

**DEPARTMENT OF AGRICULTURE****Deschutes Provincial Advisory Committee (DPAC)****AGENCY:** Forest Service.**ACTION:** Notice of meeting.

**SUMMARY:** The Deschutes Provincial Advisory Committee will meet on July 31, starting at 8 a.m. at the Deschutes National Forest Supervisor's Office, 1001 SW., Emkay Drive, Bend, Oregon. There will be a 1 hour business meeting. Then, members will go to the field to the Bend Ft. Rock Ranger District to discuss winter recreation. The trip is scheduled to end at 4:30 p.m. All Deschutes Province Advisory Committee Meetings are open to the public and an open public forum is scheduled from 8:30 to 9 a.m.

**FOR FURTHER INFORMATION CONTACT:** Chris Mickle, Province Liaison, Crescent Ranger District, Highway 97, Crescent, Oregon 97733, Phone (541) 433-3216.

**John Allen,***Deschutes National Forest Supervisor.*

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**BILLING CODE 3410-11-M****DEPARTMENT OF AGRICULTURE****Animal and Plant Health Inspection Service****[Docket No. APHIS-2007-0030]****Monsanto Company; Availability of Determination of Nonregulated Status for Corn Genetically Engineered for Insect Resistance****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 Monsanto Company, designated as transformation event MON 89034, which has been genetically engineered for insect resistance, 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 Monsanto Company in their petition for a determination of nonregulated status, our analysis of other scientific data, and comments received from the public in response to a previous notice announcing the availability of the petition for nonregulated status and its associated environmental assessment. This notice also announces the

availability of our written determination and our finding of no significant impact.

**DATES:** *Effective Date:* July 24, 2008.

**ADDRESSES:** You may read the petition, environmental assessment, determination, finding of no significant impact, the comments we received on our previous notice, and our responses to those comments in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming. Those documents may also be viewed on the Internet at <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2007-0030>.

**FOR FURTHER INFORMATION CONTACT:** Dr. Robyn Rose, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737-1236; (301) 734-0489, *e-mail:*

*robyn.i.rose@aphis.usda.gov*. To obtain copies of the petition, environmental assessment, or the finding of no significant impact, contact Ms. Cindy Eck at (301) 734-0667, *e-mail:* *cynthia.a.eck@aphis.usda.gov*. To view those documents on the Internet, go to [http://www.aphis.usda.gov/brs/aphisdocs/06\\_29801p.pdf](http://www.aphis.usda.gov/brs/aphisdocs/06_29801p.pdf) and [http://www.aphis.usda.gov/brs/aphisdocs/06\\_29801p\\_ea.pdf](http://www.aphis.usda.gov/brs/aphisdocs/06_29801p_ea.pdf).

**SUPPLEMENTARY INFORMATION:****Background**

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 a determination of nonregulated status

must take and the information that must be included in the petition.

On October 26, 2006, APHIS received a petition seeking a determination of nonregulated status (APHIS No. 06-298-01p) from the Monsanto Company (Monsanto) of St. Louis, MO, for corn (*Zea mays* L.) designated as transformation event MON 89034, which has been genetically engineered for resistance to European corn borer and other lepidopteran pests, stating that corn line MON 89034 does not present a plant pest risk and, therefore, should not be a regulated article under APHIS' regulations in 7 CFR part 340. Monsanto responded to APHIS' subsequent request for additional information and clarification and submitted an addendum to their petition on January 23, 2007.

**Analysis**

As described in the petition, corn transformation event MON 89034 has been genetically engineered to express the transgenes *cry1A.105* and *cry2Ab2*, both of which were derived from a well-characterized gene sequence from *Bacillus thuringiensis*, and encode insect control proteins. The neomycin phosphotransferase II (*nptII*) gene was used as a selectable marker, but was eliminated by traditional breeding methods in the later stages of development of MON 89034. Thus, MON 89034 contains only the *cry1A.105* and *cry2Ab2* expression cassettes. Expression of the transgenes by corn plants renders the corn line resistant to European corn borer, as well as other lepidopteran pests. Regulatory elements for the transgenes were obtained from *Agrobacterium tumefaciens*. These regulatory sequences are not transcribed and do not encode proteins. The DNA was introduced into corn cells using *Agrobacterium*-mediated transformation methodology with the T-DNA binary transformation vector designated PV ZMIR245.

In a notice<sup>1</sup> published in the **Federal Register** on December 13, 2007 (72 FR 70817-70819, Docket No. APHIS-2007-0030), we announced our receipt of the Monsanto petition and solicited comments on whether MON 89034 corn is or could be a plant pest. In that notice, we also made available for public comment a draft environmental assessment we prepared to analyze any potential environmental effects associated with the proposed

<sup>1</sup> To view the notice, petition, environmental assessment, and the comments we received, go to <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2007-0030>.