

### Sec. C10. Field service

A representative of the plant shall arrange to promptly visit the farm of each producer whose milk tests positive for drug residue, exceeds the maximum somatic cell count level, exceeds the maximum bacterial estimate, or does not meet the requirements for acceptable milk. The purpose of the visit shall be to inspect the milking equipment and facilities, to offer assistance to improve the quality of the producer's milk, and eliminate any potential cause of drug residue. A representative of the plant should routinely visit each producer as often as necessary to assist and encourage the production of high quality milk.

6. Sec. C11. is revised to read as follows:

(a) A laboratory examination to determine the level of somatic cells shall be made on each producer's milk at least four times in each 6-month period at irregular intervals. Samples shall be analyzed at a laboratory approved by the State regulatory agency.

(b) A screening test may be conducted on goat herd milk. When a goat herd screening sample exceeds either of the following screening test results, a confirmatory test shall be conducted.

(1) California Mastitis Test—Weak Positive (CMT 1).

(2) Wisconsin Mastitis Test—WMT value of 18 mm.

(c) Milk shall be tested for somatic cell content by using one of the following procedures (confirmatory test for somatic cells in goat milk):

(1) Direct Microscopic Somatic Cell Count (Single Strip Procedure). Pyronin Y-Methyl green stain or "New York" modification shall be used for goat milk.

(2) Electronic Somatic Cell Count.

(3) Flow Cytometry/Opto-Electronic Somatic Cell Count.

(4) Membrane Filter DNA Somatic Cell Count.

(d) The results of the confirmatory test on goat milk for somatic cells shall be the official results.

(e) Whenever the official test indicates the presence of more than 750,000 somatic cells per ml. (1,000,000 somatic cell per ml. for goat milk), the following procedures shall be applied:

(1) The producer shall be notified with a warning of the excessive somatic cell count.

(2) Whenever two of the last four consecutive somatic cell counts exceed 750,000 per ml. (1,000,000 per ml. for goat milk), the appropriate regulatory authority shall be notified and a written warning notice given to the producer. The notice shall be in effect so long as two of the last four consecutive samples

exceed 750,000 per ml. (1,000,000 per ml. for goat milk).

(f) An additional sample shall be taken after a lapse of 3 days but within 21 days of the notice required in paragraph (e) (2) of this section. If this sample also exceeds 750,000 per ml. (1,000,000 per ml. for goat milk), subsequent milkings shall be excluded from the market until satisfactory compliance is obtained. Shipment may be resumed and a temporary status assigned to the producer by the appropriate State regulatory agency when an additional sample of herd milk is tested and found satisfactory. The producer shall be assigned a full reinstatement status when three out of four consecutive somatic cell count tests do not exceed 750,000 per ml. (1,000,000 per ml. for goat milk). The samples shall be taken at a rate of not more than two per week on separate days within a 3-week period.

7. Sec. E1.8 is amended by revising paragraph (b) to read as follows:

Sec. E1.8 Raw Product Storage.

(a) \* \* \*

(b) The bacteriological estimate of commingled milk in storage tanks shall be 1 million per ml. or lower.

Authority: 7 U.S.C. 1621-1627.

Dated: September 6, 1996.

Lon Hatamiya,

Administrator.

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BILLING CODE 3410-02-P

### Forest Service

#### Oil and Gas Leasing Analysis; Helena & Deerlodge National Forests, MT

Counties: Lewis and Clark, Powell, Jefferson, Broadwater, and Meagher. State: Montana.

**AGENCIES:** Forest Service, USDA & Bureau of Land Management, USDI.

**ACTION:** Intent to prepare a supplement to the Final Environmental Impact Statement (FEIS) for the Helena National Forest and Elkhorn Portion of the Deerlodge National Forest Oil and Gas Leasing Analysis.

**SUMMARY:** USDA Forest Service and USDI Bureau of Land Management will prepare a supplement to the FEIS to disclose the potential cumulative impacts of oil and gas leasing and other reasonably foreseeable projects that have arisen since the FEIS was completed in April, 1995. A year elapsed between completion of the FEIS and publication of the Record of Decision (ROD), and new project proposals had arisen in the interim. The

cumulative effects of these reasonably foreseeable projects have not been fully disclosed. This information will be added to previous information for the decision makers as they reconsider their decisions. The area covered by this supplement includes National Forest and split estate lands with Federal mineral ownership within the Helena National Forest and the Elkhorn Mountains portion of the Deerlodge National Forest.

The original Notice of Intent to prepare an Environmental Statement was published in the Federal Register, December 1, 1992, Volume 57, No. 231 page 55900. An amendment to this Notice of Intent was published in the Federal Register, August 19, 1993, volume 58, No. 159 page 44159. The Record of Decision was signed on February 12, 1996 by Forest Supervisor Thomas J. Clifford; and February 14, 1996 by BLM State Director Larry E. Hamilton. The Notice of availability of the Oil & Gas leasing decisions for the Helena Forest and Elkhorn Mountain portions of the Deerlodge National Forest was filed March 5, 1996. This decision was appealed through both the Forest Service and Bureau of Land Management administrative appeals processes. The BLM filed a motion for remand on June 27, 1996 and the BLM decisions were set aside by Administrative Judge John H. Kelly on July 9, 1996. Acting Helena Forest Supervisor Jim Guest withdrew the Forest Service decisions on July 30, 1996. This will allow the potential cumulative impacts of oil and gas leasing and other reasonably foreseeable projects that have arisen since the FEIS was published to be analyzed and considered.

The purpose of the project remains the same as stated in the 1995 FEIS. The Forest Service will decide which lands are available for lease and what mitigating stipulations apply for oil and gas exploration and development. The Forest Service proposes to make minor modifications from the preferred alternative displayed in the February 14, 1996 decision. The modifications include increasing the administratively unavailable acres in the Tenmile area (Helena municipal water supply) and increasing the No Surface Occupancy acres within the Black Mountain area. These changes are proposed following discussions with appellants as part of the administrative appeals process. Other Than the above, issues and alternatives remain the same as disclosed in the 1995 FEIS.

No additional scoping to identify issues and concerns is planned prior to the release of the supplement to the

Environmental Impact Statement. However, the Forest Service and Bureau of Land Management would like to receive information relating to possible changed conditions that may affect leasing decisions and were not considered during the analysis disclosed in the original document.

The agencies are aware of the following reasonably foreseeable proposals and projects which may affect the area under consideration for leasing.

#### Mining/Mine Reclamation

—Diamond Hill T7N, R1W  
—Santa Fe Gold T6N, R2–3N  
—Charter Oak Rehabilitation, T9N, R7W  
—Vosberg Reclamation T7N, R1W

#### Vegetation Manipulation

—Poorman T13N, R7–8N  
—North Elkhorns T8–9N, R2W  
—Bull Sweats T11–12N, R1–2W  
—Jericho Salvage T8N, R6W  
*Elkhorn Travel Plan* T6–9N, R1E, R1–3W  
*Tizer/Park Lake Exchange* T8N, R5W; T7N, R2W

**DATE:** Written comments and suggestions on new circumstances, or new information relevant to environmental concerns with a bearing on this proposed project, or its impacts, should be received by no later than October 15, 1996. A Draft Supplement is scheduled for release in November, 1996. A Final Supplement to the EIS is scheduled for release in February, 1997.

**ADDRESSES:** Submit written comments and suggestions to Forest Supervisor, Helena National Forest, 2880 Skyway Drive, Helena, Mt. 59601.

**FOR FURTHER INFORMATION CONTACT:** Tom Andersen, Helena National Forest, 2880 Skyway Drive, Helena, Mt. 59601; phone (406) 449–5201 ext 277.

**SUPPLEMENTARY INFORMATION:** The Forest Supervisor for the Helena National Forest has been assigned the task of completing the Supplement. The responsible officials who will make the leasing decisions are: Thomas J. Clifford, Forest Supervisor, Helena National Forest, 2880 Skyway Drive, Helena, Mt. 59601; and Larry E. Hamilton, State Director, USDI-Bureau of Land Management, Montana State Office, 222 North 32nd Street, PO Box 36800, Billings, Mt 59107–6800.

They will decide on this proposal after considering comments, responses, and environmental consequences discussed in the FEIS (released March 4, 1996), information contained in this Supplement, (scheduled for release January, 1997) and applicable laws, regulations, and policies. The decision, rationale for the decision, and responses

to comments received, will be documented in the FEIS supplement, and in a Record of Decision (ROD).

The comment period on the draft supplement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the Federal Register.

The Forest Service and Bureau of Land Management believe, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft supplements must structure their participation on the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft supplement stage but that are not raised until after completion of the final supplement may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wilson Heritages, Inc. v. Harris*, 490 F. Suppl 1334, 1338 (E.D.Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45 day comment period so that substantive comments and objectives are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final supplement.

To assist the Forest Service and Bureau of Land Management in identifying and considering concerns on the proposed action, comments on the draft supplement should be as specific as possible. It is also helpful if comments refer to specific pages of the draft supplement. Comments may also address the adequacy of the draft supplement. Reviewers may wish to refer to the Council of Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Dated: August 21, 1996.

James E. Guest,

*Acting Forest Supervisor, Helena National Forest.*

[FR Doc. 96–23337 Filed 9–11–96; 8:45 am]

**BILLING CODE 3410–11–M**

#### Grain Inspection, Packers and Stockyards Administration

##### Posting of Stockyards

Pursuant to the authority provided under section 302 of the Packers and

Stockyards Act (7 U.S.C. 202), it was ascertained that the livestock markets named below were stockyards as defined by section 302 (a). Notice was given to the stockyard owners and to the public as required by section 302 (b), by posting notices at the stockyards on the dates specified below, that the stockyards were subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.).

Facility number, name, and location of stockyard	Date of posting
AR–171—Roden's Auction Service, DeQueen, Arkansas.	May 1, 1996.
FL–137—Hidden Creek Auction, Jacksonville, Florida.	July 25, 1996.
NC–160—Boone Stockyard, Inc., Boone, North Carolina.	August 22, 1989.
NC–169—North Carolina Horse Auction, Goldston, North Carolina.	May 9, 1996.
NC–171—Foothills Livestock Auction, Inc., Cliffside, North Carolina.	August 2, 1996.
MD–119—Kolb's Sale Barn, Woodsboro, Maryland.	June 3, 1996.
OH–150—Smokey Lane Stables, Inc., Sugarcreek, Ohio.	July 22, 1996.
OH–151—Producers Livestock Association, Gallipolis, Ohio.	June 12, 1996.
TX–345—Giddings Livestock Commission Co., Giddings, Texas.	July 9, 1996.

Done at Washington, D.C., this 4th day of September 1996.

Daniel L. Van Ackeren,

*Director, Livestock Marketing Division, Packers and Stockyards Programs.*

[FR Doc. 96–23307 Filed 9–11–96; 8:45 am]

**BILLING CODE 3410–20–P**

#### Natural Resources Conservation Service

##### Upper Tioga River Watershed, Pennsylvania; Notice of Intent To Deauthorize Federal Funding

**AGENCY:** USDA—Natural Resources Conservation Service.

**SUMMARY:** Pursuant to the Watershed Protection and Flood Prevention Act, Public Law 83–566, and the Natural Resources Conservation Service (formerly Soil Conservation Service) Guidelines (7 CFR part 622); the Natural Resources Conservation Service (formerly the Soil Conservation Service) gives notice of the intent to deauthorize Federal funding for the Upper Tioga