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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 95-023-2]

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 cotton lines designated as 1445 and 1698 that have been genetically engineered for tolerance to the herbicide glyphosate 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: July 11, 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. Sivramiah Shantharam, 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 February 14, 1995, the Animal and Plant Health Inspection Service (APHIS) received a petition (APHIS Petition No. 95-045-01p) from the Monsanto Company (Monsanto) of St. Louis, MO, seeking a determination that cotton lines designated as 1445 and 1698 that have been genetically engineered for tolerance to the herbicide glyphosate do not present a plant pest risk and, therefore, are not regulated articles under APHIS' regulations in 7 CFR part 340.

On March 30, 1995, APHIS published a notice in the **Federal Register** (60 FR 16428-16430, Docket No. 95-023-1) 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 May 30, 1995.

APHIS received a total of 10 comments on the Monsanto petition, from universities, cooperative extension service offices, agricultural experiment stations, a council representing cotton interests, and a State department of agriculture. All the commenters supported the Monsanto petition for nonregulated status for the subject cotton lines.

Analysis

Cotton 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. The subject cotton lines also contain the *nptII* gene, which

encodes the selectable marker neomycin phosphotransferase II. Cotton lines 1445 and 1698 were produced through the use of *Agrobacterium tumefaciens* transformation.

The subject cotton lines were considered regulated articles because they contain certain gene sequences (vectors, vector agents, promoters, and terminators) derived from plant pathogens. However, evaluation of field data reports from field tests of the subject cotton lines conducted under APHIS permits or notifications since 1992 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 1445 and 1698: (1) Exhibit no plant pathogenic properties; (2) are no more likely to become weeds than cotton developed by traditional breeding techniques; (3) are unlikely to increase the weediness potential for any other cultivated or wild species with which they can interbreed; (4) will not harm other organisms, such as bees, that are beneficial to agriculture; and (5) should not cause damage to processed agricultural commodities. APHIS has also concluded that there is no reason to believe that new progeny cotton varieties derived from cotton lines 1445 and 1698 will exhibit new plant pest properties, i.e., properties substantially different from any observed for the cotton lines 1445 and 1698 already field tested, or those observed for cotton in traditional breeding programs.

The effect of this determination is that cotton lines designated as 1445 and 1698 are no longer considered regulated articles under APHIS' regulations in 7 CFR part 340. Therefore, the notification requirements pertaining to regulated articles under those regulations no longer apply to the field testing, importation, or interstate movement of cotton lines 1445 and 1698 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 cotton lines 1445 and 1698 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 14th day of July 1995.

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-18071 Filed 7-21-95; 8:45 am]

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Rural Utilities Service

South Mississippi Electric Power Association; Finding of No Significant Impact

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Notice is hereby given that the Rural Utilities Service (RUS) has made a finding of no significant impact (FONSI) with respect to its action related to the construction of the 230 kV Waynesboro-Missionary Transmission Line Project by South Mississippi Electric Power Association (SMEPA). The FONSI is the conclusion of an Environmental Assessment prepared by RUS. The Environmental Assessment is based on an environmental analysis submitted to RUS by SMEPA. RUS conducted an independent evaluation of the environmental analysis and concurs with its scope and content.

FOR FURTHER INFORMATION CONTACT:

Lawrence R. Wolfe, Chief, Environmental Compliance Branch, Electric Staff Division, RUS, South Agriculture Building, Ag Box 1569,

Washington, DC 20250, telephone (202) 720-1784.

SUPPLEMENTARY INFORMATION: The 230 kV Waynesboro-Missionary Transmission Line Project consists of the construction of 36 miles of 230 kV transmission line. The project will originate at the existing West Waynesboro Substation located in Wayne County, Mississippi, traverse through the southwest corner of Clarke County, Mississippi, and terminate at the proposed Missionary Substation to be located in the eastern part of Jasper County, Mississippi.

The transmission will be designed and constructed for 230 kV operation but, will be initially operated at 161 kV. It will be supported by H-frame structures. The proposed width of the right-of-way is 125 feet. The maximum span between transmission line support structures will be 1,200 feet. Most poles used for tangent structures will be either pressure-treated wood or concrete. Steel poles may be used for inaccessible areas or where unusually tall or high strength structures will be needed. Angle support structures will be a three-pole design and will be made of concrete or steel.

The West Waynesboro Substation will be upgraded to accommodate the new transmission line. This upgrade will involve the installation of one 161 kV circuit breaker, two 161 kV group-operated switches, 161 kV lightning arresters, associated steel support structures, bus conductors, and relaying equipment.

The proposed Missionary Substation will be designed and constructed for 230 kV operation but, will initially be operated at 161 kV. The low side of the substation will be designed and constructed for 69 kV operation. The major equipment to be included at the substation will be two 30/40/50 MVA autotransformers, two 230 kV gas circuit breakers, a control house, and a self-supporting communication tower. Approximately 12 acres of land will be cleared and fenced to accommodate this substation.

Also to be included as part of this project will be the extension of an existing communications system to allow data and voice communications between the Missionary Substation and SMEPA's Headquarters Control Center located in Hattiesburg, Mississippi. The main features of this extension will be the installation of a 270-foot self-supporting tower, a 9 by 15 foot communications shelter, and a small liquid propane gas powered stand-by generator. This expansion will be within the boundaries of Southern Pine Electric

Power Association's Heildlberg Substation located in Heildlberg, Mississippi. It will take up about 0.15 acres of the existing 3.7 acre substation site.

The alternatives of no action, upgrading existing substations with a new capacitor configuration, construction of another substation and transmission line in addition to the one proposed, and alternative transmission line routes were considered.

Copies of the environmental assessment and FONSI are available for review at, or can be obtained from, RUS at the address provided herein or from Mr. Joey Ward, South Mississippi Electric Power Association, P.O. Box 15849, Hattiesburg, Mississippi, telephone (601) 268-2083. Interested parties wishing to comment on the adequacy of the Environmental Assessment should do so within 30 days of the publication of this notice. RUS will take no action that would approve clearing or construction activities related to this transmission line project prior to the expiration of the 30-day comment period.

Dated: July 17, 1995.

Adam M. Golodner,

Deputy Administrator, Program Operations.

[FR Doc. 95-18066 Filed 7-21-95; 8:45 am]

BILLING CODE 3410-15-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket A (32b1)-12-95]

Foreign-Trade Zone 9—Honolulu, HI, Subzone 9E, Chevron U.S.A. Products Company (Crude Oil Refinery); Request for Modification of Restrictions

A request has been submitted to the Foreign-Trade Zones Board (the Board) by the Hawaii Department of Business, Economic Development & Tourism, on behalf of the State of Hawaii, grantee of FTZ 9, pursuant to § 400.32(b)(1) of the Board's regulations, for modification of the restrictions in FTZ Board Order 415 authorizing Subzone 9E at the crude oil refinery of Chevron U.S.A. Products Company (Chevron) in Ewa, Oahu, Hawaii. The request was formally filed on July 14, 1995.

The Board Order in question was issued subject to certain standard restrictions, including one that required the election of privileged foreign status on incoming foreign merchandise. The zone grantee has requested that the latter restriction be modified so that Chevron would have the option