

Microbiologist, Biotechnology Coordination and Technical Assistance, BBEF, APHIS, USDA, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7601.

**SUPPLEMENTARY INFORMATION:** On October 19, 1992, the Animal and Plant Health Inspection Service (APHIS) published in the Federal Register (57 FR 47608-47616, Docket No. 92-087-2) a notice announcing the issuance of an interpretive ruling that the Calgene, Inc., FLAVR SAVR™ tomato does not present a plant pest risk and is not a regulated article under the regulations contained in 7 CFR part 340. That action was in response to a petition submitted by Calgene seeking a determination from APHIS that its FLAVR SAVR™ tomato no longer be deemed a regulated article based on an absence of plant pest risk. The effect of the action was that previously field-tested lines of the FLAVR SAVR™ tomato and their descendants would no longer be regulated under the regulations in 7 CFR part 340.

FLAVR SAVR™ tomatoes were defined by Calgene in its initial petition to include any tomatoes transformed with one of seven identified plasmid vectors that all carry an antisense copy of the tomato polygalacturonase gene and a bacterial neomycin phosphotransferase gene with associated regulatory sequences. Calgene's initial request to APHIS in 1992 was for a determination pertaining to all FLAVR SAVR™ transformants produced in tomato using any one of the seven plasmid vectors. Calgene indicated in its petition that data provided to APHIS was representative of the data gathered for all lines tested up to that time. The initial determination announced by APHIS on October 19, 1992, only applied to those lines that had already been field tested. However, APHIS indicated that new lines were likely to exhibit properties similar to those of lines already field tested under permit. The determination also allowed for cross-breeding of the identified FLAVR SAVR™ tomato lines with any other lines or cultivars of tomato without permit.

The new line that is the subject of this notice was a new transformant produced using one of the same plasmid vectors that were previously reviewed in our October 19, 1992, determination. Line N73 1436-111 has been field tested in accordance with APHIS regulations in 7 CFR part 340. Data provided to APHIS indicates that the new transformant line, produced in a manner identical to the earlier transformant line, behaves similarly to those earlier

FLAVR SAVR™ tomato lines to which the determination initially applied. Reports from field trials and other data indicate that tomato line N73 1436-111 grows normally, exhibits the expected morphological, reproductive, and physiological properties, and does not have unexpected pest or disease susceptibility or symptoms. Therefore, APHIS' determination of nonregulated status of October 19, 1992, is considered to apply to this new transformant line as well.

Done in Washington, DC, this 27th day of September 1994.  
 Terry L. Madley,  
 Acting Administrator, Animal and Plant Health Inspection Service.  
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**DEPARTMENT OF AGRICULTURE**

Animal and Plant Health Inspection Service

[Docket No. 94-096-1]

**Addition of One Genetically Engineered Tomato Line to Determination of Nonregulated Status for Calgene, Inc.**

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

**ACTION:** Notice.

**SUMMARY:** The Animal and Plant Health Inspection Service is announcing that it has added one genetically engineered tomato line to those subject to its October 19, 1992, interpretive ruling for FLAVR SAVR™ tomatoes, that the subject FLAVR SAVR™ lines need no longer be regulated. The effect of this action is that one additional delayed-softening tomato line, which has been modified by the addition of genetic material identical to that added to other tomato lines covered by the initial determination and is designated by Calgene as FLAVR SAVR™ line N73 1436-111, will also no longer be subject to regulation under 7 CFR part 340.

**FOR FURTHER INFORMATION CONTACT:** Dr. Michael G. Schechtman, Senior