

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. PY-95-001]

Tentative Voluntary Poultry Grade Standards

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The Agricultural Marketing Service (AMS) is announcing that it is approving the test marketing of USDA grade identified boneless/skinless poultry legs and drumsticks, based on tentative grade standards.

DATES: This test-market period begins March 30, 1995 and ends April 1, 1996.

FOR FURTHER INFORMATION CONTACT: Larry W. Robinson, Chief, Grading Branch, Poultry Division, 202-720-3271.

SUPPLEMENTARY INFORMATION:

Background

Poultry grading is a voluntary program provided under the Agricultural Marketing Act of 1946, as amended, and is offered on a fee-for-service basis. It is designed to assist the orderly marketing of poultry products. Quality in practical terms refers to the usability, desirability, and value of a product, as well as its marketability. Poultry grade standards identify and measure degrees of quality in poultry products. They permit important quality attributes to be evaluated uniformly and accurately; they provide a way for buyers and sellers to negotiate using a common language.

Once poultry has been graded according to these standards, it may be identified with the USDA grademark. Over the years, processors have found it advantageous to market grade-identified poultry products and consumers have come to rely on the USDA grademark as

assurance that they are getting the quality they want.

Poultry producers and processors are continually developing new, innovative products. Chicken and turkey, in particular, have been transformed into a myriad of boneless and/or skinless products, increasing poultry's share of the consumer's food dollar and responding to consumer demand for food with more built-in convenience and less fat. Current regulations (7 CFR Part 70) provide grade standards for boneless poultry breasts, thighs, and tenderloins (§ 70.231), as well as for skinless carcasses and parts (§ 70.232).

The Agency has received several industry requests to permit the grade identification of boneless/skinless poultry legs and drumsticks. These products are currently being marketed ungraded because there are no grade standards for them. The Agency has worked with members of the industry to develop tentative grade standards which will result in a high-quality product. The Agency is ready to move forward to a test marketing phase for boneless/skinless poultry legs and drumsticks.

The Agency recognizes that before new standards of quality can be established or current standards of quality can be amended, appropriate investigation is needed. This includes the test marketing of experimental packs of grade-identified poultry products to determine production requirements and consumer acceptance, and to permit the collection of other necessary data. Current regulations (§ 70.3) provide the Agency with the flexibility needed to permit such experimentation, so that new procedures and grading techniques may be tested.

The Agency is granting permission for the test marketing of grade-identified boneless/skinless poultry legs and drumsticks based on tentative standards for one year. At the expiration of this one-year period, the Agency will then evaluate the test results to determine if the current poultry grading regulations should be amended, through notice-and-comment rulemaking, to include the following tentative standards.

Tentative Poultry Grade Standards for Boneless/Skinless Poultry Legs and Drumsticks—A Quality

1. The leg or drum shall be cut as specified in § 70.210(e)(6).

2. The skin and bones shall be removed in a neat manner, without undue mutilation of adjacent muscle.

3. Boneless/skinless legs and drumsticks shall be free of tendons extending more than one-half inch beyond the meat tissue, cartilage, blood clots, bruises, and discolorations other than slight discolorations, provided they do not detract from the appearance of the product.

4. Minor flesh abrasions on the outer muscle surface due to preparation techniques and trimming are permitted provided the outer surface remains smooth with no angular cuts or tears. Holes resulting from the removal of the patella (knee cap) are permitted, provided the bulk of the thigh and drum remain intact and connected.

5. Trimming on the inner muscle surface is permitted, provided it results in a relatively smooth appearance.

6. Trimming is permitted around the outer edges of the muscle, provided the trimming results in a portion that approximates the same symmetrical appearance and meat yield of the original part.

7. Boneless/skinless drumsticks may be further separated by a single cut parallel to the tibiotarsus and labeled as boneless/skinless drumstick halves.

Dated: March 22, 1995.

Kenneth C. Clayton,

Acting Administrator.

[FR Doc. 95-7724 Filed 3-29-95; 8:45 am]

BILLING CODE 3410-02-P

Animal and Plant Health Inspection Service

[Docket No. 95-023-1]

Receipt of Petition for Determination of Nonregulated Status for Genetically Engineered Cotton

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 received a petition from the Monsanto Company seeking a determination of nonregulated status for cotton lines designated as 1445 and 1698 that have been genetically engineered for tolerance to

the herbicide glyphosate. The petition has been submitted in accordance with our regulations concerning the introduction of certain genetically engineered organisms and products. In accordance with those regulations, we are soliciting public comments on whether these cotton lines present a plant pest risk.

DATES: Written comments must be received on or before May 30, 1995.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 95-023-1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1228. Please state that your comments refer to Docket No. 95-023-1. A copy of the petition and any comments received 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 access to that room to inspect the petition or comments are asked to call in advance of visiting at (202) 690-2817.

FOR FURTHER INFORMATION CONTACT: Dr. Sivramiah Shantharam, Branch Chief, Biotechnology Permits, BBEP, APHIS, Suite 5B05, 4700 River Road Unit 147, Riverdale, MD 20737-1228; (301) 734-7612. To obtain a copy of the petition, contact Ms. Kay Peterson at (301) 734-7601.

SUPPLEMENTARY INFORMATION: 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 determination of nonregulated status must take and the information that must be included in the petition.

On February 14, 1995, APHIS received a petition (APHIS Petition No. 95-045-01p) from the Monsanto

Company of St. Louis, MO, requesting a determination of nonregulated status under 7 CFR part 340 for cotton lines designated as 1445 and 1698 that have been genetically engineered for tolerance to the herbicide glyphosate. As described in the petition, cotton (*Gossypium hirsutum* L.) lines 1445 and 1698 contain the gene for CP4 EPSPS (5-enolpyruvylshikimate-3-phosphate synthase) isolated from *Agrobacterium* sp. strain CP4, which encodes an enzyme conferring tolerance to glyphosate, the active ingredient in Roundup® herbicide. Cotton lines 1445 and 1698 also contain the *nptII* gene, which encodes the selectable marker neomycin phosphotransferase II, and the *aad* gene, which encodes the bacterial selectable marker 3''(9)-O-aminoglycoside adenyltransferase. Expression of the *nptII* gene is driven by the 35S promoter derived from the plant pathogen cauliflower mosaic virus. The subject cotton lines were produced through the use of *Agrobacterium tumefaciens* transformation, a full description of which is provided in the petition.

The subject cotton lines are currently considered regulated articles under the regulations in 7 CFR part 340 because they contain gene sequences (vectors, vector agents, promoters, and terminators) derived from plant pathogens. Cotton lines 1445 and 1698 were evaluated in field trials conducted under APHIS permits or notifications in 1992, 1993, and 1994. In the process of reviewing the applications for those field trials, APHIS determined that the vectors were disarmed, and that the trials did 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.

Cotton lines 1445 and 1698 are also currently subject to regulation by other agencies. The U.S. Environmental

Protection Agency (EPA) is responsible for the regulation of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (7 U.S.C. 135 *et seq.*). FIFRA requires that all pesticides, including herbicides, be registered prior to distribution or sale, unless exempt by regulation. Plants that have been genetically modified for tolerance or resistance to herbicides are not regulated under FIFRA because the plants themselves are not considered pesticides.

In cases in which the genetically modified plants allow for a new use of an herbicide or involve a different use pattern for the herbicide, EPA must approve the new or different use. In conducting such an approval, EPA considers the possibility of adverse effects to human health and the environment from the use of this herbicide.

When the use of the herbicide on the genetically modified plant would result in an increase in the residues of the herbicide in a food or feed crop for which the herbicide is currently registered, or in new residues in a crop for which the herbicide is not currently registered, establishment of a new tolerance or a revision of the existing tolerance would be required. Residue tolerances for pesticides are established by the EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA) (21 U.S.C. 201 *et seq.*), and the Food and Drug Administration (FDA) enforces tolerances set by the EPA under the FFDCA.

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's authority for ensuring food safety under the FFDCA, 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 the Monsanto Company's cotton lines 1445 and 1698 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 24th day of March 1995.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-7835 Filed 3-29-95; 8:45 am]

BILLING CODE 3410-34-P

Forest Service

Newspaper Used for Publication of Legal Notice of Appealable Decisions for Intermountain Region, Utah, Idaho, Nevada, and Wyoming

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: This notice lists the newspapers that will be used by all ranger districts, forests, and the Regional Office of the Intermountain Region to publish legal notice of all decisions subject to appeal under 36 CFR 215 and 36 CFR 217. The intended effect of this action is to inform interested members of the public which newspapers will be used to publish legal notices of decisions, thereby allowing them to receive constructive notice of a decision, to provide clear evidence of timely notice, and to achieve consistency in administering the appeals process.

DATES: Publication of legal notices in the listed newspapers will begin with decisions subject to appeal that are made on or after April 1, 1995. The list of newspapers will remain in effect until October 1995 when another notice will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: K. Dale Torgerson, Regional Appeals and Litigation Manager, Intermountain Region, 324 25th Street, Ogden, UT 84401, phone (801) 625-5279.

SUPPLEMENTARY INFORMATION: The administrative appeal procedures 36 CFR part 215 and 36 CFR part 217, of the Forest Service require publication of legal notice in a newspaper of general circulation of all decisions subject to appeal. This newspaper publication of

notices of decisions is in addition to direct notice to those who have requested notice in writing and to those known to be interested and affected by a specific decision.

The legal notice is to identify: the decision by title and subject matter; the date of the decision; the name and title of the official making the decision; and how to obtain copies of the decision. In addition, the notice is to state the date the appeal period begins which is the day following publication of the notice.

The timeframe for appeal shall be based on the date of publication of the notice in the first (principal) newspaper listed for each unit.

The newspapers to be used are as follows:

Regional Forester, Intermountain Region

For decisions made by the Regional Forester affecting National Forests in Idaho:

The Idaho Statesman, Boise, Idaho

For decisions made by the Regional Forester affecting National Forests in Nevada:

The Reno Gazette-Journal, Reno, Nevada

For decisions made by the Regional Forester affecting National Forests in Wyoming:

Casper Star-Tribune, Casper, Wyoming

For decisions made by the Regional Forester affecting National Forests in Utah:

Standard-Examiner, Ogden, Utah

If the decision made by the Regional Forester affects all National Forests in the Intermountain Region, it will appear in:

Standard-Examiner, Ogden, Utah

Ashley National Forest

Ashley Forest Supervisors decisions:

Vernal Express, Vernal, Utah

Vernal District Ranger decisions:

Vernal Express, Vernal, Utah

Flaming Gorge District Ranger for decisions affecting Wyoming:

Casper Star Tribune, Casper, Wyoming

Flaming Gorge District Ranger for decisions affecting Utah:

Vernal Express, Vernal, Utah

Roosevelt and Duchesne District Ranger decisions:

Uintah Basin Standard, Roosevelt, Utah

Boise National Forest

Boise Forest Supervisor decisions:

The Idaho Statesman, Boise, Idaho

Mountain Home District Ranger decisions:

Mountain Home News, Mountain

Home, Idaho

Boise District Ranger decisions:

The Idaho Statesman, Boise, Idaho

Idaho City District Ranger decisions:

The Idaho Statesman, Boise, Idaho

Cascade District Ranger decisions:

The Advocate, Cascade, Idaho

Lowman District Ranger decisions:

The Idaho City World, Idaho City, Idaho

Emmett District Ranger decisions:

The Messenger-Index, Emmett, Idaho

Bridger-Teton Forest Supervisor decisions:

Bridger-Teton Forest Supervisor decisions:

Casper Star-Tribune, Casper, Wyoming

Jackson District Ranger decisions:

Casper Star-Tribune, Casper, Wyoming

Buffalo District Ranger decisions:

Casper Star-Tribune, Jackson, Wyoming

Big Piney District Ranger decisions:

Casper Star-Tribune, Jackson, Wyoming

Pinedale District Ranger decisions:

Casper Star-Tribune, Casper, Wyoming

Greys River District Ranger decisions:

Casper Star-Tribune, Casper, Wyoming

Kemmerer District Ranger decisions:

Casper Star-Tribune, Casper, Wyoming

Caribou National Forest

Caribou Forest Supervisor decisions:

Idaho State Journal, Pocatello, Idaho

Soda Springs District Ranger decisions:

Idaho State Journal, Pocatello, Idaho

Montpelier District Ranger decisions:

Idaho State Journal, Pocatello, Idaho

Malad District Ranger decisions:

Idaho State Journal, Pocatello, Idaho

Pocatello District Ranger decisions:

Idaho State Journal, Pocatello, Idaho

Challis National Forest

Challis Forest Supervisor decisions:

The Challis Messenger, Challis, Idaho

Middle Fork District Ranger decisions:

The Challis Messenger, Challis, Idaho

Challis District Ranger decisions:

The Challis Messenger, Challis, Idaho

Yankee Fork District Ranger decisions:

The Challis Messenger, Challis, Idaho

Lost River District Ranger decisions:

The Challis Messenger, Challis, Idaho

Dixie National Forest

Dixie Forest Supervisor decisions:

The Daily Spectrum, St. George, Utah

Pine Valley District Ranger decisions:

The Daily Spectrum, St. George, Utah

Cedar City District Ranger decisions:

The Daily Spectrum, St. George, Utah