

terminators) derived from plant pathogenic sources. In cotton growing locations throughout the United States, cotton line 531 was evaluated under 5 APHIS permits issued between 1991 and 1993, and cotton lines 757 and 1076 were tested under 6 APHIS permits or notifications in 1993 and 1994. After reviewing Monsanto's permit applications for field trials of cotton lines 531, 757, and 1076, 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.

These genetically engineered cotton lines are also currently subject to regulation by other agencies. The 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 insecticides, be registered prior to distribution or sale, unless exempt by EPA regulation. Accordingly, Monsanto has submitted to EPA an application for a conditional registration for a transgenic plant pesticide containing the new active ingredient Btk delta endotoxin protein as produced by the cryIA(c) gene and its controlling sequences. On September 29, 1994, EPA announced receipt of this application (EPA File Symbol 524-UTT) in the **Federal Register** (59 FR 49663, OPP-30373; FRL-4913-5).

Under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), pesticides added to raw agricultural commodities generally are considered to be unsafe unless a tolerance or exemption from tolerance has been established. Foods containing unsafe

pesticides are deemed to be adulterated. Residue tolerances for pesticides are established by EPA under the Federal Food, Drug, and Cosmetic Act; the Food and Drug Administration (FDA) enforces the tolerances set by the EPA. Monsanto has also submitted to the EPA a pesticide petition (PP 4F4331) proposing to amend 40 CFR part 180 to establish a tolerance exemption for residues of the plant pesticide active ingredient Btk delta endotoxin protein as produced by the cryIA(c) gene and its controlling sequences. On September 14, 1994, EPA announced receipt of this petition in the **Federal Register** (59 FR 47136-47137, PF-605; FRL-4904-7). Consistent with the "Coordinated Framework for Regulation of Biotechnology" (51 FR 23302-23350, June 26, 1986), APHIS and the EPA are coordinating their reviews of these genetically engineered cotton lines to avoid duplication and assure that all relevant issues are addressed.

The 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 the FDA authority for ensuring food safety under the Federal Food, Drug, and Cosmetic Act, 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 Monsanto's genetically engineered cotton lines 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 2.17, 2.51, and 371.2(c).

Done in Washington, DC, this 3rd day of February 1995.

**Terry L. Medley,**

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

[FR Doc. 95-3290 Filed 2-8-95; 8:45 am]

BILLING CODE 3410-34-M

[Docket 94-119-3]

### **Boll Weevil Control Program; Change of Public Hearing Site**

**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 changed the location and time of one of two public hearings scheduled to be held regarding an environmental assessment and preliminary finding of no significant impact for a proposed program to eradicate the boll weevil in the Lower Rio Grande Valley, Texas. The hearings were announced in a notice published in the **Federal Register** on January 30, 1995. We have changed the site and time of the second hearing in response to requests from the public.

**DATES:** Two public hearings will be held on February 16, 1995, in Weslaco, TX; one from 1 p.m. to 5:30 p.m., the other from 7:30 p.m. to 10:30 p.m. Pre-hearing registration for oral participation at a hearing may be made by mail (postmarked on or before February 8, 1995), or at the hearing site on the date of the hearings, beginning one hour prior to each hearing.

**ADDRESSES:** The first public hearing (1 p.m. to 5:30 p.m.) will be held in the Hoblitzelle Auditorium, Texas Agriculture Experiment Station, 2415 East Highway 83, Weslaco, TX. The second public hearing (7:30 p.m. to 10:30 p.m.) will be held at the Best Western Palm Air Motor Inn, 415 South International Boulevard (Highway 1015), Weslaco, TX. Registration for oral participation at either hearing may be mailed to Vicki Wickheiser, Environmental Analysis and Documentation, BBEP, APHIS, USDA, Room 543, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

**FOR FURTHER INFORMATION CONTACT:** Vicki Wickheiser at the address listed above or by telephone at (301) 436-8963.

**SUPPLEMENTARY INFORMATION:** On January 30, 1995, the Animal and Plant Health Inspection Service published in the **Federal Register** (60 FR 5617-5618, Docket No. 94-119-2) a notice that, in part, announced that two public

hearings have been scheduled for February 16, 1995, in Weslaco, TX. The hearings are being held to explain the findings in an environmental assessment (EA) prepared for a proposed program to eradicate the boll weevil in the Lower Rio Grande Valley of Texas. The hearings are also intended to provide a forum for the public to present views and ask questions regarding the EA.

In response to requests received from the public, we have changed the site and time of the second hearing. The on-site pre-hearing registration and the hearing itself will be held at the Best Western Palm Air Motor Inn (see the **ADDRESSES** section of this notice). The time and place of the first hearing remain the same as announced in the January 30 notice (see the **DATES** section of this notice).

Persons who wish to speak at either hearing may register in advance by mail (see the **ADDRESSES** section of this notice), or in person at the hearing site. To register by mail, individuals should send a letter or postcard with their name and affiliation (e.g., farm worker, grower, or academician) and should specify which of the hearings they wish to attend, and the approximate length of time needed for their presentation and questions. On the day of the hearing, registration at the hearing site will begin at noon for the 1 p.m. hearing and at 6:30 p.m. for the 7:30 p.m. hearing. Attendees who do not register in advance will be allowed to speak after all scheduled speakers have been heard. We ask that anyone who reads a statement provide two copies to the presiding officer at the hearing. The presiding officer may limit the time for each presentation in order to allow everyone wishing to speak the opportunity to be heard.

The substance of this notice will be published in newspapers (English and Spanish) serving the Lower Rio Grande Valley of Texas.

Done in Washington, DC, this 3rd day of February 1995.

**Terry L. Medley,**

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

[FR Doc. 95-3289 Filed 2-8-95; 8:45 am]

BILLING CODE 3410-34-P

---

## Forest Service

### Mount St. Helens National Volcanic Monument Boundary Modification

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of intent to modify boundary.

**SUMMARY:** The Forest Service hereby gives notice of a proposed minor boundary modification for the Mount St. Helens National Volcanic Monument, Gifford Pinchot National Forest, Cowlitz County, Washington. The Act of August 26, 1982, establishing the Monument requires public notice of proposed boundary changes for a 60-day period prior to final approval by the Secretary of Agriculture.

**DATES:** The 60-day notice period expires April 10, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Ralph Bauman, Lands Staff, Forest Service, USDA, P.O. Box 96090, Washington, DC 20090-6090, telephone: (202) 205-1248; or Bruce Watson, Assistant Lands Staff Officer, Gifford Pinchot National Forest, P.O. Box 8944, Vancouver, Washington 98668-8944, telephone: (206) 750-5103.

**SUPPLEMENTARY INFORMATION:** In accordance with section 1(b)(2) of the Act of August 26, 1982 (96 Stat. 301), establishing the Mount St. Helens National Volcanic Monument, the Secretary of Agriculture proposes a minor modification of the originally adopted boundary of the Monument. The modification will remove approximately 1.93 acres from the 111,500-acre Monument.

The current boundary of the Monument follows the east-west centerline of Section 35 to the south right-of-way line of State Route 504. The revision would delete a strip of land 100 feet wide containing Weyerhaeuser Company's access road to their lands north of the Monument.

The purpose of this boundary change is to recognize the newly created land ownership pattern in the area. During the negotiations with Weyerhaeuser Company for the acquisition of their property, it was agreed to exclude this 1.93 acre parcel. The acquisition of the Weyerhaeuser Company lands was completed in April of 1993, and a minor modification of the boundary is appropriate in this area.

The legal description of the boundary change is as follows: All descriptions are for the Willamette Meridian, Cowlitz County, Washington.

A strip of land 100 feet wide, 50 feet on each side of the following described centerline, as surveyed and filed in VOL. 12 PAGE 78, Cowlitz County, Washington. Beginning at the West ¼ corner of section 35, T. 10 N., R. 4 E., thence S 88° - 41' - 06" E, along the East-West centerline of section 35, a distance of 2483.41 feet to the intersection of the centerline of Weyerhaeuser road number 3500, and the true point of beginning; thence southerly with the centerline of Weyerhaeuser road number 3500, S 18° - 19' - 24" E a distance of 290.23

feet to the beginning of a curve concave to the West, having a radius of 247.03 feet, thence southerly 98.67 feet along said curve with a central angle of 22° - 53' - 04" to the end of said curve, thence S 4° - 33' - 40" W a distance of 114.01 feet to the beginning of a curve concave to the West, having a radius of 245.21 feet, thence southwesterly 206.80 feet along said curve with a central angle of 48° - 19' - 21" to the end of said curve, thence S 52° - 53' - 01" E a distance of 130.34 feet to the intersection with the Northerly right of way for State Highway number 504.

Maps showing this modification are available at the Office of the Forest Supervisor, Gifford Pinchot National Forest, 6926 E. Fourth Plain Blvd, Vancouver, Washington, and at the Office of the Monument Manager, Chelatchie, Washington. Notice has also been given to congressional committees as required by the Act. A notice of final action on this boundary revision will be published in the **Federal Register** following the 60-day period.

Dated: February 2, 1995.

**Sterling J. Wilcox,**

*Acting Associate Deputy Chief.*

[FR Doc. 95-3161 Filed 2-8-95; 8:45 am]

BILLING CODE 3410-11-M

---

### Thompson Creek Supplemental Plan of Operation Challis National Forest, Custer County, Idaho

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of intent to prepare supplemental environmental impact statement.

**SUMMARY:** The USDA, Forest Service, will prepare a supplement to the October 1980, Environmental Impact Statement (EIS) for the Cyprus Thompson Creek Mine (CTC). The Supplement will disclose the environmental effects of a proposal submitted by Thompson Creek Mining Company (TCMC) to prevent, control and treat acid rock drainage (ARD) at the Thompson Creek Mine. The potential for acid rock drainage was evaluated in the 1980 EIS, however, the predictive modeling program did not project that acid generation would be sufficient to cause ARD. The occurrence of ARD is a new circumstance, relevant to environmental concerns and bearing on the impacts of the project, therefore, the 1980 EIS will be supplemented to disclose the effects of these new circumstances. The proposal, as submitted by CTC, identifies modifications to the operating plan which would eliminate or control acid rock drainage. The modifications to the plan would: (1) Identify and isolate waste rock that has the potential for ARD, (2) limit infiltration and migration