

before the plant begins to flower. Event MS3 was transformed via immature embryo electroporation in yellow dent corn material. Expression of the introduced genes is controlled in part by the P35S promoter derived from the plant pathogen cauliflower mosaic virus and the 3' nos sequence from the plant pathogen *Agrobacterium tumefaciens*.

Event MS3 has been considered a regulated article under APHIS' regulations in 7 CFR part 340 because it contains regulatory gene sequences derived from the plant pathogens mentioned above. However, evaluation of field data reports from field tests of the subject corn line 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 corn plants' release into the environment.

Determination

Based on its analysis of the data submitted by PGS and a review of other scientific data, comments received, and field tests of the subject corn line, APHIS has determined that corn line event MS3: (1) Exhibits no plant pathogenic properties; (2) is no more likely to become a weed than corn developed by traditional breeding techniques; (3) is unlikely to increase the weediness potential for any other cultivated or wild species with which it can interbreed; (4) will not harm threatened or endangered species or other organisms, such as bees, which are beneficial to agriculture; and (5) will not cause damage to raw or processed agricultural commodities. Therefore, APHIS has concluded that corn line event MS3 and any progeny derived from hybrid crosses with other nontransformed corn varieties will not exhibit new plant pest properties, i.e., properties substantially different from any observed for event MS3 corn plants already field tested, or those observed for corn in traditional breeding programs.

The effect of this determination is that PGS' corn line designated as event MS3 is no longer considered a regulated article 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 PGS' corn line event MS3 or its progeny. However, the importation of the subject corn line 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; 60 FR 6000–6005, February 1, 1995). Based on that EA, APHIS has reached a finding of no significant impact (FONSI) with regard to its determination that corn event MS3 and lines developed from it 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 29th day of February, 1996.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

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Forest Service

Cavanah Analysis Area Multi-Resource Management Projects, Placer County, CA

AGENCY: Forest Service, USDA.

ACTION: Notice; intent to prepare an environmental impact statement.

SUMMARY: The U.S. Department of Agriculture, Forest Service will prepare an environmental impact statement (EIS) for proposed timber harvest, plantation thinning, fuelbreak construction, wildlife habitat improvement projects, and upgrading of the Robinson Flat (#43) road within the North Fork Middle Fork American River watershed in accordance with the requirements of 36 CFR 219.19. The project area is located within portions of T.14N., R.12E., Section 1; T.14N., R.13E. Sections 5, 6, 7, 8; T.15N., R.12E., Sections 24, 25, 36; and T.15N., R.13E., Sections 15–22 and 27–33, MDB&M.

If upgrading of the #43 road is part of the selected alternative in the EIS project, a site specific Forest Plan amendment will be part of the Record of Decision.

The agency invites comments and suggestions on the scope of the analysis. In addition, the agency gives notice of

the full environmental analysis and decision-making process that will occur on the proposal so that interested and affected people are aware of how they may participate and contribute to the final decision.

DATES: Comments should be made in writing and received by April 8, 1996.

ADDRESSES: Written comments concerning the project should be directed to Rich Johnson, District Ranger, Foresthill Ranger District, 22830 Foresthill Road, Foresthill CA 95631.

FOR FURTHER INFORMATION CONTACT: John Bradford, Environmental Coordinator, Foresthill Ranger District, Foresthill, CA 95631, telephone (916) 478–6254.

SUPPLEMENTARY INFORMATION: The Cavanah Analysis Area is located in the North Fork Middle Fork American River watershed. It lies south of Screwauger Canyon, west of the top of Mosquito Ridge, east of the #44 road and Little Grisley Creek and north of the Greek Store site. This area is part of the larger Cavanah Ecosystem Management Area.

The proposed fuelbreak (Defensible Fuel Profile Zone or DFPZ) would be parallel to the Mosquito Ridge (#96) road from the Greek Store area north to Little Bald Mountain. This proposal would create a fuelbreak with widely spaced trees and a low shrub understory. The creation of the DFPZ will change the appearance of the existing vegetation. Current visual quality objective for the foreground viewing area on the Mosquito Ridge (#96) road is Retention. This means that management activities are not evident to the casual forest user. A visual management zone in the immediate foreground of the Mosquito Ridge road (within the DFPZ) would be established to meet this objective. By establishing this zone this proposal meets current standards and guidelines for visual quality objectives for Management Area #99 (Mosquito) in the Tahoe National Forest Land and Resource Management Plan (LRMP).

The proposed improvement of the Robinson Flat (#43) road is designed to make the section of the road west of Little Bald Mountain drivable by passenger cars, which would improve the motorized recreational experience in the Robinson Flat and Mosquito Ridge areas. The proposal will need Management Practice L2 (Multi-Resource Road Access Development) available in the Management Area (#91—Sunflower) in order to accomplish this project. In the current Tahoe LRMP, this management practice is not available in this Management Area. If this proposal is part of the

selected alternative, the Forest LRMP will be amended to include L2 as a management practice available in Management Area #91.

In preparing the environmental impact statement, the Forest Service will identify and analyze a range of alternatives that address the issues developed for this area. One of the alternatives will be no treatment. Other alternatives will consider differing levels of timber harvest; different techniques for fuels reduction; differing amounts of plantation thinning; different types of wildlife habitat improvement; and whether to upgrade the #43 road. It also means that the needs of people and environmental values will be considered in such a way that this area will represent a diverse, healthy, productive, and sustainable ecosystem.

Public participation will be important during the analysis, especially during the review of the Draft Environmental Impact Statement. The Forest Service is seeking information, comments, and assistance from Federal, State, and local agencies and other individuals or organizations who may be interested in or affected by the proposed action. This input will be used in preparation of the draft environmental impact statement (DEIS). The scoping process includes:

1. Identifying potential issues.
2. Identifying issues to be analyzed in depth.
3. Eliminating insignificant issues or those which have been covered by a relevant previous environmental analysis.
4. Exploring additional alternatives.
5. Identifying potential environmental effects of the proposed action and alternatives (i.e., direct, indirect, and cumulative effects and connected actions).

The following list of issues has been identified through initial scoping:

- (1) To what extent will harvesting and creation of the DFPZ affect water quality?
- (2) What affect will the creation of the DFPZ have on the potential for large catastrophic wildfires within the project area?
- (3) To what extent can forest health be improved within the project area? In addition, what level of timber commodities could result from forest health improvement projects?
- (4) To what extent will the view from the Mosquito Ridge (#96) road be affected? What will the visual character be resulting from the proposed activities?
- (5) What affect will the proposed activities have on long-term soil productivity?

(6) To what extent will air quality in the Sacramento Valley be affected by proposed activities?

(7) What affect will including harvest of < 10" diameter trees have on the potential to sell harvested trees in a commercial timber sale?

Comments from other Federal, State, and local agencies, organizations, and individuals who may be interested in, or affected by the decision, are encouraged to identify other significant issues. Public participation will be solicited through mailing letters to potentially interested or affected mining claim owners, private land owners, and special use permittees on the Foresthill Ranger District; posting information in local towns; and mailing letters to local timber industries, politicians, school boards, county supervisors, and environmental groups. Continued participation will be emphasized through individual contacts. Public meetings used as a method of public involvement during preparation and review of the draft environmental impact statement will be announced in newspapers of general circulation in the geographic area of such meetings well in advance of scheduled dates.

The comment period on the draft EIS 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 EIS stage but that are not raised until after completion of the final EIS 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 the 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 objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action,

comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft EIS. Comments may also address the adequacy of the draft EIS 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.

The draft EIS is expected to be available for public review by the end of April, 1996. The final EIS is expected to be available by the end of June, 1996.

The responsible official is John H. Skinner, Forest Supervisor, Tahoe National Forest, PO Box 6003, Nevada City, CA 95959.

Dated: February 28, 1996.

John H. Skinner,

Forest Supervisor.

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BILLING CODE 3410-11-M

Blue Mountains Natural Resources Institute (BMNRI), Board of Directors

AGENCY: Pacific Northwest Research Station, USDA.

ACTION: Notice of meeting.

SUMMARY: The Blue Mountains Natural Resources Institute Board of Directors will meet on March 13, 1996 at Eastern Oregon State College, Hoke Hall, Room 309, 1410 L Avenue in La Grande, Oregon. The meeting will begin at 9:00 a.m. and continue until 2:00 p.m. Agenda items to be covered include: (1) revision of BMNRI documents to comply with Federal Advisory Committee Act; (2) appoint Board members to serve on research and outreach subcommittees; (3) program status; (4) report on Seventh American Forest Congress; (5) status of requested charter changes; and (6) public comments. All Blue Mountains Natural Resources Institute Board Meetings are open to the public. Interested citizens are encouraged to attend. Members of the public who wish to make a brief oral presentation at the meeting should contact John Henshaw, BMNRI, 1401 Gekeler Lane, La Grande, OR 97850, 503-963-7122, no later than 5:00 p.m. March 12, 1996 to have time reserved on the agenda.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to John Henshaw, Acting Manager, Blue Mountains Natural Resources Institute, 1401 Gekeler Lane, La Grande, Oregon 97850, 503-963-7122.