

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.

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[DA-96-06]

#### Request for Comments on a Compelling Public Interest for the Northeast Interstate Dairy Compact

**AGENCY:** Agricultural Marketing Service.

**ACTION:** Notice.

**SUMMARY:** The 1996 Federal Agricultural Improvement Reform Act provides that the Secretary of Agriculture may grant authority to implement the Northeast Interstate Dairy Compact (the Compact) based upon a finding of a compelling public interest in the Compact region. The Secretary is asking all interested parties to submit written comments regarding the Compact and the existence of a compelling public interest in the Compact region.

**DATES:** Comments are due no later than June 3, 1996.

**ADDRESSES:** Comments (two copies) should be sent to USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090-6456.

**FOR FURTHER INFORMATION CONTACT:** John F. Borovies, Branch Chief, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090-6456 (202) 720-6274.

**SUPPLEMENTARY INFORMATION:** Section 147 of the 1996 Federal Agricultural Improvement Reform (FAIR) Act (Pub. L. 104-127) establishes Congressional consent for the Northeast Interstate Dairy Compact (the Compact) entered into by the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont subject to several conditions. The Act provides that "Based upon a finding by the Secretary of a compelling public interest in the Compact region, the Secretary may grant the States that have ratified the

Northeast Interstate Dairy Compact, as of the date of enactment of this title, the authority to implement the Northeast Interstate Dairy Compact." The Secretary is requesting that all interested parties submit written comments regarding the existence of a compelling public interest in the Compact region.

All persons who desire to submit written data, views or arguments regarding whether a compelling public interest exists in the Compact region should send two copies of their views to USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090-6456, by the 30th day after publication of this notice in the Federal Register. All written submissions made pursuant to this notice will be made available for public inspection in the Dairy Division during regular business hours.

Dated: April 30, 1996.

Lon Hatamiya,

*Administrator.*

[FR Doc. 96-11169 Filed 5-02-96; 8:45 am]

BILLING CODE 3410-02-P

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### Animal and Plant Health Inspection Service

[Docket No. 96-024-1]

#### Cornell University and University of Hawaii; Receipt of Petition for Determination of Nonregulated Status for Papaya Lines Genetically Engineered for Virus Resistance

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

**ACTION:** Notice.

**SUMMARY:** We are advising the public that the Animal and Plant Health Inspection Service has received a petition from Cornell University and the University of Hawaii seeking a determination of nonregulated status for papaya lines designated as 55-1 and 63-1 that have been genetically engineered for virus resistance. The petition has been submitted in accordance with our regulations concerning the introduction of certain genetically engineered organisms and products. In accordance with those regulations, we are soliciting public comments on whether these papaya lines present a plant pest risk.

**DATES:** Written comments must be received on or before July 2, 1996.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 96-024-1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 96-024-1. A copy of the petition and any 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 access to that room to inspect the petition or comments are asked to call in advance of visiting at (202) 690-2817.

**FOR FURTHER INFORMATION CONTACT:** Dr. Keith Reding, Biotechnology Permits, BBEP, APHIS, Suite 5B05, 4700 River Road Unit 147, Riverdale, MD 20737-1237; (301) 734-7612. To obtain a copy of the petition, contact Ms. Kay Peterson at (301) 734-7612; e-mail: mkipeterson@aphis.usda.gov.

**SUPPLEMENTARY INFORMATION:** The regulations in 7 CFR part 340, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests," regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered organisms and products are considered "regulated articles."

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. Paragraphs (b) and (c) of § 340.6 describe the form that a petition for determination of nonregulated status must take and the information that must be included in the petition.

On February 20, 1996, APHIS received a petition (APHIS Petition No. 96-051-01p) from Cornell University, Geneva, NY, and the University of Hawaii, Honolulu, HI (Cornell/Hawaii), requesting a determination of

nonregulated status under 7 CFR part 340 for papaya lines designated as 55-1 and 63-1 that have been genetically engineered to contain genes that confer virus resistance. The Cornell/Hawaii petition states that papaya lines 55-1 and 63-1 should not be regulated by APHIS because they do not present a plant pest risk.

As described in the petition, papaya (*Carica papaya*) lines 55-1 and 63-1 have been genetically engineered to express the coat protein gene of papaya ringspot virus (PRV), strain HA5-1, which confers resistance to PRV. Both the subject papaya lines also contain the selectable marker gene *nptII*, and line 55-1 contains the *gus* selectable marker gene, in addition. Expression of the added genes is controlled by the untranslated 3' region of the nopaline synthase gene from *Agrobacterium tumefaciens* and the 35S promoter and 35S terminator from the plant pathogen cauliflower mosaic virus (CAMV). In developing lines 55-1 and 63-1, the microprojectile process was used to transfer the introduced gene sequences into the gynodioecious cultivar Sunset. The Sunset cultivar is of commercial importance in Hawaii, where PRV is a serious plant pest of papaya.

The subject papaya lines have been considered regulated articles under the regulations in 7 CFR part 340 because they contain gene sequences from the plant pathogens mentioned above. The subject papaya lines have been evaluated in field trials conducted under APHIS permits. In the process of reviewing the applications for field trials of lines 55-1 and 63-1, APHIS determined that the vectors and other elements were disarmed and that the trials, which were conducted under conditions of reproductive and physical containment or isolation, would not present a risk of plant pest introduction or dissemination.

In the Federal Plant Pest Act, as amended (7 U.S.C. 150aa *et seq.*), "plant pest" is defined as "any living stage of: Any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances, which can directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any processed, manufactured or other products of plants." APHIS views this definition very broadly. The definition covers direct or indirect injury, disease, or damage not just to agricultural crops, but also to plants in general, for example, native species, as well as to organisms that may be

beneficial to plants, for example, honeybees, rhizobia, etc.

The Food and Drug Administration (FDA) published a statement of policy on foods derived from new plant varieties in the Federal Register on May 29, 1992 (57 FR 22984-23005). The FDA statement of policy includes a discussion of FDA's authority for ensuring food safety under the Federal Food, Drug, and Cosmetic Act, and provides guidance to industry on the scientific considerations associated with the development of foods derived from new plant varieties, including those plants developed through the techniques of genetic engineering.

In accordance with § 340.6(d) of the regulations, we are publishing this notice to inform the public that APHIS will accept written comments regarding the Petition for Determination of Nonregulated Status from any interested person for a period of 60 days from the date of this notice. The petition and any comments received are available for public review, and copies of the petition may be ordered (see the **ADDRESSES** section of this notice).

After the comment period closes, APHIS will review the data submitted by the petitioner, all written comments received during the comment period, and any other relevant information. Based on the available information, APHIS will furnish a response to the petitioner, either approving the petition in whole or in part, or denying the petition. APHIS will then publish a notice in the Federal Register announcing the regulatory status of the Cornell/Hawaii papaya lines 55-1 and 63-1 and the availability of APHIS' written decision.

Authority: 7 U.S.C. 150aa-150jj, 151-167, and 1622n; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.2(c).

Done in Washington, DC, this 29th day of April 1996.

Lonnie J. King,

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 96-11016 Filed 5-2-96; 8:45 am]

**BILLING CODE 3410-34-P**

## Forest Service

### Little River—Demonstration of Ecosystem Management Options (DEMO)—Timber Sale, Umpqua National Forest, Douglas County, OR

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of intent to prepare an environmental impact statement.

**SUMMARY:** The Forest Service, USDA, will prepare an environmental impact

statement (EIS) for a proposal to harvest timber in the Little River DEMO Planning Area. This proposal will implement the Demonstration of Ecosystem Management Options Study Plan. The EIS will document the environmental analyses and effects of a range of alternatives, including a no-action alternative. This proposal is in accordance with direction set forth in the 1990 Umpqua National Forest Land and Resource Management Plan, as amended, which provides for timber management within applicable standards, guidelines, and management prescriptions and the 1988 Final Environmental Impact Statement for Managing Competing and Unwanted Vegetation. The agency invites written comments on the scope of this project. In addition, the agency gives notice of this analysis so that interested and affected parties are aware of how they may participate and contribute to the final decision.

**DATES:** Comments concerning the scope and analysis of this proposal must be received by June 1, 1996.

**ADDRESSES:** Submit written comments and suggestions concerning the scope of the analysis to Ned Davis, District Ranger, North Umpqua Ranger District, 18782 North Umpqua Highway, Glide, Oregon 97443.

**FOR FURTHER INFORMATION CONTACT:** Questions and comments about this EIS should be directed to Barbara Fontaine, Resource Planning Assistant, North Umpqua Ranger District, 18782 North Umpqua Highway, Glide, Oregon 97443.

**SUPPLEMENTARY INFORMATION:** The proposed timber sale will partial harvest an estimated 160 acres producing 5.0 million board feet of timber and will construct several helicopter landing sites. Logging systems will be helicopter based. Silvicultural prescriptions will follow those prescribed in the DEMO Study Plan and will consist of several levels of green tree retention (15 percent, 40 percent, and 75 percent), with green trees left in aggregates or dispersed across the landscape.

The Little River DEMO Planning Area encompasses portions of the Emile Creek and the Upper Little River area located in the Little River Watershed, approximately 30 air-miles East of Roseburg, Oregon. The Emile area encompasses 8,718 acres north of Little River Road and the main-stem Little River. The Upper Little River area encompasses 10,408 acres and includes the main-stem and headwaters of Little River.

To date, the preliminary issues identified relate to the effects on the following: old-growth structure in terms