

Notices

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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

Animal and Plant Health Inspection Service

[Docket No. 96-028-1]

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of a currently approved information collection in support of regulations under the Horse Protection Act.

DATES: Comments on this notice must be received by July 15, 1996, to be assured of consideration.

ADDRESSES: Send comments regarding the accuracy of burden estimate, ways to minimize the burden (such as the use of automated collection techniques or other forms of information technology), or any other aspect of this collection of information to: Docket No. 96-028-1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please send an original and three copies, and state that your comments refer to Docket 96-028-1. 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 to inspect comments and notices are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION: For information on the Horse Protection Act

and regulations, contact Dr. John V. Zisk, Senior Staff Veterinarian, Regulatory Enforcement and Animal Care, APHIS, 4700 River Road, Unit 84, Riverdale, MD 20737-1234, (301) 734-7833; or e-mail: JZisk@aphis.usda.gov. For copies of the proposed collection of information, contact Ms. Cheryl Jenkins, APHIS' Information Collection Coordinator, at (301) 734-5360.

SUPPLEMENTARY INFORMATION:

Title: The Horse Protection Regulations.

OMB Number: 0579-0056.

Expiration Date of Approval: October 31, 1996.

Type of Request: Extension of a currently approved information collection.

Abstract: The Horse Protection Act (the Act) and regulations have been promulgated to eliminate the inhumane practice of soring horses. Horses which are shown, offered for sale, auction, exhibition, or transported cannot be sore for these purposes. Enforcement of the Act and regulations as written require the inspection of horses by industry representatives (referred to as Designated Qualified Person's) as well as agency veterinarians. Documentation of specific enforcement information concerning the prevalence of soring practices is required under the regulations.

The Horse Protection Act and regulations in title 9, part 11, are applicable to all breeds of horses. However, enforcement emphasis has been directed to specific gaited breeds due to the prevalence of soring in this branch of the equine industry. Sections 11.7 and 11.21 specify minimum qualification requirements for industry inspectors and their responsibilities. Reporting and recording requirements are necessary for the enforcement of the Horse Protection Act and regulations by certified horse industry organizations and by the management of a show or sale in order to assure the humane treatment of these animals.

The above reporting and recordkeeping requirements do not mandate the use of any official government form.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. We need this outside input to help us:

(1) Evaluate whether the proposed collection of information is necessary

for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, e.g., permitting electronic submission of responses.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average .177 hours per response.

Respondents: Horse industry organizations.

Estimated Number of Respondents: 650.

Estimated Number of Responses per Respondent: 11.07.

Estimated Total Annual Burden on Respondents: 7,195 hours.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection.

Done in Washington, DC, this 10th day of May 1996.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96-12334 Filed 5-15-96; 8:45 am]

BILLING CODE 3410-34-P

[Docket No. 95-090-2]

Monsanto Company; Availability of Determination of Nonregulated Status for Potato Lines Genetically Engineered for Insect Resistance

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our determination that certain potato lines developed by the Monsanto Company that have been genetically engineered for resistance to the Colorado potato beetle 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's 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: May 3, 1996.

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. James Lackey, 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; e-mail: mkpeterston@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

On December 4, 1995, the Animal and Plant Health Inspection Service (APHIS) received a petition (APHIS Petition No. 95-338-01p) from the Monsanto Company (Monsanto) of St. Louis, MO, seeking a determination that two Superior potato lines (SPBT02-5 and SPBT02-7) that have been genetically engineered for resistance to the Colorado potato beetle (CPB) do not present a plant pest risk and, therefore, are not regulated articles under APHIS' regulations in 7 CFR part 340. On December 15, 1995, APHIS received Monsanto's amendment to APHIS Petition No. 95-338-01p to include five additional genetically engineered, CPB-resistant Atlantic potato lines (ATBT04-6, ATBT04-27, ATBT04-30, ATBT04-31, and ATBT04-36).

On January 22, 1996, APHIS published a notice in the Federal Register (61 FR 1557-1558, Docket No. 95-090-1) 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 potato lines and food products derived from them. In the notice, APHIS solicited written comments from the public as to whether these potato lines posed a plant pest risk. The comments were to have been received by APHIS on or before March 22, 1996. During the designated 60-day comment period, APHIS received three comments on the subject petition, all of which were from potato growers, and all of which were favorable to the petition.

Analysis

Monsanto's two Superior potato lines and five Atlantic potato lines have been genetically engineered to contain the *cryIIIA* gene from the common soil bacterium *Bacillus thuringiensis* subsp. *tenebrionis* (Btt), which encodes a delta-endotoxin insect control protein that is effective against CPB. The subject potato lines also contain the *nptII* gene from the prokaryotic transposon Tn5, which encodes the enzyme neomycin phosphotransferase II and is used as a selectable marker for transformation. Expression of the added genes is controlled in part by 35S promoters from the plant pathogen cauliflower mosaic virus and the 3' region of the nopaline synthase gene from the plant pathogen *Agrobacterium tumefaciens*. The genes used to develop the subject potato lines were stably transferred into the genome of potato plants through the use of the *A. tumefaciens* transformation system. The parental Superior and Atlantic potato varieties are male fertile, as are the subject potato lines.

The subject Superior and Atlantic potato lines have been considered regulated articles under APHIS' regulations in 7 CFR part 340 because they contain regulatory gene sequences derived from plant pathogens. However, evaluation of field data reports from field tests of the subject potato 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 release of these potato lines into the environment.

Determination

Based on its analysis of the data submitted by Monsanto and a review of other scientific data, comments received, and field tests of the subject potato lines, APHIS has determined that these potato lines: (1) Exhibit no plant pathogenic properties; (2) are no more likely to become weeds than potatoes 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 cause damage to raw or processed agricultural commodities; and (5) will not harm threatened or endangered species or other organisms, such as bees, that are beneficial to agriculture. Therefore, APHIS has concluded that the subject Superior and Atlantic potato lines and any progeny derived from hybrid crosses with other nontransferred potato varieties will be as safe to grow as potatoes in traditional breeding programs that are not subject to regulation under 7 CFR part 340.

The effect of this determination is that Monsanto's Superior potato lines SPBT02-5 and SPBT02-7 and Atlantic potato lines ATBT04-6, ATBT04-27, ATBT04-30, ATBT04-31, and ATBT04-36 are no longer considered regulated articles under APHIS' regulations in 7 CFR part 340. Therefore, the requirements pertaining to regulated articles under those regulations no longer apply to the field testing, importation, or interstate movement of the subject potato lines or their progeny. However, importation of the subject potato lines or seeds capable of propagation are 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 Monsanto's Superior potato lines SPBT02-5 and SPBT02-7 and Atlantic potato lines ATBT04-6, ATBT04-27, ATBT04-30, ATBT04-31, and ATBT04-36, 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 9th day of May 1996.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96-12332 Filed 5-15-96; 8:45 am]

BILLING CODE 3410-34-P

[Docket No. 96-023-1]

General Conference Committee of the National Poultry Improvement Plan (NPIP) and the NPIP Biennial Conference; Meeting

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of meeting.

SUMMARY: We are giving notice of a meeting of the General Conference Committee of the National Poultry Improvement Plan (NPIP) and of the NPIP Biennial Conference.

PLACE, DATES, AND TIME OF MEETING: The meeting and conference will be held at the Nashville Airport Marriott, 600 Marriott Drive, Nashville, Tennessee; (615) 889-9300. The General Conference Committee will meet on June 30, from 8 a.m. to 5 p.m. The Biennial Conference will meet on July 1, from 8 a.m. to 5 p.m. and on July 2, from 8 a.m. to noon.

FOR FURTHER INFORMATION CONTACT: Mr. Andrew Rhorer, Senior Coordinator, National Poultry Improvement Plan, VS, APHIS, 1500 Klondike Road, Suite A 102, Conyers, GA, 30207, (770) 922-3496.

SUPPLEMENTARY INFORMATION: The General Conference Committee (the Committee) of the National Poultry Improvement Plan (NPIP), representing cooperating State agencies and poultry industry members, serves an essential function by acting as liaison between the poultry industry and the Department in matters pertaining to poultry health. In addition, this Committee assists the Department in planning, organizing, and conducting the NPIP Conference.

Tentative topics for discussion at the upcoming meeting include:

1. Creation of a U.S. Salmonella Control classification for primary breeding chickens.
2. Creation of a U.S. Mycoplasma Synoviae Clean classification for waterfowl, exhibition poultry and game birds.
3. Creation of a U.S. Salmonella Enteritidis Clean classification for waterfowl, exhibition poultry and game birds.
4. Creation of a U.S. Mycoplasma Gallisepticum Monitored program for multiplier meat-type chicken breeding flocks.

5. Creation of a new subpart F for the Ostrich within the NPIP.

6. Creation of a U.S. Salmonella Enteritidis Monitored, Started Poultry, program for the commercial egg-type pullet industry.

The meetings will be open to the public. The sessions held on July 1 and 2, 1996, will include the delegates to the Biennial NPIP Conference, representing State officials and poultry industry personnel from the 48 cooperating States. However, due to time constraints, the public will not be allowed to participate in the Committee's discussions. Written statements on meeting topics may be filed with the Committee before or after the meeting by sending them to the person listed under **FOR FURTHER INFORMATION CONTACT**. Written statements may also be filed at the meeting. Please refer to Docket No. 96-023-1 when submitting your statements.

This notice of meeting is given pursuant to section 10 of the Federal Advisory Committee Act.

Done in Washington, DC, this 10th day of May 1996.

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96-12333 Filed 5-15-96; 8:45 am]

BILLING CODE 3410-34-P

Forest Service

Rocky Mountain Region: Colorado, Kansas, Nebraska, South Dakota, Eastern Wyoming; Legal Notice of the Opportunity to Comment on Certain Proposed Actions and of Decisions Subject to Notice and Comment

AGENCY: Forest Service, USDA.

ACTION: Notice; newspapers for legal notices.

SUMMARY: This is a list of those newspapers that will be used to publish notice of all decisions which are subject to appeal under 36 CFR 217, notice of the opportunity to comment on certain proposed actions pursuant to 36 CFR 215.5, and notice of decisions subject to appeal under the general provisions of 36 CFR part 215. As required at 36 CFR 215.5 and 215.9, such notice shall constitute legal evidence that the agency has given timely and constructive notice of decisions that are subject to public notice and comment and administrative appeal. 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 in or affected by a specific decision.

EFFECTIVE DATE: Use of these newspapers for purposes of publishing the notices required under the provisions of 36 CFR 215 shall begin May 28, 1996.

FOR FURTHER INFORMATION CONTACT:

John P. Halligan, Regional Appeals and Litigation Coordinator, Rocky Mountain Region, Box 25127, Lakewood, Colorado 80225, Area Code 303-275-5148.

SUPPLEMENTARY INFORMATION:

Responsible Officials in the Rocky Mountain Region shall give notice of the opportunity to comment on certain proposed actions and of decisions subject to appeal pursuant to 36 CFR Part 215 in the following newspapers which are listed by Forest Service unit. Where more than one newspaper is listed for any unit, the first newspaper listed is the primary newspaper which shall be used to constitute legal evidence that the agency has given timely and constructive notice of decisions that are subject to administrative appeal. The day after the publication of the public notice in the primary newspaper shall be the first day of the appeal filing period.

Decisions by the Regional Forester: *The Denver Post*, published daily in Denver, Denver County, Colorado, for decisions affecting National Forest System lands in the States of Colorado, Nebraska, Kansas, and Eastern Wyoming and for any decision of Region-wide impact. In addition, notice of decisions made by the Regional Foresters will also be published in the *Rocky Mountain News*, Published daily in Denver, Denver County, Colorado. Notice of decisions affecting National Forest System lands in the State of South Dakota will also be published in the *The Rapid City Journal*, published daily in Rapid City, Pennington County, South Dakota. For those decisions affecting a particular unit, the newspaper specific to that unit will be used.

Arapaho and Roosevelt National Forests, Colorado

Forest Supervisor Decisions

The Denver Post, published daily in Denver, Denver County, Colorado.

District Ranger Decisions

Redfeather and Estes-Poudre Districts: *Coloradoan*, published daily in Fort Collins, Larimer County, Colorado.

Pawnee District: *Greeley Tribune*, published daily in Greeley, Weld County, Colorado.

Boulder District: *Boulder Daily Camera*, published daily in Boulder, Boulder County, Colorado.