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. 89-141]

Receipt of a Permit Application for Release into the Environment of Genetically Engineered Organisms

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that an application for a permit to release genetically engineered organisms into the environment is being reviewed by the Animal and Plant Health Inspection Service. The application has been submitted in accordance with 7 CFR part 340, which regulates the introduction of certain genetically engineered organisms and products.

FOR FURTHER INFORMATION CONTACT: Mary Petrie, Program Analyst, Biotechnology, Biologics, and Environmental Protection, Biotechnology Permit Unit, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 844, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7612.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, "Introduction of Organisms and Products Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests," require a person to obtain a permit before introducing (importing, moving interstate, or releasing into the environment), in the United States, certain genetically engineered organisms and products that are considered "regulated articles." The regulations set forth procedures for obtaining a permit for the release into the environment of a regulated article, and for obtaining a limited permit for the importation or interstate movement of a regulated article.

Pursuant to these regulations, the Animal and Plant Health Inspection Service has received and is reviewing the following application for a permit to release genetically engineered organisms into the environment:

Application No.	Applicant	Date received	Organism	Field test location
89-192-01	Calgene	07-11-89	Cotton plants genetically engineered to express bromoxynil herbicide tolerance	Hawaii.

Done in Washington, DC, this 15th day of August 1989.

Larry B. Slagle,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 89-19603 Filed 8-18-89; 8:45 am]

BILLING CODE 3410-34-M

Forest Service

National Environmental Policy Act, Revised Policy and Procedures

AGENCY: Forest Service, USDA.

ACTION: Notice of interim policy and procedures.

SUMMARY: Interim Directive No. 17 to Forest Service Manual Chapter 1950 gives broad guidance to Forest Service field officers on categorically excluding proposed actions from documentation in an environmental impact statement (EIS) or environmental assessment (EA). Interim Directive No. 2 to Forest Service Handbook 1909.15, Environmental Procedures Handbook, provides technical and procedural direction on how to document a categorical exclusion decision in a Decision Memo and lists the categories of actions that, based on experience and environmental analysis, may be categorically excluded from documentation in an EIA or EA. Because it contained new guidance the Forest Service published ID No. 2 in the **Federal Register** on March 3, 1989 (54 FR 9073-9075); but, because it did not contain new information or direction, did not publish ID No. 17. Therefore, the Forest Service is publishing Interim Directive (ID) No. 17 and republishing Interim Directive No. 2 to end confusion created when ID No. 17 was not published simultaneously with ID No. 2.

EFFECTIVE DATES: Interim Directive No. 2 was effective February 28, 1989, and Interim Directive No. 17 was effective March 22, 1989.

FOR FURTHER INFORMATION CONTACT: Mikel Shilling, Environmental Coordination Specialist, Forest Service, USDA, P.O. Box 96090, Washington, DC 20090-6090, phone (202) 447-4708.

SUPPLEMENTARY INFORMATION: On January 23, 1989, the Secretary of Agriculture gave notice of adoption of final rules (36 CFR part 217) providing a revised administrative appeal process. Those rules established a new type of decision document—a Decision Memo—which was to be used to document a decision to categorically exclude a proposed action from documentation in an environmental impact statement (EIS) or environmental assessment (EA).

On Friday, March 3, 1989 (54 FR 9073-9075), the Forest Service published a notice informing the public that it was issuing Interim Directive No. 2 to FSH 1909.15 giving instructions to Forest Service personnel on when and how to prepare a Decision Memo. Included in the interim directive were the categories of actions typically excluded from documentation in an EIS or EA which had previously been issued as part of Interim Directive No. 16 to Forest Service Manual Chapter 1950. To avoid redundant direction, ID No. 16 was removed upon issuance of ID No. 2, and a new ID No. 17 was subsequently issued that retained the broad direction on categorical exclusions previously in ID No. 16 and provided cross reference to the new ID No. 2.

The Forest Service gave notice of ID No. 2 in the **Federal Register** in accordance with Council on Environmental Quality regulations, 40

CFR 1507.3, but did not publish ID No. 17 because it was a re-issuance of residual direction from ID No. 16 which had been published August 5, 1988 (53 FR 29505). The agency has become aware that failure to publish ID No. 17 has led to confusion both inside and outside the agency. To end the confusion and questions, the agency is publishing ID No. 17 and republishing ID No. 2. The documents as they appear in the Forest Service Manual and Handbook are set out at the end of this notice.

As noted when Interim Directive No. 2 was published, the agency is not requesting public comment on this interim policy and procedure at this time because a comprehensive revision of Forest Service policy and procedure on implementation of the National Environmental Policy Act is underway and will soon be published for public comment.

Dated: August 15, 1989.

John A. Leasure,

Acting Deputy Chief, Programs and Legislation.

Forest Service Manual

Washington, DC

Interim Directive No. 17

March 22, 1989.

Duration: One year.

Chapter: 1950—Environmental Policy and Procedures

Posting Notice: Last ID was No. 16 to FSM 1950, which is being removed.

Remove: ID No. 16, FSM 1950, dated 8/1/88

This interim directive provides broad guidance for determining if an action may be categorically excluded from documentation in an environmental impact statement or an environmental assessment. It is a reissuance of ID No. 16, dated August 1, 1988, except that the categories of actions which have been determined not to have a significant effect on the human environment have been removed and have been reissued as Interim Directive No. 2 to chapter 20 of Forest Service Handbook 1909.15.

1952.2—Categorical Exclusion From Documentation In An Environmental Impact Statement Or An Environmental Assessment. (40 CFR 1508.4) In addition to the seven categories of actions excluded from documentation in 7 CFR 1b.3 (sec. 26, FSH 1909.15), certain other actions may be categorically excluded from documentation in an environmental impact statement or an environmental assessment. To determine if an action may be categorically excluded, an environmental analysis, including scoping, must be conducted (FSH 1909.15, ch. 10 and 20).

The guide for determining whether an action may be categorically excluded is the significance of the effects (40 CFR 1508.27). In unusual circumstances an action that normally might be categorically excluded may have a significant environmental effect on the quality of the human environment and require an environmental impact statement. Unusual circumstances might involve the potential for impacts on threatened and endangered species; critical habitat; flood plains; wetlands; and specially designated areas, such as wilderness, wilderness study areas, or roadless areas designated for further planning.

Typical classes and representative examples of actions that might be categorically excluded are listed in chapter 20 (ID No. 2, dated February 28, 1989). Experience and environmental analysis indicate that these actions and classes usually do not significantly affect the quality of the human environment, individually or cumulatively. The typical classes include most forest management activities that normally could be categorically excluded. Proposed actions considered for categorical exclusion which are not clearly within a typical class must have no more environmental impact than those which are.

Interested and affected persons must be informed in an appropriate manner (40 CFR 1506.6 and FSM 1950.3) of a decision to proceed with an action that has been categorically excluded.

Direction on development of project files and preparation of a decision memo to document a decision to proceed with an action categorically excluded is found in chapter 20 of FSH 1909.15.

Forest Service Handbook

Washington, DC

FSH 1909.15—Environmental Policy and Procedures Handbook

Interim Directive No. 2

February 28, 1989.

Duration: One year.

Chapter: 20—Environmental Analysis

Posting Notice: Last ID was No. 1, which has expired.

On February 22, 1989, the new administrative appeal procedures at 36 CFR part 217 became effective. Section 217.3 of the new rules provides that decisons documented in a Decision Memo, Decision Notice, or Record of Decision may be appealed under the rules in part 217. A Decision Memo is a new type of environmental document to be prepared by Forest Service employees. In order to implement the new appeal rules, it is necesary to provide interim direction on when a Decision Memo should be prepared and on the format and content of this type of decision document.

For ease of use and consistency of implementation, this interim directive (ID) also integrates guidance on categorical exclusions with the guidance on how and when to prepare a Decision Memo. Specifically, this ID (1) enumerates the categories established by the Department of Agriculture at 7 CFR 1b.3 as categorically excluded from documentation in an EIS or EA; (2) identifies the categories of actions for which a project file and Decision Memo must be prepared; (3) defines the content of a project file; and (4) requires notice of a decision to proceed with an action that has been categorically excluded from documentation. The direction on categorical exclusions is identical to that issued in ID No. 16 to FSM 1950, dated August, 1988, which is being removed by separate posting notice.

26—Categories of Actions Excluded from Documentation in an EIS or EA (40 CFR 1508.4).

26.1—Categories for Which a Project File and a Decision Memo Are Not Required. A project file is not required for the categories of actions listed in sections 26.1a and 26.1b. However, a project file may be established for such an action at the discretion of the responsible official.

26.1a—Categories Established by the Secretary. The rules at 7 CFR 1b.3 exclude from documentation in an environmental impact statement (EIS) or an environmental assessment (EA) the following categories of actions:

§ 1b.3 Categorical Exclusions

(a) The following are categories of activities which have been determined not to have a significant effect on the human environment and are excluded from the preparation of environmental assessments (EA's) or environmental impact statements (EIS's), unless individual agency procedures prescribe otherwise.

(1) Policy development, planning and implementation which relate to routine activities, such as personnel, organizational changes, or similar administrative functions;

(2) Activities which deal solely with the funding of programs, such as program budget proposals, disbursements, and transfer or reprogramming of funds;

(3) Inventories, research activities, and studies, such as resource inventories and routine data collection when such actions are clearly limited in context and intensity;

(4) Educational and informational programs and activities;

(5) Civil and criminal law enforcement and investigative activities;

(6) Activities which are advisory and consultative to other agencies and public and private entities, such as legal counseling and representation;

(7) Activities related to trade representation and market development activities abroad.

26.1b—Categories Established by the Chief. The following categories of routine administrative and maintenance actions normally do not individually or cumulatively have a significant effect (40 CFR 1508.22) on the quality of the human environment and, therefore, may be categorically excluded from documentation in an environmental impact statement (EIS) or environmental assessment (EA):

1. Administrative actions, such as road and area closures; restrictions on travel or use, such as camping, boating, or hunting; and posting signs and markers.

2. Construction of low-impact facilities or improvements, such as auxiliary support buildings or other structures; picnic areas and campgrounds; temporary and other low-standard roads, such as traffic service level "D" roads (FSH 7709.56); and trails.

3. Repair and maintenance activities, such as on buildings, grounds, trails, rights-of-way, and range improvements.

26.2—Categories of Actions for Which a Project File and a Decision Memo Are Required. Maintain a project file and prepare a Decision Memo for the following categories of proposed actions:

1. Low-impact silvicultural activities that are limited in size and duration and that primarily use existing roads and facilities, such as firewood and miscellaneous forest product sales; salvage, thinning, and small harvest cuts of less than 100,000 board feet or less than 10 acres; site preparation; and planting and seeding.

2. Low-impact range management activities, such as fencing, seeding, and installing water facilities.

3. Issuance or modification of authorizations or agreements for such uses of lands or facilities as road maintenance and additional use of existing roads, rights-of-way, and easements.

4. Low-impact pest management activities, such as suppressing nuisance insects and poisonous plants in campgrounds and picnic areas; controlling cone and seed insects in seed orchards; and fumigating to control weeds in nurseries.

5. Mineral and energy activities of limited size, duration, and degree of disturbance, such as preliminary exploration and removal of small mineral samples.

6. Fish and wildlife management activities, such as improving habitat, installing fish ladders, and stocking native or established species.

7. Transfer of interests in land, such as sales, exchanges, or interchanges pursuant to the Small Tracts Act; purchases and gifts; and small transfers and trades with other Federal agencies.

26.2a—Content of Project File. As a minimum, a project file on a proposed action as listed in sec. 26.2 should include:

1. A list of the names of interested and affected people, groups, and agencies contacted during scoping;

2. The results of scoping and the subsequent environmental analysis;

3. A copy of the Decision Memo (sec. 27);

4. A list of the people, agencies, and groups notified of the decision;

5. Other notice used to inform interested and affected persons of the decision to proceed with or to implement an action that has been categorically excluded.

27—Documentation of Decisions in a Decision Memo. A Decision Memo is not required if a proposed action has been categorically excluded from documentation in an environmental impact statement or an environmental assessment under categories in section 26.1a (7 CFR 1b.3) or section 26.1b of this chapter. However, interested and affected persons must be informed in an appropriate manner (sec. 11.5).

A Decision Memo is required if the proposed action has been categorically excluded from documentation in an EIS or EA under the categories listed in section 26.2. These decisions are subject to review under 36 CFR 217.6.

27.1—Format and Content. The format of the Decision Memo is not intended to replicate the format of a correspondence memorandum (FSH 6209.12). Generally, Decision Memos should conform to the following format and content although sections may be combined or rearranged in the interest of clarity and brevity.

1. *Heading.* The heading consists of the following elements:

(a) Title of document—"Decision Memo."

(b) The title of the proposed action.

(c) The location of the proposed action (including the Forest Service administrative unit, county, and state). In some cases, including the legal land description is appropriate.

2. *Proposed action.* Describe the proposed action, the decision to be implemented, and reasons for making the decision.

3. *Scoping and public involvement.* Describe the scoping process used and the issues identified. It may be appropriate to identify or refer to the interested and affected agencies, organizations, and persons contacted.

4. *Reasons for categorically excluding the proposed action.* This section includes:

(a) Identification of the category (sec. 26) into which the proposed action falls.

(b) Finding that no extraordinary circumstances exist that might cause the action to have significant effects.

5. *Findings required by other laws.* Include any findings required by any other laws. For example, findings of consistency with the forest plan, suitability, and vegetation management required by the National Forest Management Act (FSM 1922.41 and FSH 1909.12, sec. 5.3).

6. *Implementation date.* Include the date when the responsible official intends to implement the decision (sec. 51).

7. *Administrative review or appeal opportunities.* State whether the decision is subject to review or appeal, cite the applicable regulations (36 CFR part 217), and identify when and where to file a request for review or appeal.

8. *Contact person.* Include the name, address, and phone number of the Forest Service employee who can supply further information about the decision.

9. *Signature and date.* The responsible official must sign and date the Decision Memo on the date the decision is made.

27.2—Notice and Distribution of Decision Memo. Distribute the Decision Memo in a manner designed to inform agencies, organizations, and persons interested in or affected by the proposed action.

1. For decisions subject to appeal under 36 CFR part 217, the responsible official shall promptly mail the Decision Memo to those who, in writing, have requested it, and to those who are known to have participated in the decisionmaking process.

2. The responsible official may provide other forms of notice, including legal notice in newspapers of general circulation in the area where the proposed action is to be implemented.

When required by E.O. 12372, send copies to the State Single Point of Contact or, in cases where a State has elected not to establish a Single Point of Contact, the State official(s) involved.

[FR Doc. 89-19580 Filed 8-18-89; 8:45 am]

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