

# 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. 95-070-1]

#### Availability of Environmental Assessments and Findings of No Significant Impact

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** We are advising the public that two environmental assessments and findings of no significant impact have been prepared by the Animal and Plant Health Inspection Service relative to the issuance of permits to allow the field testing of genetically engineered organisms. The environmental assessments provide a basis for our conclusion that the field testing of the genetically engineered organisms will not present a risk of introducing or disseminating a plant pest and will not

have a significant impact on the quality of the human environment. Based on its findings of no significant impact, the Animal and Plant Health Inspection Service has determined that environmental impact statements need not be prepared.

**ADDRESSES:** Copies of the environmental assessments and findings of no significant impact are available for public inspection 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 requested to call ahead on (202) 690-2817 to facilitate entry into the reading room.

**FOR FURTHER INFORMATION CONTACT:** Dr. Arnold Foudin, Deputy Director, Biotechnology Permits, BBEP, APHIS, Suite 5B05, 4700 River Road Unit 147, Riverdale, MD 20737-1237; (301) 734-7612. For copies of the environmental assessments and findings of no significant impact, write to Mr. Clayton Givens at the same address. Please refer to the permit numbers listed below when ordering documents.

**SUPPLEMENTARY INFORMATION:** The regulations in 7 CFR part 340 (referred to below as the regulations) regulate the introduction (importation, interstate movement, and release into the environment) of genetically engineered organisms and products that are plant

pests or that there is reason to believe are plant pests (regulated articles). A permit must be obtained or a notification acknowledged before a regulated article may be introduced into the United States. The regulations set forth the permit application requirements and the notification procedures for the importation, interstate movement, and release into the environment of a regulated article.

In the course of reviewing each permit application, APHIS assessed the impact on the environment that releasing the organisms under the conditions described in the permit application would have. APHIS has issued permits for the field testing of the organisms listed below after concluding that the organisms will not present a risk of plant pest introduction or dissemination and will not have a significant impact on the quality of the human environment. The environmental assessments and findings of no significant impact, which are based on data submitted by the applicants and on a review of other relevant literature, provide the public with documentation of APHIS' review and analysis of the environmental impacts associated with conducting the field tests.

Environmental assessments and findings of no significant impact have been prepared by APHIS relative to the issuance of permits to allow the field testing of the following genetically engineered organisms:

Permit No.	Permittee	Date issued	Organisms	Field test location
94-297-01 ..	Monsanto Company .....	8-28-95	Strawberry plants genetically engineered to express genes that alter fruit ripening.	Florida.
95-143-01 ..	Texas A&M University .	8-30-95	Sugarcane plants genetically engineered to express tolerance to the herbicide glufosinate.	Texas.

The environmental assessments and findings of no significant impact have been 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; 60 FR 6000-6005, February 1, 1995).

Done in Washington, DC, this 22nd day of September 1994.

Terry L. Medley,

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 95-23971 Filed 9-26-95; 8:45 am]

BILLING CODE 3410-34-P

## Food and Consumer Service

### Public Notification That Several Products Are Now Excluded From the "Soda Water" and "Certain Candies" Category of "Foods of Minimal Nutritional Value"

**AGENCY:** Food and Consumer Service, USDA.

**ACTION:** Notice.

**SUMMARY:** This notice serves to inform the public that Canadian Pure Beverage Distributing, Inc., Knudsen and Sons,

Inc. and Farley's Foods U.S.A. have petitioned the Food and Consumer Service (FCS) to exempt products from the "Categories of Foods of Minimal Nutritional Value" under the National School Lunch Program and the School Breakfast Program. Based upon data furnished by the manufacturers, FCS has determined that these products should not be classified as foods of minimal nutritional value. The petitioners have been notified of this determination in writing and that FCS does not prohibit the sale of the products in school food service areas during breakfast or lunch period.

**DATES:** The effective dates of this Notice are October 20, 1993 for Canadian Pure Beverage Distributing, Inc., June 27, 1994 for Knudsen and Sons, Inc., and March 31, 1995 for Farley's Foods U.S.A. This corresponds with the dates the companies were notified of approval.

**FOR FURTHER INFORMATION CONTACT:** Ms. Cynthia H. Ford, Chief, Technical Assistance Branch, Nutrition and Technical Services Division, Food and Consumer Service, 3101 Park Center Drive, Room 607, Alexandria, Virginia, 22302, or by telephone at (703) 305-2556.

**SUPPLEMENTARY INFORMATION:** The National School Lunch Program and the School Breakfast Program are listed in the Catalog of Federal Domestic Assistance under No. 10.555 and under No. 10.553, respectively, and are thereby subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials (7 CFR part 3015, subpart V, and the final rule-related Notice published June 24, 1983 (48 FR 29114)).

This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601-612) and thus is exempt from the provisions of that Act.

This Notice imposes no new reporting or recordkeeping provisions that are subject to Office of Management and Budget review in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

#### Background

On January 29, 1980, the Department published final regulations (45 FR 6758 at 6772), commonly known as the competitive foods rule, which identified categories of foods of minimal nutritional value. These foods were identified as soda water, water ices, chewing gum and certain candies (hard candies, jellies and gums, marshmallow candies, fondants, licorice, spun candy, and candy coated popcorn). The sale of

such foods is prohibited in food service areas during breakfast and lunch periods by the regulations governing the School Breakfast Program, 7 CFR 220.12(a), and the National School Lunch Program, 7 CFR 210.11(b).

As defined in 7 CFR 210.11(a)(2) and 220.2(i-1), foods of minimal nutritional value provide less than five percent of the Reference Daily Intake (RDI) for each of eight specified nutrients per 100 calories and less than five percent of the RDI for each of the eight specified nutrients per serving. In the case of artificially sweetened foods, only the "per serving" measure applies. The eight specified nutrients are: protein, vitamin A, vitamin C, niacin, riboflavin, thiamine, calcium, and iron. The competitive foods rule has been amended many times but it still retains its original intention of keeping foods of minimal nutritional value from competing with foods served in school lunch and breakfast program service areas. Under 7 CFR 220.12(a) and 210.11(b) school food authorities have the right to restrict and even forbid the sale of foods that would otherwise be permitted under the competitive foods rule. If competitive foods are allowed to be sold in food service areas during breakfast and lunch periods, all income from such sales must accrue to the benefit of the nonprofit school food service or the school or student organization approved by the school.

The competitive foods rule contains provisions for amending Appendix B—Categories of Foods of Minimal Nutritional Value, of Part 210, National School Lunch Program, and Part 220, School Breakfast Program, to exempt an individual food from a category of foods of minimal nutritional value as listed in Appendix B or to add a particular category of food to Appendix B as a category of foods of minimal nutritional value. These provisions are found in section 210.11(a)(2) and in Part 210, Appendix B, (for the National School Lunch Program) and in section 220.12(b) (for the School Breakfast Program). The public may petition FCS to request that an exception from or an addition to the food categories listed in Appendix B be made. A schedule for petitioners regarding submission deadlines is furnished in Part 210, Appendix B(b)(3), and Part 220, Appendix B. The petition must include a statement of the percent of the RDI for the eight nutrients listed in sections 210.11(a)(2) and 220.2(i-1) that the food provides per serving and per 100 calories and the petitioner's source of this information. FCS determines whether or not the individual food is a food of minimal nutritional value and

informs the petitioner in writing of such determination, and the public by notice in the Federal Register. In determining whether a food is a food of minimal nutritional value, discrete nutrients added to the food are not taken into account.

The Department received petitions from Canadian Pure Beverage Distributing, Inc., dated July 15, 1993, Knudsen and Sons, Inc., dated May 29, 1994, and Farley's Foods U.S.A., dated March 21, 1995, with all necessary petition components. Both per serving and per 100 calorie nutrient analysis data show that one of the eight nutrients (Vitamin C) is greater than 5% of the RDI in each of the products. Therefore, the following products are exempt from the identified category of "Foods of Minimal Nutritional Value" (7 CFR Part 210, Appendix B(a) and Part 220, Appendix B): "Sparkling Spring Water Beverage with natural strawberry flavour," "Sparkling Spring Water Beverage with natural black cherry flavour," "Sparkling Spring Water Beverage with natural raspberry flavour," and "Sparkling Spring Water Beverage with natural peach and orange flavour" produced by Canadian Pure Beverage Distributing, Inc. Likewise, the FJ FIZZ brand "Black Cherry," "Strawberry," "Orange," "Cherry Cola," "Grape," and "Red Raspberry" produced by Knudsen & Sons, Inc. are exempt from the "soda water" category. "The Roll (SLP)" and "Fruit Funnies (SLP)" produced by Farley's Foods U.S.A. are exempt from the "jellies and gums" section of the "certain candies" category.

Program regulations do not prohibit the sale of these products in a school food service area during breakfast or lunch period.

In compliance with petitioning schedules, the companies were notified in writing of this decision and this Notice documents public announcement.

Although required by the regulations to publish this notice, the Department emphasizes that such notification is not to be construed as either approval or endorsement of any food product or manufacturer identified in this notice. Nor is it certification that such food product has a significant nutritional value. Nor in any way is it guidance or encouragement to State Agencies and School Food Authorities concerning their possible purchase of any class or type of food product identified in this notice.

Dated: September 14, 1995.  
 William E. Ludwig,  
 Administrator, Food and Consumer Service.  
 [FR Doc. 95-23911 Filed 9-26-95; 8:45 am]  
 BILLING CODE 3410-30-U

## Forest Service

### Upper Ocoee River Recreation Management, Ocoee Ranger District, Cherokee National Forest, Polk County, TN

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of Intent to Prepare an Environmental Impact Statement.

**SUMMARY:** The Forest Service will prepare an environmental impact statement on a proposed action to construct and administer new dispersed and developed recreational facilities in the upper Ocoee River Corridor. Included in the analysis and decision making process is the future management of the facilities being constructed for pre-Olympic and Olympic events in connection with the 1996 Olympic Slalom Canoe and Kayak events.

The Forest Service, Tennessee Valley Authority (TVA), and State of Tennessee Department of Environment and Conservation (State hereafter) jointly manage commercial and noncommercial recreational use on sections of the lower Ocoee River, the management of which is not part of this analysis. The Forest Service is the lead agency responsible for preparing the environmental impact statement, since the focus of the analysis centers on lands administered by the Cherokee National Forest. The Tennessee Valley Authority will participate as a cooperating agency in the environmental analysis. TVA has responsibility for providing approval under section 26a of the TVA Act for construction of water use facilities and for managing water flows within the Ocoee River watershed for power generation. The State of Tennessee has a strong interest in the Ocoee Region and will provide valuable resource information during the environmental analysis.

The Forest Service gives notice and invites comment on the scope of the environmental analysis and decisionmaking process. This will ensure that interested and affected individuals, groups, organizations, and agencies have the opportunity to participate in and contribute to the environmental analysis and decision making process.

**DATES:** Comments should be received by November 6, 1995, to ensure timely consideration.

**ADDRESSES:** Send written comments to Dave Carroll, Future Use Team Leader, Cherokee National Forest, P.O. Box 2010, Cleveland, TN 37320.

**FOR FURTHER INFORMATION CONTACT:** Dave Carroll, NEPA Coordinator, (423) 476-9700.

**SUPPLEMENTARY INFORMATION:** On March 23, Forest Supervisor John F. Ramey signed a Record of Decision (ROD) authorizing the construction of the Olympic Canoe and Kayak Slalom Venue on the Ocoee River within the Cherokee National Forest. The venue which is still under construction consists of a 1700 foot competitive channel, a 7600 square foot administrative building and two bridges across the Ocoee River. The ROD did not make a decision concerning the use of the venue site beyond the Olympic games because of uncertainties connected with water availability. As a cooperating agency, TVA issued its own ROD on May 18, 1994 granting 26a approval for construction of the venue and other facilities within the 100 year floodplain and authorizing water release for pre-Olympic and Olympic events. At the time both RODs were signed, it was recognized that the facilities could possibly be used for athlete training, future competitive events and general recreational use. However, any proposed use of the facilities beyond the 1996 Olympic games would require additional environmental analysis.

In addition to the recreational aspects of the Venue, there are additional opportunities in the Upper Ocoee River corridor for recreational development. The existing recreational facilities within the lower Ocoee River corridor are approaching maximum use capacity. The growing public demand for recreational areas requires facilities that will provide quality developed and dispersed recreational opportunities while protecting the natural beauty and resources of the area. Use on the lower Ocoee so far this summer is thirty percent greater than for the same period in 1994. Over 230,000 people have used the services of commercial outfitters and an estimated 30,000 recreational boaters have paddled the lower Ocoee. Forest Service developed swimming areas and campgrounds are heavily used. Parking areas are generally filled to overflowing and pullouts along U.S. Highway 64 are heavily used for parking. There is high demand for water-based recreational access to the deep, blue-green pools that occur within the upper Ocoee River channel. This area is used by local

residents as well as tourists. **DECISIONS TO BE MADE:** The following decisions are to be made upon completion of the environmental analysis by the Forest Service and TVA. The decisions to be made by the Forest Service are:

1. Whether to construct additional dispersed and developed recreation facilities and if facilities are developed, where they will be located. Facilities include trails, picnic areas, campgrounds, river access roads or trails, and launch facilities for kayakers, canoers, tubers, and rafters.

2. Whether commercial outfitting and associated facilities such as parking areas, change houses, and put-ins and take-outs will be allowed on National Forest System lands.

3. Whether to allow future competitive use of the Olympic venue (venue includes all facilities constructed for the Olympic competition) and under what conditions any such use would be allowed.

The decisions to be made by TVA are:

1. Whether to provide section 26a approval of proposed facilities.

2. Whether to provide water releases on the Upper Ocoee for post Olympic competitive, recreational and/or commercial uses of the river.

## Scoping

Preliminary scoping between TVA and Forest Service personnel has identified the following preliminary issues related to development of the upper Ocoee River:

1. What are the appropriate opportunities within the upper river corridor;

2. What are the effects of additional recreational use within the upper Ocoee corridor on the adjacent Little Frog Wilderness and the wilderness experience;

3. What are the short-term and long-term effects of increased recreational development on the local and regional demographics and economies;

4. What are the effects of increased visitation on river management, commercial outfitters, private users, and natural and heritage resources within the river corridor;

5. What impact will increased development have on fish and wildlife habitat especially, threatened and endangered species;

6. How will water quality be affected by increased visitation and by scheduled water releases;

7. What impact will increased demand for downstream recreational water have on upstream reservoirs;

8. What are the effects on the complexity and cost of TVA's water management and power generation