufosinate herbicides. The *bar* gene was introduced into the subject corn line by microprojectile bombardment, and its expression is under the control of the 35S promoter derived from the plant pathogen cauliflower mosaic virus and the Tr7 terminator from *Agrobacterium tumefaciens*.

Corn line B16 has been considered a regulated article under APHIS' regulations in 7 CFR part 340 because it contains regulatory gene sequences derived from the plant pathogens mentioned above. However, evaluation of field data reports from field tests of the subject corn line conducted under APHIS permits or notifications since 1991 indicates 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 Dekalb and a review of other scientific data, comments received, and field tests of the subject corn line, APHIS has determined that corn line B16: (1) Exhibits no plant pathogenic properties; (2) is no more likely to become a weed than corn 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 harm other organisms, including agriculturally beneficial organisms and threatened and endangered species; and (5) should not cause damage to raw or processed agricultural commodities. Therefore, APHIS has concluded that corn line B16 and any progeny derived from hybrid crosses with other nontransformed corn varieties will be just as safe to grow as traditionally bred corn lines that are not regulated under 7 CFR part 340.

The effect of this determination is that a corn line designated as B16 is no

longer considered a regulated article under APHIS' regulations in 7 CFR part 340. Therefore, the notification requirements pertaining to regulated articles under those regulations no longer apply to the field testing, importation, or interstate movement of corn line B16 or its progeny. However, the importation of the subject corn line or seeds capable of propagation is 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) (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; 60 FR 6000–6005, February 1, 1995). Based on that EA, APHIS has reached a finding of no significant impact (FONSI) with regard to its determination that corn line B16 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 17th day of January 1996.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–872 Filed 1–22–96; 8:45 am]

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Forest Service

California Coast Province Advisory Committee (PAC)

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The California Coast Province Advisory Committee (PAC) will meet on January 31, 1996, at the Bureau of Land Management Office Conference Room, 1695 Heindon Road, Arcata, California. The meeting will begin at 8 a.m. and continue until 5 p.m. Agenda items to be covered include: (1) Open public forum; (2) Forest Highway 7 update; (3) Report and recommendation from PAC Coordinating Subcommittee on Fiscal Year 1996 federal lands watershed

restoration project proposals; (4) Report from PAC/RCD Subcommittee on public/private partnership opportunities; (5) Agency updates on implementing the Northwest Forest Plan; (6) Report and recommendation from timber salvage subcommittee; (7) Louisiana Pacific Corp. Sustained Yield Plans presentation; (8) Update on court actions concerning 318 timber sales; and (9) Schedule future meetings and build agenda for next meeting. All California Coast Province Advisory Committee meetings are open to the public. Interested citizens are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Daniel Chisholm, USDA, Forest Supervisor, Mendocino National Forest, 825 N. Humboldt Avenue, Willows, California 95988, (916) 934–3316 or Phebe Brown, Province Coordinator, USDA, Mendocino National Forest, 825 N. Humboldt Avenue, Willows, California 95988, (916) 934–3316.

Dated: January 9, 1996.

Daniel K. Chisholm,

Forest Supervisor.

[FR Doc. 96–772 Filed 1–22–96; 8:45 am]

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DEPARTMENT OF COMMERCE

Bureau of Export Administration

Action Affecting Export Privileges; Lasarray Corporation

In the Matter of: Lasarray Corporation, 13845 Alton Parkway #B, Irvine, California 92718, Respondent.

Order

The Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (Department) having notified Lasarray Corporation (Lasarray) of its intention to initiate an administrative proceeding against it pursuant to Section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C.A. app. §§ 2401–2420 (1991 and Supp. 1995)) (the Act),¹ and Part 788 of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 768–799 (1995)) (the Regulations), based on allegations that, on 13 separate occasions between on or about January 5, 1990 and on or about August 31,

1990, Lasarray exported U.S.-origin base wafers from the United States to Switzerland without the validated licenses required by Section 772.1(b) of the Regulations, in violation of Section 787.6 of the Regulations;

The Department and Lasarray having entered into a Consent Agreement pursuant to Section 787.17(b) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and the terms of the Consent Agreement having been approved by me;

It is therefore ordered,

First, all outstanding individual validated licenses in which Lasarray appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Exporter Services for cancellation. Further, all of Lasarray's privileges of participating, in any manner or capacity, in any special licensing procedure, including, but limited to, distribution licenses, are hereby revoked.

Second, Lasarray Corporation, 13845 Alton Parkway #B, Irvine, California, 92718, and all its successors or assigns, and officers, representatives, agents, and employees, whenever acting within the scope of their employment with Lasarray, shall, for a period of two years from the date of this Order, be denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction in the United States or abroad involving any commodity or technical data exported or to be exported from the United States, and subject to the Regulations.

A. Without limiting the generality of the foregoing, participation, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (i) as a party or as a representative of a party to any export license application submitted to the Department; (ii) in preparing or filing with the Department any export license application or request for reexport authorization, or any document to be submitted therewith; (iii) in obtaining from the Department or using any validated or general export license, reexport authorization, or other export control document; (iv) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported or to be exported from the United States and subject to the Regulations; and (v) in financing, forwarding, transporting, or other servicing of such commodities or technical data.

¹ The Act expired on August 20, 1994. Executive Order No. 12924 (59 Fed. Reg. 43437, August 23, 1994), extended by Presidential Notice of August 15, 1995 (60 Fed. Reg. 42767, August 17, 1995), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701–1706 (1991)).