

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). Based on that EA, APHIS has reached a finding of no significant impact (FONSI) with regard to its determination that GRC Events T14 and T25 and lines developed from them 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 6th day of July 1995.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-17079 Filed 7-13-95; 8:45 am]

BILLING CODE 3410-34-P

[Docket No. 94-139-2]

Availability of Determination of Nonregulated Status for Genetically Engineered Cotton

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our determination that the Monsanto Company's genetically engineered, insect-resistant cotton lines designated as 531, 757, and 1076 are no longer considered regulated articles 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 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 Monsanto Company 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: June 22, 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 November 4, 1994, the Animal and Plant Health Inspection Service (APHIS) received a petition (APHIS Petition No. 94-308-01p) from the Monsanto Company (Monsanto) of St. Louis, MO, seeking a determination that cotton lines designated as 531, 757, and 1076 that have been genetically engineered for insect resistance do not present a plant pest risk and, therefore, are not regulated articles under APHIS' regulations in 7 CFR part 340.

On February 9, 1995, APHIS published a notice in the **Federal Register** (60 FR 7746-7747, Docket No. 94-139-1) announcing that the Monsanto 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 cotton lines and food products derived from them. In the notice, APHIS solicited written comments from the public as to whether the subject cotton lines posed a plant pest risk. The comments were to have been received by APHIS on or before April 10, 1995.

APHIS received 69 comments on the Monsanto petition, from cotton farmers, individuals, universities, agricultural experiment stations, cooperative extension service offices, a bank, a chemical company, a cotton researcher, a cotton cooperative association, a gas and oil supplier, and a worker's compensation trust. Sixty-eight commenters either provided information supporting nonregulated

status for the subject cotton lines or urged expedited approval to allow commercial planting of the insect-resistant cotton. One commenter cited several issues for further consideration, without recommending approval or denial of the petition. APHIS has provided a summary and discussion of the comments in the determination document, which is available upon request from the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Analysis

Monsanto's cotton lines 531, 757, and 1076 have been genetically engineered to express an insect control protein encoded by the *cryIA(c)* gene that occurs naturally in *Bacillus thuringiensis* subsp. *kurstaki* (*Btk*), a common soil bacterium. This protein is effective against such lepidopteran insect pests as cotton bollworm, tobacco budworm, and pink bollworm, and is expressed at a consistent level in the cotton plant throughout the growing season. The subject cotton lines also contain the *nptII* gene which encodes the enzyme neomycin phosphotransferase II. Presence of the NPTII protein confers tolerance to the antibiotic kanamycin and allows selection of the transformed cells in the presence of kanamycin. These genes were stably transferred into the genome of cotton plants using *Agrobacterium tumefaciens*-mediated transformation.

The subject cotton lines have been considered regulated articles under APHIS' regulations in 7 CFR part 340 because they contain gene sequences (vectors, promoters, and terminators) derived from plant-pathogenic sources. However, evaluation of field data reports from field tests of the subject cotton lines conducted since 1992 under APHIS permits or notifications indicates that there were no deleterious effects on plants, nontarget organisms, or the environment as a result of the subject cotton plants' release into the environment.

Determination

Based on its analysis of the data submitted by Monsanto and a review of other scientific data, comments received from the public, and field tests of the subject cotton lines, APHIS has determined that cotton lines 531, 757, and 1076: (1) Exhibit no plant pathogenic properties; (2) are no more likely to become weeds than their nonengineered parental varieties; (3) are not likely to increase the weediness potential of any other cultivated plant or native wild species with which they can interbreed; (4) will not cause damage to raw or processed agricultural

commodities; (5) and are not likely to harm other organisms, such as bees, that are beneficial to agriculture. APHIS has also concluded that there is a reasonable certainty that new lepidopteran-resistant cotton varieties bred from these lines will not exhibit new plant pest properties, i.e., properties substantially different from any observed for the lepidopteran-resistant cotton lines already field tested or those observed for cotton in traditional breeding programs.

The effect of this determination is that insect-resistant cotton lines designated as 531, 757, and 1076 are no longer considered regulated articles under APHIS' regulations in 7 CFR part 340. Therefore, the permit and notification requirements pertaining to regulated articles under those regulations no longer apply to the field testing, importation, or interstate movement of the subject cotton lines or their progeny. However, the importation of the subject cotton lines 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). Based on that EA, APHIS has reached a finding of no significant impact (FONSI) with regard to its determination that the subject cotton lines and lines developed from them 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 6th day of July 1995.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–17080 Filed 7–12–95; 8:45 am]

BILLING CODE 3410–34–P

Forest Service

RIN NO. 0596–AB49

Ski Area Permit Fee System

AGENCY: Forest Service, USDA.

ACTION: Notice of proposed policy; request for public comment.

SUMMARY: The Forest Service proposes to revise existing procedures for determining permit fees for the use of National Forest System lands by ski areas. Permit fees for most ski areas operating on National Forest System lands are determined under the graduated rate fee system (GRFS). As applied to large ski areas, GRFS is complex and costly to administer and has been the subject of several audits, administrative appeals, and lawsuits. Under the proposed policy, the agency would determine permit fees by site-specific appraisal of the use of National Forest System lands by ski areas. The proposed system would produce ski area permit fees that are based on fair market value as required by law; would be simpler and less costly to administer than GRFS; would eliminate the need for burdensome audits of ski area assets and revenues for those ski areas under the new system; and would make individual fee determinations in a nationally consistent manner.

DATES: Comments must be received in writing by September 11, 1995.

ADDRESSES: Send written comments to the Recreation, Heritage, and Wilderness Resources Staff (2340), Forest Service, USDA, P.O. Box 96090, Washington, DC 20090–6090.

FOR FURTHER INFORMATION CONTACT: Lyle Laverty, Director, Recreation, Heritage, and Wilderness Resources Staff, (202) 205–1706.

SUPPLEMENTARY INFORMATION:

Background

Today there are 155 national forests comprising approximately 191 million acres in 42 States, the Virgin Islands, and Puerto Rico. These forests, together with 20 national grasslands, land utilization projects, purchase units, and other lands, constitute the National Forest System.

The National Forest Ski Area Permit Act of 1986 authorizes the Forest Service to issue permits for the use and occupancy of suitable lands within the National Forest System for nordic and alpine skiing operations and purposes (16 U.S.C. 497b). Ski area permits issued before the effective date of the National Forest Ski Area Permit Act are authorized by the Term Permit Act (16 U.S.C. 497) and the Forest Service's

Organic Act (16 U.S.C. 551). The Forest Service issues special use permits to ski areas for the use and occupancy of National Forest System lands in accordance with 36 CFR part 251, subpart B. Permit fees for ski areas operating on National Forest System lands must be based on fair market value (16 U.S.C. 497b(b)(8); 31 U.S.C. 9701; 36 CFR 251.57).¹ Direction on the graduated rate fee system (GRFS), the current permit fee system for most ski areas operating on National Forest System lands, can be found in Forest Service Manual Chapter 2710, Special Uses Management, Section 2715, Fees.

There are 120 alpine or alpine and nordic ski areas operating on National Forest System lands that pay annual permit fees determined under GRFS. Seventeen alpine or alpine and nordic ski areas operating on National Forest System lands pay annual flat permit fees based either on GRFS principles or a percentage of land value.

Graduated Rate Fee System (GRFS)

GRFS has been in effect for more than two decades and is complex and difficult to administer for ski areas.

GRFS uses a standardized formula to obtain a percentage of the ski area's gross revenues. Fees are calculated by applying scheduled rates to the ski area's sales revenue. Which rate applies is determined by the proportion of the ski area's sales revenue to the ski area's gross fixed assets (GFA): as sales revenue increases in relation to GFA, a higher rate is applied and the total fee increases; as sales revenue decreases in relation to GFA, lower rates apply and the total fee decreases.

GRFS divides the ski area's sales revenue into nine business categories (such as revenue from lifts, tows, and ski schools; rentals and services; and merchandise) and applies a different profitability indicator or break-even point to each category. The break-even point, expressed as the ratio of sales revenue to GFA, is the point at which a business begins to show a return on investment.

¹ In this context, fair market value is the annual amount in cash or on terms reasonably equivalent to cash for which in all probability the property(ies) would be permitted to be used, sold, or leased by a knowledgeable owner willing but not obligated to permit the use or sell or lease the property(ies) to a knowledgeable permit holder, buyer, or lessee who desires but is not obligated to hold the permit or buy or lease the property(ies). In ascertaining that figure, consideration should be given to all matters that might be brought forward and reasonably be given substantial weight in bargaining by persons of ordinary prudence, but no consideration whatever should be given to matters not affecting market value (see Interagency Land Acquisition Conference, "Uniform Appraisal Standards for Federal Land Acquisitions," pp. 3–4 (1992)).