

Notices

Federal Register

Vol. 62, No. 127

Wednesday, July 2, 1997

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 Research Service

Notice of Availability for Licensing and Intent to Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of Availability and Intent.

SUMMARY: Notice is hereby given that U.S. Patent Application Serial No. 08/797,226, "DNA Sequence Encoding Solanidine UDP-Glucose Glucosyltransferase and Use to Reduce Glycoalkaloids in Solanaceous Plants," filed February 7, 1997, is available for licensing and that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant an exclusive license to Small Potatoes, Inc., of Madison, Wisconsin.

DATES: Comments must be received on or before September 30, 1997.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, Room 415, Building 005, BARC-West, Beltsville, Maryland 20705-2350.

FOR FURTHER INFORMATION CONTACT: June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301-504-5989.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights to this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as Small Potatoes, Inc., has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within ninety days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which

establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Richard M. Parry, Jr.,

Assistant Administrator.

[FR Doc. 97-17268 Filed 7-1-97; 8:45 am]

BILLING CODE 3410-03 P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 97-048-1]

National Animal Damage Control Advisory Committee; Meeting

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of meeting.

SUMMARY: We are giving notice of a meeting of the National Animal Damage Control Advisory Committee.

PLACE, DATES, AND TIME OF MEETING: The meeting will be held at the USDA Center at Riverside in the Conference Center, 4700 River Road, Riverdale, MD 20737. The Committee will meet on July 30-31, 1997, from 8 a.m. to 5 p.m., and August 1, 1997, from 8 a.m. to noon.

FOR FURTHER INFORMATION CONTACT: Mr. William Clay, Associate Deputy Administrator, ADC, APHIS, Mail Stop 3402, Washington, DC 20250-3402, (202) 720-2054.

SUPPLEMENTARY INFORMATION: The National Animal Damage Control Advisory Committee (Committee) advises the Secretary of Agriculture concerning policies, program issues, and research needed to conduct the Animal Damage Control (ADC) program. The Committee also serves as a public forum enabling those affected by the ADC program to have a voice in the program's policies.

The meeting will focus on research and research priorities and will be open to the public. However, due to time constraints, the public will not be allowed to participate in the Committee's discussions. Written statements concerning meeting topics may be filed with the Committee before or after the meeting by sending them to Mr. William Clay at the address listed under **FOR FURTHER INFORMATION CONTACT**, or may be filed at the meeting.

Please refer to Docket No. 97-048-1 when submitting your statements.

This notice of meeting is given pursuant to section 10 of the Federal Advisory Committee Act (Pub. L. 92-463).

Done in Washington, DC, this 26th day of June 1997.

Craig A. Reed,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97-17356 Filed 7-1-97; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Forest Service

St. Joe Weed Control Project; Idaho Panhandle National Forests, Benewah, Shoshone and Latah Counties, Idaho

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: The USDA, Forest Service, will prepare an environmental impact statement (EIS) to disclose the potential environmental effects of using herbicides to treat noxious weeds on the St. Joe Ranger District. Treatment sites would be located at various locations across the district and are within the St. Maries River, St. Joe River, and North Fork of the Clearwater River Ecosystems, St. Joe Ranger District, Idaho Panhandle National Forests, Benewah, Shoshone and Latah Counties, Idaho. Most treatment sites are located near or along forest roads, trails or developed recreation sites.

The proposed action is designed to treat existing populations of weeds to promote native and/or desirable plants within these ecosystems, treat existing populations of weeds to reduce weed seed sources, eradicate weeds found in identified weed-free zones, comply with laws regarding management of noxious weeds, and cooperate with other agencies and private individuals concerned with the management of weeds. The proposed action would include the use of herbicides as part of an integrated pest management approach to control weeds. An integrated approach includes mechanical, biological, cultural and chemical methods.

The weed species considered for control include spotted knapweed

(*Centaurea maculosa*), diffuse knapweed (*Centaurea diffusa*), orange hawkweed (*Hieracium aurantiacum*), meadow hawkweed (*Hieracium pratense*), purple loosestrife (*Lythrum salicaria*), dalmation toadflax (*Linaria dalmatica*) sulfur cinquefoil (*Potentilla recta* L.), yellow starthistle (*Centaurea solstitialis*), hound's-tongue (*Cynoglossum officinale*) and common tansy (*Tanacetum vulgare*).

This project level EIS will tier to the Idaho Panhandle National Forests Weed Pest Management EIS, 10/89; the Idaho Panhandle National Forests Land and Resource Management Plan (Forest Plan), 9/87; the Final EIS Noxious Weed Management Projects, Bonner's Ferry Ranger District, 9/95; and the Priest Lake Noxious Weed Control Project Final EIS, 2/97.

DATES: Written comments and suggestions should be received on or before August 1, 1997.

ADDRESSES: Submit written comments and suggestions on the proposed management activities or request to be placed on project mailing list to Bradley J. Gilbert, District Ranger, St. Joe Ranger District, P.O. Box 407, St. Maries, ID, 83861.

FOR FURTHER INFORMATION CONTACT: Lynette Myhre, EIS Team Leader, St. Joe Ranger District, phone number 208-245-4517.

SUPPLEMENTARY INFORMATION: Weed control is proposed on 131 sites that have been identified on the St. Joe Ranger District. These sites range in size from approximately 0.10 acre to 35 acres and total approximately 3,360 gross acres. These sites represent less than 0.47% of the 720,000 acres of National Forest System Lands on the St. Joe Ranger District.

There are a variety of purposes for treating existing populations of weeds on the St. Joe Ranger District. The primary purposes are: (1) Eradicate weeds found in weed free zones; (2) reduce weed seed sources along main travel routes; (3) to promote native and desirable plants; (4) comply with Federal and State Laws regulation management of noxious weeds; and (5) cooperate with other agencies and private individuals concerned with the management of weeds.

The treatment sites are located across the district. The greatest number of sites are located in the St. Joe Ecosystem. Other sites are located in the St. Maries River and the North Fork of the Clearwater River Ecosystems. The Idaho Panhandle National Forest Land and Resource Management Plan provides guidance for management activities within the potentially affected area

through its goals, objectives, standards and guidelines, and management area direction. The Forest Plan directed that forest pests by managed by an integrated pest management approach.

The Forest Service will consider a range of alternatives. One of these will be the "no action" alternative, in which current management practices would continue. Additional alternatives will represent the range of control methods currently available for treatment of weeds, including non-chemical methods.

Public participation is an important part of the analysis and will play an important role in developing the alternatives. The initial scoping process (40 CFR 1501.7) will occur during June and July, 1997. A previous EIS was completed for this project. That EIS was appealed and remanded back to the St. Joe District to be redone. The public input from that analysis will be used for this analysis in addition to response to this NOI and to the Idaho Panhandle National Forest Quarterly Schedule of Proposed Actions, July, 1997. In addition, the public is encouraged to visit with Forest Service officials during the analysis and prior to the decision. The Forest Service will be seeking information, comments, and assistance from Federal, State, and local agencies and other individuals or organization who may be interested in or affected by the proposed actions. Public meetings may be held, but have not been scheduled at this time.

Comments from the public and other agencies will be used in preparation of the Draft EIS. The Scoping process will be used to:

1. Identify potential issues.
2. Identify major issues to be analyzed in depth.
3. Eliminate minor issues or those which have been covered by a relevant previous environmental analysis.
4. Identify alternatives to the proposed action.
5. Identify potential environmental effects of the proposed action and alternatives (i.e., cumulative effects).

Some public concerns have already been identified from initial interdisciplinary review of the weed control proposal. The following major issues have been identified so far:

1. Current and potential impacts of noxious weeds on ecosystem communities and processes; threatened, endangered, and sensitive plants and animals; soils; water quality; aesthetics; wildlife and fish; and recreational opportunities.
2. Potential impacts of weed control.

3. Potential effects upon human health from the application of herbicides.

This list will be verified, expanded, or modified based on public scoping and interdisciplinary review of this proposal.

The draft environmental impact statement is expected to be filed with the Environmental Protection Agency, (EPA) and available for public review in August, 1997. At that time, the EPA will publish a Notice of Availability of the draft environmental impact statement in the **Federal Register**. The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes, 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 environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental statement stage but that are not raised until after completion of the final environmental statement may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 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 scoping 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 environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the

National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

I am the responsible official for this environmental impact statement. My address is St. Joe Ranger District, P.O. Box 407, St. Maries, ID, 83861.

Dated: June 23, 1997.

Bradley J. Gilbert,

District Ranger, St. Joe District, IPNF.

[FR Doc. 97-17250 Filed 7-1-97; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

Forest Service

Record of Decision for Revision of Black Hills National Forest Land and Resource Management Plan (Forest Plan); Black Hills National Forest; Custer, Fall River, Meade, Lawrence, Pennington Counties, SD; Crook and Weston Counties, WY

AGENCY: Forest Service, USDA.

ACTION: Notice of decision.

SUMMARY: On June 24, 1997, Elizabeth Estill, Regional Forester, Rocky Mountain Region, signed a Record of Decision (ROD) for the Revised Forest Land and Resource Management Plan for the Black Hills National Forest. This decision rescinds the March 13, 1997 decision revising the Plan because of a problem with an incomplete record. After receiving the full record, and after further consideration, the earlier decision is reissued unchanged. While the new decision makes no substantive change to the prior decision, it does have consequences. The new decision restarts the administrative appeal clock and also the effective date of the Revised Forest Plan.

EFFECTIVE DATE: This decision is effective August 1, 1997 (NFMA, 16 USC 1604(J)). A legal notice is also being published in the Denver Post, Denver, Colorado.

FOR FURTHER INFORMATION CONTACT: John Rupe, Forest Planning Team Leader, 605-673-2251.

SUPPLEMENTARY INFORMATION: On May 28, interested organizations which participated in the public scoping process for the Revision, issued a request to the Chief of the Forest Service to vacate the March 13 Record of Decision (ROD), based, in part, on issues connected to the availability and finalization of the analysis of the public comment record prior to issuance of the decision.

The March 13 ROD discussing public involvement stated: "Individual responses to each comment have been

prepared and are available upon request." When commentors sought copies of these individual responses, the Forest staff discovered that computer software malfunctions had occurred leaving the database incomplete. Upon further investigation, it was discovered that some of the promised individual responses had not even been prepared when the earlier ROD was signed. Upon discovery of the situation, the Regional Forester directed the Forest Supervisor to complete the record and resubmit it for review. The Forest Supervisor submitted the complete record for the Regional Forester's review on June 13.

The following explains the public involvement process to put this decision in context. The Forest Service received approximately 5,400 comments on the Draft Revised Plan and Draft Environmental Impact Statement (DEIS). The comments were reviewed individually and individual responses were to be prepared for the record. However, the Forest Supervisor chose not to include the individual responses to each comment in the Final Environmental Impact Statement (FEIS). For public disclosure with the FEIS, comments were grouped into subject matter areas along with Forest Service responses to the broader concerns which were expressed.

This evaluation of the public comment was included in Appendix A to the FEIS. This Appendix explained how public comments were evaluated and responses were prepared in accordance to 40 CFR 1503.4(a). The only type of comment which was not fully addressed prior to the March 13 decision was the type that the Forest Service concluded "do not warrant further agency response" under the regulations. The regulations do require that the agency explain why it has concluded that the comments don't warrant further agency response. This step had not been completed for all comments when the earlier ROD was signed. This final step has now been completed.

As a result of an additional interdisciplinary team review, the Forest Supervisor concluded that all comments in the database were addressed in the FEIS or ROD, and recommended to the Regional Forester that individual responses to public comment should not affect the disposition of the March 13 decision.

After reviewing the record, the Regional Forester has concurred with the findings of the Forest Supervisor. Moreover, the Regional Forester has determined that the findings of the review reaffirm the March 13 decision in its entirety.

Following are the specific features of the decision:

- It incorporates the March 13 decision in its entirety, including all rationale, elements, findings and implementation schedules.
- To date, the Forest Supervisor has implemented the revised Forest Plan through the issuance of nine project decisions. All decisions are currently in respective appeal periods and subject to administrative appeal under 36 CFR 217.10(c). None of these actions would be implemented before the effective implementation date of this decision. Moreover, the decision results in no changes or alternations in the Revised Plan or supporting FEIS. Therefore, the Regional Forester has determined that no adjustments or stays of these nine project level analyses or decisions will occur as a part of this action.
- There are an additional six projects with decisions pending. These or any other new decisions issued under the Revised Plan will not be implemented until thirty days from this notice.

The effective implementation date for this decision will occur 30 days from this notice. A legal notice is also being published in the Denver Post, Denver, Colorado.

This decision is subject to administrative review pursuant to 36 CFR 217. Any appeal of this decision must be fully consistent with 36 CFR 217.9 and be filed in duplicate with the Chief, USDA—Forest Service, P.O. Box 96090, NFS, 3NW, Appeals Office, Washington, DC 29909-6090. The appeal must be filed within 90 days from the date this decision is published in the Denver Post. Anyone concerned about the decision is urged to contact the Forest Supervisor before submitting an appeal. It may be possible to resolve the concern in a less formal way.

Dated: June 26, 1997.

Joe L. Meade,

Acting Deputy Regional Forester.

[FR Doc. 97-17276 Filed 7-1-97; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Availability of Funding and Requests for Proposals for the Section 538 Rural Rental Housing Guaranteed Loan Demonstration Program

AGENCY: Rural Housing Service, USDA.

ACTION: Notice.

SUMMARY: The Rural Housing Service (RHS) announces the availability of the