

kanamycin during plant tissue culture. These genes were stably transferred into the genome of potato plants through an *A. tumefaciens*-mediated transformation.

The subject potato lines have been considered "regulated articles" under APHIS' regulations in 7 CFR part 340 because their noncoding regulatory sequences were derived from the plant pathogens *A. tumefaciens* and cauliflower mosaic virus. However, evaluation of field data reports from field tests of the subject potato lines conducted since 1991 in the major potato-growing areas of the country indicate that there were no deleterious effects on plants, nontarget organisms, or the environment as a result of the subject potato lines' release into the environment.

Determination

Based on its analysis of the data submitted by Monsanto, a review of other scientific data, the comments received from the public, and a review of field tests of the subject potato lines, APHIS has determined that the subject potato lines: (1) Exhibit no plant pathogenic properties; (2) are no more likely to become weeds than CPB-resistant potato lines that could potentially be developed by traditional breeding techniques; (3) are unlikely to increase the weediness potential of any other cultivated plant or native wild species with which the organisms can interbreed; (4) will not cause damage to processed agricultural commodities; (5) are unlikely to harm other organisms, such as bees or earthworms, that are beneficial to agriculture; and (6) should pose no greater threat to the ability to control CPB in potatoes and other crops than that posed by the widely-practiced method of applying insecticides to control CPB on potatoes. APHIS has also concluded that there is a reasonable certainty that new varieties developed from the subject potato lines will not exhibit new plant pest properties, i.e., properties substantially different from any observed in the field-tested potato lines, or those observed in standard potatoes in traditional breeding programs.

The effect of this determination is that the seven Russet Burbank potato lines designated as BT6, BT10, BT12, BT16, BT17, BT18, and BT23 and all other lines developed from them are no longer considered regulated articles under APHIS' regulations in 7 CFR part 340. Therefore, the permit and notification requirements pertaining to regulated articles under those regulations no longer apply to the field testing, importation, or interstate movement of

the subject potato lines or their progeny. However, the importation of the subject potato lines and any potato nursery stock or seeds capable of propagation is still subject to the restrictions from 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 (NEPA) of 1969 (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 Procedures. Based on that EA, APHIS has reached a finding of no significant impact (FONSI) with regard to its determination that the subject potato lines and other lines developed from those lines 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 6th day of March 1995.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-5993 Filed 3-9-95; 8:45 am]

BILLING CODE 3410-34-M

Commodity Credit Corporation

Uniform Grain and Rice Storage Agreement Fees

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of fees.

SUMMARY: The purpose of this notice is to publish, in accordance with 7 CFR 1421.5558(b), a schedule of fees to be paid to Commodity Credit Corporation (CCC) by grain and rice warehouse operators requesting to: (a) enter into a storage agreement; or (b) renew an existing storage agreement.

EFFECTIVE DATE: April 1, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Steven Closson, Warehouse and Inventory Division, Consolidated Farm Service Agency, United States Department of Agriculture, Room 5968—South Building, P.O. Box 2415, Washington, DC 20013, (202) 720-4018.

SUPPLEMENTARY INFORMATION:

Executive Order 12372

The Uniform Grain and Rice Storage Agreements are not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Paperwork Reduction Act

The fees set forth in this Notice do not generate any new or revised information collection or recordkeeping requirements on the public.

Regulatory Flexibility Act

It has been determined that this Notice will not significantly impact a substantial number of small entities. Contracting with CCC under the Uniform Storage Agreements is strictly voluntary. CCC is also not required by 5 U.S.C. 553 or any other provision of law to publish a Notice of proposed rulemaking with respect to the subject matter of this Notice. Therefore the Regulatory Flexibility Act is not applicable to this notice, and a Regulatory Flexibility Analysis was not prepared.

Executive Order 12612

It has been determined that the policies contained in this Notice will not have substantial direct effects on States or their political subdivisions, or on the distribution of power and responsibilities among the various levels of Government.

Background

In accordance with the provisions of CCC's Charter Act (15 U.S.C. 714 *et seq.*), CCC enters into storage agreements with private grain and rice warehouse operators to provide for the storage of commodities owned by CCC or pledged as security to CCC for price support loans.

The regulation, 7 CFR 1421.5558 requires that all non-federally licensed grain and rice warehouse operators in States that do not have a cooperative agreement with CCC for warehouse examinations and who do not have an existing agreement with CCC for storage and handling of CCC-owned commodities or commodities pledged to CCC as loan collateral, but who desire such an agreement, must pay an application and inspection fee prior to CCC conducting the original warehouse examination. Such grain or rice warehouse operator who is already a party to a storage agreement with CCC must pay the annual contract fee in

advance of the renewal date of the agreement.

A review of the revenue collected for application and inspection fees and contract fees indicates that the fees collected are insufficient to meet costs incurred by CCC for warehouse examinations and contract origination administrative functions. Accordingly, beginning with the 1995-96 contract year, the fees are changed by increasing by 30 percent those fees applicable to the 1994-95 contract year.

Determination

The fees set forth herein will be collected by the Commodity Credit Corporation (CCC) from non-Federally licensed warehouse operators in States which do not have a Cooperative Agreement with CCC for warehouse examination services and who have entered into a storage agreement with CCC or who are seeking to enter into a storage agreement with CCC.

Application and Inspection Fees

The fee will be computed at the rate of \$13 for each 10,000 bushels of storage capacity or fraction thereof, but the fee will be not less than \$130 nor more than \$1,300.

Contract Fees

The contract fee will be collected by CCC from warehouse operators who have entered into or will enter into a storage agreement with CCC but who do not have a Federal warehouse license or a State warehouse license issued by a State having a Cooperative Agreement with CCC for warehouse examination services.

TWELVE-MONTH CONTRACT FEE SCHEDULE

Location capacity (bushels)	Contract fees (dollars)
1 to 150,000	\$130
150,001 to 250,000	260
250,001 to 500,000	390
500,001 to 750,000	520
750,001 to 1,000,000	650
1,000,001 to 1,200,000	780
1,200,001 to 1,500,000	910
1,500,001 to 2,000,000	1,040
2,000,001 to 2,500,000	1,170
2,500,001 to 5,000,000	1,300
5,000,001 to 7,500,000	1,430
7,500,001 to 10,000,000	1,560
10,000,001 +	¹ 1,560

¹Plus \$40 per million bushels above 10,000,000 or fraction thereof.

Signed at Washington, D.C. on March 3, 1995.

Bruce R. Weber,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 95-5994 Filed 3-9-95; 8:45 am]

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Forest Service

Pilot Creek Environmental Impact Statement, Six Rivers National Forest, Humboldt County, CA; Revised Notice of Intent

AGENCY: Forest Service, USDA.

ACTION: Revised Notice of Intent to prepare an Environmental Impact Statement (EIS).

SUMMARY: The Forest Service published a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) in the **Federal Register** (56 FR 3068) on January 15, 1991 for the proposed timber management project in the Pilot and Torrey Compartments of the Mad River Ranger District. The draft EIS was delayed due to a change in project objectives. A revised NOI was published in the **Federal Register** (57 FR 30715) on June 19, 1992. The objectives of the project were modified to implement a strategy that would accelerate the development of late seral habitat characteristics and result in timber production. The draft EIS was expected to be available for public review in June 1993. The draft EIS was delayed due to anticipated changes resulting from President Clinton's Forest Conference held in April of 1993.

As a result of the Forest Conference, The Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl (ROD) was signed on April 13, 1994. Subsequently, as required by the ROD, a Watershed Analysis for the Pilot Creek watershed was developed. Survey protocol requirements were also completed for marbled murrelet within the Pilot Creek project area.

The objectives of the Pilot Creek project have been modified to bring the project in line with ecosystem management concepts and to be consistent with direction contained within the ROD and the Six Rivers National Forest Land and Resource Management Plan (LRMP), scheduled for implementation April 1995.

The revised project objectives are to:
1. Maintain existing late seral conifer stands.

2. Accelerate the development of late seral characteristics within conifer stands.

3. Restore currently degraded conditions which pose risks to riparian and aquatic ecosystems.

4. Maintain or enhance oak woodland habitat.

5. Reduce the risk of catastrophic loss due to wildfire.

6. Contribute to the short-term demand for timber and the socio-economic well-being of local communities.

Substantial scoping has been conducted on this project and includes public meetings, written correspondence, field trips and one-on-one discussions. The driving issues that were used to develop project alternatives focused on water quality and the released roadless area. Five alternatives were developed that will be redesigned to incorporate the expanded objectives and brought into consistency with the ROD and LRMP.

The project area has been expanded to encompass the entire Pilot Creek watershed and now covers 25,442 acres. The project area is within the Hayfork Adaptive Management Area which, as described in the ROD, is designed for the development, testing, and application of forest management practices.

The draft EIS is now expected to be filed with the Environmental Protection Agency (EPA) and available for public review in June 1995. At that time the EPA will publish a notice of availability of the draft EIS in the **Federal Register**. The final EIS is now scheduled to be completed in November 1995.

The comment period on the draft environmental impact statement will be 45 days from the date the EPA's Notice of Availability appears 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 a Draft EIS 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 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 these court rulings, it is very