

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. Further, the regulations in § 340.6(e)(2) provide that a person may request that APHIS extend a determination of nonregulated status to other organisms. Such a request shall include information to establish the similarity of the antecedent organism and the regulated article in question.

Background

On January 14, 1998, APHIS received a request for an extension of a determination of nonregulated status (APHIS No. 98-014-01p) from AgrEvo USA Company (AgrEvo) of Wilmington, DE, for a soybean line designated as transformation event A5547-127 (event A5547-127), which has been genetically engineered for resistance, or tolerance, to the herbicide glufosinate. The AgrEvo request seeks an extension of a determination of nonregulated status that was issued for certain lines of glufosinate tolerant soybean (antecedent organisms) in response to APHIS petition number 96-068-01p (61 FR 42581-42582, August 16, 1996, Docket No. 96-019-2). Based on the similarity of event A5547-127 to the antecedent organisms, AgrEvo requests a determination that glufosinate tolerant soybean event A5547-127 does not present a plant pest risk and, therefore, is not a regulated article under APHIS' regulations in 7 CFR part 340.

Analysis

Event A5547-127 soybean contains a synthetic version of the *pat* gene derived from *Streptomyces viridochromogenes*, which encodes the PAT enzyme and confers tolerance to glufosinate. Expression of the synthetic *pat* gene is controlled by a 35S promoter and terminator derived from the plant pathogen cauliflower mosaic virus. While the subject soybean event contains fragments of the *bla* marker gene, tests indicate this gene is not expressed in the plant. The particle acceleration method was used to transfer the added genes into the parental *Glycine max* A5547 cultivar. Event A5547-127 soybean was transformed with the same plasmid vector and in the same manner as certain antecedent organisms described

in APHIS petition number 96-068-01p, and differs from them only in the copy number and extent of integrated DNA.

The subject soybean line has been considered a regulated article under APHIS' regulations in 7 CFR part 340 because it contains gene sequences derived from a plant pathogen. However, evaluation of field data reports from field tests of this soybean conducted under APHIS notifications since 1996 indicates that there were no deleterious effects on plants, nontarget organisms, or the environment as a result of its environmental release.

Determination

Based on an analysis of the data submitted by AgrEvo and a review of other scientific data and field tests of the subject soybean line, APHIS has determined that event A5547-127 soybean: (1) Exhibits no plant pathogenic properties; (2) is no more likely to become a weed than soybean lines 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 cause damage to raw or processed agricultural commodities; and (5) will not harm threatened or endangered species or other organisms, such as bees, that are beneficial to agriculture. Therefore, APHIS has concluded that the subject soybean line and any progeny derived from crosses with other soybean varieties will be as safe to grow as soybeans in traditional breeding programs that are not subject to regulation under 7 CFR part 340.

The effect of this determination is that AgrEvo's event A5547-127 soybean is no longer considered a regulated article under APHIS' regulations in 7 CFR part 340. Therefore, the requirements pertaining to regulated articles under those regulations no longer apply to the field testing, importation, or interstate movement of the subject soybean line or its progeny. However, importation of the subject soybean line or seeds capable of propagation are 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, as amended (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). Based on that EA, APHIS has reached a finding of no significant impact (FONSI) with regard to its determination that AgrEvo's event A5547-127 soybean 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 1st day of May 1998.

Craig A. Reed,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98-12126 Filed 5-6-98; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Forest Service

Anchor Hill Project, Gilt Edge Mine, Environmental Impact Statement Supplement, Black Hills National Forest, SD

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare a draft supplement to a final environmental impact statement.

SUMMARY: J. Thomas Millard, Spearfish/Nemo District Ranger, of the Black Hills National Forest gives notice of the agency's intent to prepare a Draft Supplement to the Final Environmental Impact Statement for the Anchor Hill Project of the Gilt Edge Mine. The responsible official for this project is John C. Twiss, Forest Supervisor, Black Hills National Forest.

DATES: The Draft Supplement should be available for public comment by the end of April 1998. The Final Supplement should be ready for public review in July of 1998.

ADDRESSES: Send written comments to District Ranger, Spearfish/Nemo District, P.O. Box 407, Deadwood, SD 57732.

FOR FURTHER INFORMATION CONTACT: Don Murray Lands and Minerals Staff on the Spearfish/Nemo Ranger District, (605) 578-2744.

SUPPLEMENTARY INFORMATION: The Draft Supplement will provide additional information and clarification of items in the Final Environmental Impact Statement for the Anchor Hill Project published in November 1997. The Anchor Hill Project is the proposed expansion of an existing open pit gold

mine on to 37 acres of land in the Black Hills National Forest, which is located four miles southeast of Deadwood, South Dakota.

The comment period on the draft supplement to the final environmental impact statement will be a minimum of 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 supplements to the final 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 supplement to the final environmental impact statement stage but that are not raised until after completion of the final supplement to the final environmental impact statement 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 important that those interested in this proposed action participate by the close of the 45 day comment period so that substantive comments and objectives are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft supplement to the final environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft supplement. Comments may also address the adequacy of the draft supplement to the final environmental impact statement 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.

Dated: April 3, 1998.

J. Thomas Millard,

District Ranger.

[FR Doc. 98-12089 Filed 5-6-98; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Forest Service

Rocky Mountain Region; Telluride Ski Area Expansion—Supplemental Analysis, Grand Mesa, Uncompahgre and Gunnison National Forests, San Miguel County, CO

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare a Supplemental Environmental Impact Statement.

SUMMARY: The U.S. Department of Agriculture, Forest Service will prepare a Supplemental Environmental Impact Statement (SFEIS) to the Final Environmental Impact Statement Telluride Ski Area Expansion (FEIS) to address the adequacy of the FEIS and to disclose new information. The Final Record of Decision (ROD) on the Telluride Ski Area Expansion released in July 1996 was subsequently withdrawn pending further analysis required by the Appeal Deciding Officer and a civil complaint. The SFEIS will address the points raised by the Appeal Deciding Officer and the civil complaint as well as any applicable new information. The FEIS disclosed potential impacts on a proposal to develop six new ski lifts with associated runs and five new restaurants at the Telluride Ski Area on the Norwood District of the Grand Mesa, Uncompahgre and Gunnison National Forests within San Miguel County, Colorado.

DATES: The draft SFEIS is scheduled for publication in June 1998 and the final in September 1998.

ADDRESSES: Send written comments to Dick Cook, Norwood Ranger District, Grand Mesa, Uncompahgre and Gunnison National Forests, P.O. Box 388, Norwood, Colorado 81423. Robert L. Storch, Forest Supervisor, Grand Mesa, Uncompahgre and Gunnison National Forests, is the Responsible Official for this EIS.

FOR FURTHER INFORMATION CONTACT: Arthur Bauer, Project Coordinator, Norwood Ranger District—(970) 728-9351 or (970) 327-4261.

SUPPLEMENTARY INFORMATION: The EIS process for the Telluride Ski Area Expansion began with a Notice of Intent in the **Federal Register** on June 18, 1993. The proposal includes the

construction of six new lifts and associated trails, five new restaurants, and the expansion of additional off-season recreational activities. A draft EIS was published in March 1994 and a supplement to the draft EIS was published in December 1994. The FEIS for the Telluride Ski Area Expansion was prepared and released in February 1996 and the ROD was released in July 1996.

The ROD was the subject of an appeal to the Rocky Mountain Regional Forester on September 6, 1996. The ruling made on October 22, 1996 by the Appeal Deciding Officer directed the Forest Supervisor to: (1) Disclose the socio-economic impacts, including community infrastructure and services, to communities outside of San Miguel County but within the employee commuting area of Telluride; (2) specify the required best management practices for erosion and sedimentation control; (3) disclose the instream flows of the San Miguel River resulting from the proposed action with the existing flows, the associated effects including cumulative effects of water depletions, and specify required mitigation; and (4) analyze and disclose the environmental effects of off-season operation and use of any chairlift, other than Lift #10.

Subsequent to the ruling by the Appeal Deciding Officer, a civil complaint was filed against the USFS in March 1997 and was subsequently amended on April 22, 1997. The claims made by the plaintiffs included four counts which dealt with potential inadequacies in the FEIS, the exclusion of two transportation exhibits in the Appeal Record, concerns that potential bias in the analysis may have tainted the process, and the possible violation of the Clean Air Act by the issuance of the conformity Determination.

On June 30, 1997, the Forest Supervisor of the GMUG National Forests withdrew the decision on the Telluride Ski Area expansion pending further analysis required by the Appeal Deciding Officer and the points raised in the civil complaint. The ROD released in July 1996 is no longer considered valid. Once the Supplement has been finalized, a new decision will be issued by the Forest Supervisor. The new decision will consider all the findings of the Supplement as well as those released in the FEIS. All elements and alternatives displayed in the FEIS will be reconsidered in the Record of Decision associated with the supplement.

The Deciding Official will be Robert L. Storch, Forest Supervisor, Grand Mesa, Uncompahgre and Gunnison