

# 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

### ENVIRONMENTAL PROTECTION AGENCY

#### Draft Unified National Strategy for Animal Feeding Operations; Meeting

**AGENCY:** Department of Agriculture and Environmental Protection Agency.

**ACTION:** Notice of Meeting.

**SUMMARY:** Notice is hereby given that the United States Department of Agriculture (USDA) and the U.S. Environmental Protection Agency (EPA) will conduct 11 public listening sessions where interested individuals can ask questions and provide feedback on the draft Unified National Strategy

for Animal Feeding Operations. This national strategy is one of the key actions in the Clean Water Action Plan announced by President Clinton in February 1998.

The public is invited to attend the sessions and attain a better understanding of the draft strategy. After a brief overview of the draft strategy, a question and answer discussion will be held. Those who wish to speak at a session may either make arrangements in advance by calling the contact listed for the session or sign up at the session. Time for each speaker will be limited to allow time for all to be heard.

All are encouraged to provide detailed written comments concerning the draft strategy. Written comments will not be accepted at the sessions, but addressed envelopes will be provided for mailing written comments. Written comments will be accepted through January 19, 1999, and should be mailed to Denise C. Coleman, Program Analyst, USDA Natural Resources Conservation Service, ATTN: AFO, P.O. Box 2890, Washington, DC 20013-2890, or sent via e-mail to [denise\\_c.coleman@usda.gov](mailto:denise_c.coleman@usda.gov).

**DATES AND LOCATIONS:** The meetings will be held November 16 through December 15 at the following locations:

Location	Date
Tulsa, OK .....	November 16.
Harrisburg, PA .....	November 17.
Ontario, CA .....	November 23.
Madison, WI .....	November 30.
Seattle, WA .....	December 3.
Des Moines, IA .....	December 4.
Chattanooga, TN .....	December 9.
Indianapolis, IN .....	December 10.
Fort Worth, TX .....	December 10.
Denver, CO .....	December 14.
Annapolis, MD .....	December 15.

**FOR FURTHER INFORMATION CONTACT:** To obtain additional information about a specific meeting, contact one of the following or visit the World Wide Web at <http://cleanwater.gov>.

Location	Contact Person	Phone	Address
Tulsa, OK .....	Ronnie Clark, USDA-NRCS .....	405-742-1204	USDA Agri-Center Bldg., 100 USDA, Suite 203, Stillwater, OK 74074-2655.
	Brad Lamb, EPA Region 6 .....	214-665-6683	1445 Ross Ave. (6WQ-AG), Dallas, TX 75202.
Harrisburg, PA .....	Janet Oertly, USDA-NRCS .....	717-237-2200	1 Credit Union Place, Suite 340, Harrisburg, PA 17110-2993.
	Joe Piotrowski, EPA Region 3 .....	215-814-2310	1650 Arch Street, Philadelphia, PA 19103.
Ontario, CA .....	Jeff Vonk, USDA-NRCS .....	530-757-8215	2121-C 2nd Street, Suite 102, Davis, CA 95616-5475.
	Virginia Donahue, EPA Region 9 .....	415-744-2275	75 Hawthorne Street, San Francisco, CA 94105.
Madison, WI .....	Pat Leavenworth, USDA-NRCS .....	608-276-8732 x229	6515 Watts Road, Suite 200, Madison, WI 53719-2726.
	Steve Jann, EPA Region 5 .....	312-886-2446	77 West Jackson Blvd., Chicago, IL 60604-7804.
Seattle, WA .....	Joe Roberto, EPA Region 10 .....	206-553-1669	1200 6th Ave., Seattle, WA 98101.
	Leonard Jordan, USDA-NRCS .....	509-323-2900	Rock Pointe Tower II, W. 316 Boone Avenue, Suite 450, Spokane, WA 99201-2348.
Des Moines, IA .....	Leroy Brown, USDA-NRCS .....	515-284-6655	693 Federal Building, 210 Walnut Street, Suite 693, Des Moines, IA 50309-2180.
	Ralph Summers, EPA Region 7 .....	913-551-7418	726 Minnesota Ave., Kansas City, KS 66101.
Chattanooga, TN .....	Roosevelt Childress, EPA Region 4 .....	404-562-9279	Atlanta Federal Center, 61 Forsyth St., SW, Atlanta, GA 30303.
	James Ford, USDA-NRCS .....	617-736-5471	675 U.S. Courthouse, 801 Broadway, Nashville, TN 37203-3878.
Indianapolis, IN .....	Bob Eddleman, USDA-NRCS .....	317-290-3200	6013 Lakeside Blvd., Indianapolis, IN 46278-2933.

Location	Contact Person	Phone	Address
Fort Worth, TX .....	Steve Jann, EPA Region 5 .....	312-886-2446	77 West Jackson Blvd., Chicago, IL 60604.
	Brad Lamb, EPA Region 6 .....	214-665-6683	1445 Ross Ave., Dallas, TX 75202.
	John Burt, USDA-NRCS .....	254-742-9800	W.R. Poage Building, 101 South Main Street, Temple, TX 76501-7682.
Denver, CO .....	Mike Reed, EPA Region 8 .....	303-312-6132	One Denver Place, 999 18th St., Denver, CO 80202-2413.
	Steve Black, USDA-NRCS .....	313-236-2886 x202	655 Parfet Street, Room E200C, Lakewood, CO 80215-5517.
Annapolis, MD .....	Joe Piotrowski, EPA Region 3 .....	215-814-2310	1650 Arch St., Philadelphia, PA 10103.
	Dave Doss, USDA-NRCS .....	410-757-0861 x314	John Hanson Business Center, 339 Busch's Frontage Road, Suite 301, Annapolis, MD 21401-5534.

**SUPPLEMENTARY INFORMATION:** Over the past quarter century, the United States has made tremendous progress in cleaning up its rivers, lakes, and coastal waters. While pollution from factories and sewage treatment plants has been dramatically reduced, runoff from city streets, agricultural activities (including animal feeding operations), and other sources continues to degrade the environment and puts drinking water at risk.

In February 1998, President Clinton released the Clean Water Action Plan (CWAP), which provides a blueprint for restoring and protecting water quality across the Nation. The CWAP identifies polluted runoff as the most important remaining source of water pollution and provides for a coordinated effort to reduce polluted runoff from a variety of sources. As part of this effort, the CWAP calls for USDA and EPA to develop a Unified National Strategy to minimize the water quality and public health impacts of animal feeding operations (AFOs).

The draft Unified National Strategy for AFOs discusses the relationships between AFOs and environmental and public health, and establishes a national performance expectation for all AFO owners and operators. The strategy presents a series of actions that USDA and EPA will take to minimize public health impacts and improve water quality while complementing the long-term sustainability of livestock production.

**Background**

AFOs are agricultural enterprises where animals are kept and raised in confined situations. Approximately 450,000 AFOs in the United States congregate animals, feed, manure and urine, dead animals, and production operations on a small land area. USDA data indicate that the vast majority of farms with livestock are small; about 85 percent of these farms have fewer than 250 animal units. About 6,600 AFOs

had more than 1,000 animal units in 1992 and are considered to be large operations.

In the past several decades, domestic and export market forces, technological changes, and industry adaptations have led to substantial changes in the animal production industry. These factors have promoted expansion of confined production units, with growth in both existing areas and new areas; integration and concentration of some of the industries; geographic separation of animal production and feed production operations; and the concentration of large quantities of manure and wastewater on farms and in some watersheds.

AFOs can pose a number of risks to water quality and public health, mainly because of the amount of animal manure and wastewater they generate. Manure and wastewater from AFOs have the potential to contribute pollutants, such as nutrients (e.g., nitrogen, phosphorus), sediment, pathogens, heavy metals, hormones, antibiotics, and ammonia to the environment. These pollutants can cause several types of water quality and public health impacts.

Even though many diverse sources contribute to water pollution, States report that agriculture is the most widespread source of pollution in the Nation's surveyed rivers. In the 22 states that categorized impacts from specific types of agriculture, animal operations impact about 35,000 river miles of those miles assessed. While there are other potential environmental impacts associated with AFOs (e.g., odor, habitat loss, ground water depletion), this strategy focuses on addressing surface and ground water quality problems. Once implemented, however, this strategy will indirectly benefit other resources.

**USDA and EPA's National Performance Expectation**

To minimize water quality and public health impacts from AFOs and land

application of animal waste, this draft Unified National Strategy for AFOs establishes a national performance expectation that all AFO owners and operators develop and implement technically sound and economically feasible Comprehensive Nutrient Management Plans (CNMPs). A CNMP identifies actions that will be implemented to meet clearly-defined nutrient management goals at an agricultural operation. The following types of actions are contained in a CNMP:

**Feed Management**—Where possible, animal diets and feed should be modified to reduce the amounts of nutrients in manure.

**Manure Handling and Storage**—Manure needs to be handled and stored properly to prevent water pollution from AFOs.

**Land Application of Manure**—Land application is the most common, and usually most desirable, method of utilizing manure because of the value of the nutrients and organic matter. Land application in accordance with the CNMP should minimize water quality and public health risk.

**Land Management**—Tillage, crop residue management, grazing management, and other conservation practices should be used to minimize movement to surface and ground water of soil, organic materials, nutrients, and pathogens from lands where manure is applied.

**Record Keeping**—AFO operators should keep records that indicate the quantity of manure produced and ultimate utilization, including where, when, and in what amounts nutrients were applied.

**Other Utilization Options**—In vulnerable watersheds, where the potential for environmentally sound land application is limited, alternative uses of manure, such as the sale of manure to other farmers, composting and sale of compost to home owners,

and using manure for power generation, may need to be considered.

AFO owners and operators may seek technical assistance for the development and implementation of CNMPs from qualified specialists. These specialists should assist in implementation and provide ongoing assistance through periodic reviews and revisions of CNMPs, as appropriate.

### **Relationship of Voluntary and Regulatory Programs**

Voluntary and regulatory programs serve complementary roles in providing AFO owners and operators and the animal agricultural industry with the assistance and certainty they need to achieve individual business and personal goals, and in ensuring protection of water quality and public health.

### **Voluntary Program for Most AFOs**

Voluntary programs provide an enormous opportunity to help AFO owners and operators and communities address water quality and public health concerns surrounding AFOs. For the vast majority of AFOs, voluntary efforts will be the principal approach to assist owners and operators in developing and implementing CNMPs, and in reducing water pollution and public health risks associated with AFOs. While CNMPs are not required for AFOs participating in voluntary programs, they are strongly encouraged as the best possible means of managing potential water quality and public health impacts from these operations.

There are three types of voluntary programs to assist AFO owners and operators. USDA and EPA are both committed to promoting locally led conservation as one of the most effective ways to help AFO owners and operators achieve their conservation goals. Environmental education can bring an awareness of possible water quality problems and inform AFO owners and operators about practices that will address such problems. A variety of financial and technical assistance programs exist to provide AFO owners and operators advice in developing CNMPs and implementing solutions and to defray the costs of approved/needed structures (e.g., waste storage facilities for small operations) or to implement other practices, such as installation of conservation buffers to protect water quality.

### **Regulatory Program for Some AFOs**

Impacts from certain higher risk AFOs are addressed through National Pollutant Discharge Elimination System (NPDES) permits under the authority of

the Clean Water Act. AFOs that meet certain specified criteria in the NPDES regulations are referred to as concentrated animal feeding operations or CAFOs.

NPDES permits will require CAFOs to develop CNMPs and to meet other conditions that minimize the threat to water quality and public health and otherwise ensure compliance with the requirements of the Clean Water Act. NPDES permits will also ensure that the animal waste from CAFOs will be disposed of properly and require reporting on whether the permittee has a CNMP for land application of animal waste and whether it is being implemented properly. The draft strategy identifies three categories of CAFOs that are priorities for the regulatory program:

**Significant Manure Production**—Large facilities (those with greater than 1,000 animal units) produce quantities of manure that are a risk to water quality and public health whether the facilities are well managed or not.

**Unacceptable Conditions**—Facilities that have constructed conveyances that discharge animal waste to waters or have a direct discharge to waters that pass through the facility or come into direct contact with animals represent a significant risk to water quality and public health.

**Significant Contributors to Water Quality Impairment**—A facility or a collection of facilities that is significantly contributing to, or is likely to significantly contribute to, impairment of a waterbody and nonattainment of a designated use is also a priority for the NPDES permitting program.

The draft strategy supplements these regulatory program priorities with two types of incentives for some types of AFOs. Smaller CAFOs that meet certain conditions may exit the regulatory program at the end of their permit term if they correct the problem(s) that caused them to be covered by the regulatory program. The draft strategy also describes a “good faith incentive” for some AFOs to avoid being covered by the regulatory program if they have and are implementing a CNMP.

### **Strategic Issues**

The draft Unified National Strategy for AFOs addresses seven strategic issues. The discussion of each strategic issue identifies several action items.

**Building Capacity for CNMP Development and Implementation**—The successful implementation of this strategy depends on the availability of qualified specialists from either the private or public sector to assist in the

development and implementation of CNMPs. The draft strategy describes actions to substantially increase AFO owners and operators’ access to technical assistance for developing and implementing CNMPs.

**Accelerating Voluntary, Incentive-Based Programs**—The draft strategy sets out a desired outcome that all AFOs will have CNMPs by 2008. Several actions, including review and revision of USDA’s practice standards, development of CNMP guidance, fair and equitable program delivery, and options for financial assistance, are directed toward achieving this objective.

**Implementing and Improving the Existing Regulatory Program**—The draft strategy clarifies the applicability and the requirements of the existing regulatory program, identifies permitting and enforcement priorities, and describes EPA’s plans to strengthen and improve existing regulations.

**Coordinated Research, Technical Innovation, Compliance Assistance, and Technology Transfer**—USDA and EPA will establish coordinated research, technical innovation, technology transfer, and compliance assistance activities, and establish a single point information center.

**Encouraging Industry Leadership**—The animal agriculture industry can play a key role in helping to encourage adoption of CNMPs and in addressing water quality problems on individual AFOs. The draft strategy includes possible actions that USDA and EPA may take to promote industry involvement.

**Data Coordination**—Several kinds of data are useful in assessing and managing the water quality impacts of AFOs. USDA and EPA’s efforts to coordinate on data sharing will both protect the trust relationship between USDA and farmers and provide regulatory authorities with information that is useful in protecting water quality and public health.

**Performance Measures and Accountability**—USDA and EPA believe that it is critical to establish performance measures to gauge success in implementing this draft strategy and meeting relevant goals in each agency’s strategic plan established under the Government Performance and Results Act. USDA and EPA will develop an approach for measuring the effectiveness of efforts to minimize the water quality and public health impacts of AFOs.

### **Next Steps**

USDA and EPA published the draft Unified National Strategy for AFOs in the **Federal Register** for public review

on September 21, 1998. The draft strategy is also available on the World Wide Web at <http://www.nrcs.usda.gov> or <http://www.epa.gov/owm/afostrat.htm>.

USDA and EPA welcome your comments on the draft Unified National Strategy for AFOs. Comments are due by January 19, 1999.

Dated: November 9, 1998.

**Glenda Humiston,**

*Deputy Under Secretary, Natural Resources and the Environment, Department of Agriculture, Washington, DC.*

**J. Charles Fox,**

*Assistant Administrator for Water, Environmental Protection Agency, Washington, DC.*

[FR Doc. 98-30666 Filed 11-16-98; 8:45 am]

BILLING CODE 3410-16-P

**DEPARTMENT OF AGRICULTURE**

**Agricultural Research Service**

**Notice of Intent to Grant Exclusive License**

**AGENCY:** Agricultural Research Service, USDA.

**ACTION:** Notice of intent.

**SUMMARY:** Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Agdia Incorporated of Elkhart, Indiana, an exclusive license to S.N. 08/499,803, "A Monoclonal Antibody to Vitellin of the Corn Earworm, *Helicoverpa zea*," filed July 7, 1995, U.S. Patent No. 5,656,437, issued August 12, 1997. Notice of Availability was published in the **Federal Register** on December 14, 1995.

**DATES:** Comments must be received on or before January 19, 1999.

**ADDRESSES:** Send comments to: USDA, ARS, Office of Technology Transfer, Room 401, Building 005, BARC-W, 10300 Baltimore Avenue, Beltsville MD 20705-2350.

**FOR FURTHER INFORMATION CONTACT:** W.J. Phelps of the Office of Technology Transfer at the Beltsville address given above; telephone 301-504-6532.

**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 Agdia Incorporated 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 sixty (60) calendar 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. 98-30670 Filed 11-16-98; 8:45 am]

BILLING CODE 3410-03-P

**DEPARTMENT OF AGRICULTURE**

**Animal and Plant Health Inspection Service**

[Docket No. 98-111-1]

**Availability of an Environmental Assessment and Finding of No Significant Impact for Field Testing Pseudorabies Vaccine, Modified Live Virus**

**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 prepared an environmental assessment and finding of no significant impact concerning authorization to ship for the purpose of field testing, and then to field test, an unlicensed live viral pseudorabies vaccine for use in swine. A risk analysis, which forms the basis for the environmental assessment, has led us to conclude that field testing this veterinary vaccine will not have a significant impact on the quality of the human environment. Based on our finding of no significant impact, we have determined that an environmental impact statement need not be prepared. We intend to authorize shipment of this vaccine for field testing 14 days after the date of this notice, unless new, substantial issues bearing on the effects of this action are brought to our attention. We also intend to issue a veterinary biological product license for this vaccine, provided the field test data support the conclusions of the environmental assessment and finding of no significant impact and the product meets all other requirements for licensure.

**ADDRESSES:** Copies of the environmental assessment and finding of no significant impact may be obtained by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. Please refer to the docket number, date, and complete title

of this notice when requesting copies. Copies of the environmental assessment and finding of no significant impact (as well as the risk analysis with confidential business information removed) 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. Jeanette Greenberg, Technical Writer-Editor, Center for Veterinary Biologics, Licensing and Policy Development, VS, APHIS, USDA, 4700 River Road Unit 148, Riverdale, MD 20737-1231; telephone (301) 734-5338; fax (301) 734-4314; or e-mail: [Jeanette.B.Greenberg@usda.gov](mailto:Jeanette.B.Greenberg@usda.gov).

**SUPPLEMENTARY INFORMATION:** Under the Virus-Serum-Toxin Act (21 U.S.C. 151 *et seq.*), a veterinary biological product must be shown to be pure, safe, potent, and efficacious before a veterinary biological product license may be issued. A field test is generally necessary to satisfy prelicensing requirements for veterinary biological products. Prior to conducting a field test on an unlicensed product, an applicant must obtain approval from the Animal and Plant Health Inspection Service (APHIS), as well as obtain APHIS' authorization to ship the product for field testing.

In determining whether to authorize shipment and grant approval for the field testing of the unlicensed product referenced in this notice, APHIS conducted a risk analysis to assess the potential effects of this product on the safety of animals, public health, and the environment. Based on the risk analysis, APHIS has prepared an environmental assessment (EA). APHIS has concluded that field testing the unlicensed veterinary biological product will not significantly affect the quality of the human environment. Based on this finding of no significant impact (FONSI), we have determined that there is no need to prepare an environmental impact statement.

The EA and FONSI have been prepared by APHIS concerning the field testing of the following unlicensed veterinary biological product:

*Requester:* Ambico, Inc.

*Product:* Pseudorabies Vaccine, Modified Live Virus

*Field test locations:* Iowa, Indiana, and Minnesota.

The above-mentioned vaccine is for use as an aid in the program to eradicate