

except holidays. Persons wishing to inspect those documents are requested to call before visiting on (202) 690-2817 to facilitate entry into the reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Susan Koehler, Biotechnology and Biological Analysis, PPQ, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737-1236; (301) 734-4886. To obtain a copy of the determination or the environmental assessment and finding of no significant impact, contact Ms. Kay Peterson at (301) 734-4885; e-mail: mkpeterson@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

On September 22, 1997, the Animal and Plant Health Inspection Service (APHIS) received a petition (APHIS Petition No. 97-265-01p) from AgrEvo USA Company (AgrEvo) of Wilmington, DE, seeking a determination that a corn line designated as Transformation Event CBH-351 (event CBH-351), which has been genetically engineered for insect resistance and glufosinate herbicide tolerance, does not present a plant pest risk and, therefore, is not a regulated article under APHIS' regulations in 7 CFR part 340.

On February 23, 1998, APHIS published a notice in the **Federal Register** (63 FR 8897-8898, Docket No. 97-119-1) announcing that the AgrEvo petition had been received and was available for public review. The notice also discussed the role of APHIS, the Environmental Protection Agency, and the Food and Drug Administration in regulating the subject corn line and food products derived from it. In the notice, APHIS solicited written comments from the public as to whether this corn line posed a plant pest risk. The comments were to have been received by APHIS on or before April 24, 1998. During the designated 60-day comment period, APHIS received 2,271 form letters from farmers expressing support for the subject petition, and a comment letter from a research entomologist at a research unit of the U.S. Department of Agriculture's Agricultural Research Service providing data and information that event CBH-351 corn effectively controls European corn borer (ECB) during all corn developmental stages.

Analysis

Corn event CBH-351 has been genetically engineered to express a Cry9C insect control protein derived from the common soil bacterium *Bacillus thuringiensis* subsp. *tolworthi* (*Bt tolworthi*). The petitioner stated that the Cry9C protein is effective in protecting the subject corn line from

damage caused by ECB larvae throughout the growing season. The subject corn line also expresses the *bar* gene derived from the bacterium *Streptomyces hygroscopicus*. The *bar* gene encodes the phosphinothricin acetyltransferase (PAT) enzyme, which, when introduced into the plant cell, confers tolerance to the herbicide glufosinate. The particle bombardment method was used to transfer the added genes into the recipient inbred corn line (PA91 x H99) x H99, and their expression is controlled in part by gene sequences derived from the plant pathogens *Agrobacterium tumefaciens* and cauliflower mosaic virus. While the subject corn line contains the *bla* selectable marker gene, which is normally expressed in bacteria, tests indicate that this gene is not expressed in the plant.

The subject corn line has been considered a regulated article under APHIS' regulations in 7 CFR part 340 because it contains gene sequences derived from plant pathogens. However, evaluation of field data reports from field tests of the corn conducted under APHIS notifications since 1995 indicates that there were no deleterious effects on plants, nontarget organisms, or the environment as a result of the environmental release of corn event CBH-351.

Determination

Based on its analysis of the data submitted by AgrEvo, a review of other scientific data and field tests of the subject corn line, and an analysis of comments from the public on the subject petition, APHIS has determined that corn event CBH-351: (1) Exhibits no plant pathogenic properties; (2) is no more likely to become a weed than corn 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; (5) will not harm threatened or endangered species or other organisms, such as bees, that are beneficial to agriculture; and (6) should not reduce the ability to control insects and weeds in corn or other crops when cultivated. Therefore, APHIS has concluded that the subject corn line and any progeny derived from crosses with other corn varieties will be as safe to grow as corn that is not subject to regulation under 7 CFR part 340.

The effect of this determination is that AgrEvo's corn event CBH-351 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 corn or its progeny. However, importation of corn event CBH-351 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 corn event CBH-351 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 11th day of May 1998.

Charles P. Schwalbe,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98-13006 Filed 5-14-98; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Forest Service

Newspaper To Be Used for Publication of Legal Notice of Appealable Decisions and Publications of Notice of Proposed Actions for Southern Region; Alabama, Kentucky, Georgia, Tennessee, Florida, Louisiana, Mississippi, Virginia, West Virginia, Arkansas, Oklahoma, North Carolina, South Carolina, Texas, Puerto Rico

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: Deciding Officers in the Southern Region will publish notice of decisions subject to administrative appeal under 36 CFR parts 215 and 217 in the legal notice section of the newspapers listed in the Supplementary Information section of this notice. As

provided in 36 CFR part 215.5(a) and 36 CFR part 217.5(d), the public shall be advised through **Federal Register** notice, of the principal newspaper to be utilized for publishing legal notice of decisions. Newspaper publication of notice of decisions is in addition to direct notice of decisions to those who have requested notice in writing and to those known to be interested in or affected by a specific decision. In addition, the Responsible Official in the Southern Region will also publish notice of proposed actions under 36 CFR part 215 in the newspaper that are listed in the Supplementary Information section of this notice. As provided in 36 CFR part 215.5(a), the public shall be advised, through **Federal Register** notice, of the principal newspapers to be utilized for publishing notices on proposed actions.

DATES: Use of these newspapers for purposes of publishing legal notice of decisions subject to appeal under 36 CFR parts 215 and 217, and notices of proposed actions under 36 CFR part 215 shall begin on or after the date of this publication.

FOR FURTHER INFORMATION CONTACT: Jean Paul Kruglewicz, Regional Appeals Coordinator, Southern Region, Planning, 1720 Peachtree Road, NW, Atlanta, Georgia 30367-9102, Phone: 404-347-4867.

SUPPLEMENTARY INFORMATION: Deciding Officers in the Southern Region will give legal notice of decisions subject to appeal under 36 CFR part 217 and the Responsible Officials in the Southern Region will give notice of decisions subject to appeal under 36 CFR part 215 in the following newspapers which are listed by Forest Service administrative unit. Responsible Officials in the Southern Region will also give notice of proposed actions under 36 CFR part 215 in the following principal newspapers which are listed by Forest Service administrative unit. The timeframe for comment on a proposed action shall be based on the date of publication of the notice of the proposed action in the principal newspaper. The timeframe for appeal shall be based on the date of publication of the legal notice of the decision in the principal newspaper for both 36 CFR parts 215 and 217.

Where more than one newspaper is listed for any unit, the first newspaper listed is the principal newspaper that will be utilized for publishing the legal notices of decisions. Additional newspapers listed for a particular unit are those newspapers the Deciding Officer expects to use for purposes of providing additional notice. The timeframe for appeal shall be based on the date of publication of the legal notice of the decision in the principal newspaper.

The following newspaper will be used to provide notice.

Southern Region

Regional Forester Decisions

Affecting National Forest System lands in more than one state of the 13 states of the Southern Region and the Commonwealth of Puerto Rico.

Atlanta Journal, published daily in Atlanta, GA

Southern Region

Regional Forester Decisions:

Affecting National Forest System lands in only one state of the 13 states of the Southern Region and the Commonwealth of Puerto Rico or only one Ranger District will appear in the principal newspaper elected by the National Forest of that state or Ranger District.

National Forests in Alabama, Alabama

Forest Supervisor Decisions:

Montgomery Advertiser, published daily in Montgomery, AL

District Ranger Decisions:

Bankhead Ranger District: *Northwest Alabamian*, published weekly (Monday & Thursday) in Haleyville, AL

Conecuh Ranger District: *The Andalusia Star*, published daily (Tuesday through Saturday) in Andalusia, AL

Oakmulgee Ranger District: *The Tuscaloosa News*, published in Tuscaloosa, AL

Shoal Creek Ranger District: *The Anniston Star*, published daily in Anniston, AL

Talladega Ranger District: *The Daily Home*, published daily in Talladega, AL

Tuskegee Ranger District: *Tuskegee News*, published weekly (Thursday) in Tuskegee, AL

Caribbean National Forest, Puerto Rico

Forest Supervisor Decisions:

El Nuevo Dia, published daily in Spanish in San Juan, PR
San Juan Star, published daily in English in San Juan, PR

Chattahoochee-Oconee National Forest, Georgia

Forest Supervisor Decisions:

The Times, published daily in Gainesville, GA

District Ranger Decisions:

Armuchee Ranger District: *Walker County Messenger*, published bi-weekly (Wednesday & Friday) in LaFayette, GA

Toccoa Ranger District: *The News Observer* published weekly (Wednesday) in Blue Ridge, GA

Brasstown Ranger District: *North Georgia News*, published weekly (Wednesday) in Blairsville, GA

Tallulah Ranger District: *Clayton Tribune*, published twice weekly (Tuesday & Friday) in Cornelia, GA
Chattooga Ranger District: *Northeast Georgian*, published twice weekly (Tuesday and Friday) in Cornelia, GA

Chieftain & Toccoa Record, published twice weekly (Tuesday & Friday) in Toccoa, GA

White County News Telegraph, published weekly (Thursday) in Cleveland, GA

The Dahlonega Nuggett, published weekly (Thursday) in Dahlonega, GA

Cohutta Ranger District: *Chatsworth Times*, published weekly (Wednesday) in Chatsworth, GA

Oconee Ranger District: *Monticello News*, published weekly (Thursday) in Monticello, GA

Cherokee National Forest, Tennessee

Forest Supervisor Decisions:

Knoxville News Sentinel, published daily in Knoxville, TN (covering McMinn, Monroe, and Polk Counties)

Johnson City Press, published daily in Johnson City, TN (covering Carter, Cocke, Greene, Johnson, Sullivan, Unicoi and Washington Counties)

District Ranger Decisions:

Ocoee Ranger District: *Polk County News*, published weekly (Wednesday) in Benton, TN

Hiwassee Ranger District: *Daily Post-Athenian*, published daily (Monday—Friday) in Athens, TN

Tellico Ranger District: *Monroe County Advocate*, published weekly (Thursday) in Sweetwater, TN

Nolichucky Ranger District: *Greeneville Sun*, published weekly (Monday—Saturday) in Greeneville, TN

Unaka Ranger District: *Johnson City Press*, published daily in Johnson City, TN

Watauga Ranger District: *Elizabethton Star*, published daily (Sunday—Friday) in Elizabethton, TN

Daniel Boone National Forest, Kentucky

Forest Supervisor Decisions:

Lexington Herald-Leader, published daily in Lexington, KY

District Ranger Decisions:

Morehead Ranger District: *Morehead News*, published bi-weekly (Tuesday and Friday) in Morehead, KY

Stanton Ranger District: *The Clay City Times*, published weekly (Thursday) in Stanton, KY

Berea Ranger District: *Jackson County Sun*, published weekly (Thursday) in McKee, KY

London Ranger District: *The Sentinel-Echo*, published tri-weekly (Monday, Wednesday, and Friday) in London, KY

Somerset Ranger District:
Commonwealth-Journal, published daily (Sunday through Friday) in Somerset, KY

Stearns Ranger District: *McCreary County Record*, published weekly (Tuesday) in Whitley City, KY

Redbird Ranger District: *Manchester Enterprise*, published weekly (Thursday) in Manchester, KY

National Forests in Florida, Florida

Forest Supervisor Decisions:

The Tallahassee Democrat, published daily in Tallahassee, FL

District Ranger Decisions:

Apalachicola Ranger District: *The Liberty Journal*, published weekly (Wednesday) in Bristol, FL

Lake George Ranger District: *The Ocala Star Banner*, published daily in Ocala, FL

Osceola Ranger District: *The Lake City Reporter*, published daily (Monday-Saturday) in Lake City, FL

Seminole Ranger District: *The Daily Commercial*, published daily in Leesburg, FL

Wakulla Ranger District: *The Tallahassee Democrat*, published daily in Tallahassee, FL

Francis Marion & Sumter National Forest, South Carolina

Forest Supervisor Decisions:

The State, published daily in Columbia, SC

District Ranger Decisions:

Enoree Ranger District: *Newberry Observer*, published tri-weekly (Monday, Wednesday, and Friday) in Newberry, SC

Andrew Pickens Ranger District: *Seneca Journal and Tribune*, published bi-weekly (Wednesday and Friday) in Senca, SC

Long Cane Ranger District: *The Augusta Chronicle*, published daily in Augusta, GA

Wambaw Ranger District: *News and Courier*, published daily in Charleston, SC

Witherbee Ranger District: *News and Courier*, published daily in Charleston, SC

George Washington and Jefferson National Forests, Virginia

Forest Supervisor Decisions:

Roanoke Times, published daily in Roanoke, VA

District Ranger Decisions:

Lee Ranger District: *Shenandoah Valley Herald*, published weekly (Wednesday) in Woodstock, VA

Warm Springs Ranger District: *The Recorder*, published weekly (Thursday) in Monterey, VA

Pedlar Ranger District: *Roanoke Times*, published daily in Roanoke,

VA

James River Ranger District: *Virginian Review*, published daily (except Sunday) in Covington, VA

Deerfield Ranger District: *Daily News Leader*, published daily in Staunton, VA

Dry River Ranger District: *Daily News Record*, published daily (except Sunday) in Harrisonburg, VA

Blacksburg Ranger District: *Roanoke Times*, published daily in Roanoke, VA

Monroe Watchman, published weekly (Thursday) in Union, WV (only for those decisions in West VA—notice will be published in the *Roanoke Times* and *Monroe Watchman*.)

Glenwood Ranger District: *Roanoke Times*, published daily in Roanoke, VA

New Castle Ranger District: *Roanoke Times*, published daily in Roanoke, VA

Monroe Watchman, published weekly (Thursday) in Union, WV (only for those decisions in West VA—notice will be published in the *Roanoke Times* and *Monroe Watchman*.)

Mount Rogers National Recreation Area: *Bristol Herald Courier*, published daily in Bristol, VA

Clinch Ranger District: *Kingsport-Times News*, published daily in Kingsport, TN

Wythe Ranger District: *Southwest Virginia Enterprise*, published bi-weekly (Wednesday and Saturday) in Wytheville, VA

Kisatchie National Forest, Louisiana

Forest Supervisor Decisions:

Alexandria Daily Town Talk, published daily in Alexandria, LA

District Ranger Decisions:

Caney Ranger District: *Minden Press Herald*, published daily in Minden, LA

Homer Guardian Journal, published weekly (Wednesday) in Homer, LA

Catahoula Ranger District: *Alexandria Daily Town Talk*, published daily in Alexandria, LA

Colfax Chronicle, published weekly (Wednesday) in Colfax, LA

Calcasieu Ranger District: *Alexandria Daily Town Talk*, published daily in Alexandria, LA

Kisatchie Ranger District: *Natchitoches Times*, published daily (Tuesday-Friday and on Sunday) in Natchitoches, LA

Winn Ranger District: *Winn Parish Enterprise*, published weekly (Wednesday) in Winnfield, LA

National Forests in Mississippi, Mississippi

Forest Supervisor Decisions:

Clarion-Ledger, published daily in Jackson, MS

District Ranger Decisions:

Bienville Ranger District: *Clarion-Ledger*, published daily in Jackson, MS

Chickasawhay Ranger District: *Clarion-Ledger*, published daily in Jackson, MS

Delta Ranger District: *Clarion-Ledger*, published daily in Jackson, MS

De Soto Ranger District: *Clarion-Ledger*, published daily in Jackson, MS

Holly Springs Ranger District: *Clarion-Ledger*, published daily in Jackson, MS

Homochitto Ranger District: *Clarion-Ledger*, published daily in Jackson, MS

Tomigbee Ranger District: *Clarion-Ledger*, published daily in Jackson, MS

Ashe-Erambert Project: *Clarion-Ledger*, published daily in Jackson, MS

National Forests in North Carolina, North Carolina

Forest Supervisor Decisions:

The Asheville Citizen-Times, published daily in Asheville, NC

District Ranger Decisions:

Appalachian Ranger District: *The Asheville Citizen-Times*, published daily in Asheville, NC

Cheoah Ranger District: *Graham Star*, published weekly (Thursday) in Robbinsville, NC

Croatan Ranger District: *The Sun Journal*, published weekly (Sunday through Friday) in New Bern, NC

Grandfather Ranger District: *McDowell News*, published daily in Marion, NC

Highlands Ranger District: *The Highlander*, published weekly (May-Oct Tues & Fri; Oct-April Tues only) in Highlands, NC

The Crossroads Chronicle, published weekly (May-Oct Tues & Fri; Oct-April Tues only) in Cashiers, NC

The Sylva Herald, published weekly on Thursday in Sylva, NC

Pisgah Ranger District: *The Asheville Citizen-Times*, published daily in Asheville, NC

Tusquitee Ranger District: *Cherokee Scout*, published weekly (Wednesday) in Murphy, NC

Uwharrie Ranger District: *Montgomery Herald*, published weekly (Wednesday) in Troy, NC

Wayah Ranger District: *The Franklin*

Press, published bi-weekly (Wednesday and Friday) in Franklin, NC

Ouachita National Forest, Arkansas, Oklahoma

Forest Supervisor Decisions:

Arkansas Democrat-Gazette, published daily in Little Rock, AR

District Ranger Decisions:

Caddo Ranger District: *Arkansas Democrat-Gazette*, published daily in Little Rock, AR

Cold Springs Ranger District: *Arkansas Democrat-Gazette*, published daily in Little Rock, AR

Fourche Ranger District: *Arkansas Democrat-Gazette*, published daily in Little Rock, AR

Jessieville Ranger District: *Arkansas Democrat-Gazette*, published daily in Little Rock, AR

Mena Ranger District: *Arkansas Democrat-Gazette*, published daily in Little Rock, AR

Oden Ranger District: *Arkansas Democrat-Gazette*, published daily in Little Rock, AR

Poteau Ranger District: *Arkansas Democrat-Gazette*, published daily in Little Rock, AR

Winona Ranger District: *Arkansas Democrat-Gazette*, published daily in Little Rock, AR

Womble Ranger District: *Arkansas Democrat-Gazette*, published daily in Little Rock, AR

Choctaw Ranger District: *Tulsa World*, published daily in Tulsa, OK

Kiamichi Ranger District: *Tulsa World*, published daily in Tulsa, OK

Tiak Ranger District: *Tulsa World*, published daily in Tulsa, OK

Ozark-St. Francis National Forest: Arkansas

Forest Supervisor Decisions:

The Courier, published daily (Sunday through Friday) in Russellville, AR

District Ranger Decisions:

Sylamore Ranger District: *Stone County Leader*, published weekly (Tuesday) in Mountain View, AR

Buffalo Ranger District: *Harrison Daily Times*, published daily in Harrison, AR

Bayou Ranger District: *The Courier*, published daily (Sunday through Friday) in Russellville, AR

Pleasant Hill Ranger District: *Johnson County Graphic*, published weekly (Wednesday) in Clarksville, AR

Boston Mountain Ranger District: *Southwest Times Record*, published daily in Fort Smith, AR

Magazine Ranger District: *Southwest Times Record*, published daily in Fort Smith, AR

St. Francis Ranger District: *The Daily World*, published daily (Sunday through Friday) in Helena, AR

National Forests and Grasslands in Texas, Texas

Forest Supervisor Decisions:

The Lufkin Daily News, Published daily in Lufkin, TX

District Ranger Decisions:

Angelina National Forest: *The Lufkin Daily News*, published daily in Lufkin, TX

Davy Crockett National Forest: *The Lufkin Daily News*, published daily in Lufkin, TX

Sabine National Forest: *The Lufkin Daily News*, published daily in Lufkin, TX

Sam Houston National Forest: *The Courier*, published daily in Conroe, TX

Caddo & LBJ National Grasslands: *Denton Record-Chronicle*, published daily in Denton, TX

Dated: May 8, 1998.

Bruce L. Jewell,

Deputy Regional Forester for Natural Resources.

[FR Doc. 98-12951 Filed 5-14-98; 8:45 am]

BILLING CODE 3410-11-M

Dated: May 6, 1998.

Gloria Manning,

Associate Deputy Chief, National Forest System.

Proposed Boundary Description for the Establishment of the Kimberling Creek Purchase Unit, Bland County, Virginia

Pursuant to the Secretary of Agriculture's authority under the Act of March 1, 1911, as amended, the Kimberling Creek Purchase Unit is being established and is described as follows:

Those lands in Bland County, Virginia, bounded on the west by State Route 606 being the existing Jefferson National Forest boundary, on the north by the existing Jefferson National Forest boundary, on the east by the Commonwealth of Virginia's Bland State Correctional Farm, and on the south by State Route 42 to the junction with State Route 606, the existing boundary.

The area described contains 271.25 acres, more or less, adjoining the Jefferson National Forest.

The lands are well suited for watershed protection and meet the requirements of the Act of March 1, 1911, as amended.

Dated: April 17, 1998.

Brian Eliot Burke,

Deputy Under Secretary, Natural Resources and Environment.

[FR Doc. 98-13039 Filed 5-14-98; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

Forest Service

Establishment of Kimberling Creek Purchase Unit, Virginia

AGENCY: Forest Service, USDA.

ACTION: Notice of establishment of Kimberling Creek Purchase Unit.

SUMMARY: The Secretary of Agriculture created the 271-acre Kimberling Creek Purchase Unit in Bland County, Virginia. A copy of the establishment document, which includes the legal description of the lands within the purchase unit, appears at the end of this notice.

EFFECTIVE DATE: Establishment of this purchase unit was effective April 17, 1998.

ADDRESSES: A copy of the map depicting the lands within the purchase unit is on file and available for public inspection in the office of the Director, Lands Staff, 201 14th Street, S.W., Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Jack Craven, Lands Staff, Forest Service, USDA, P.O. Box 96090, Washington, D.C. 20090-6090, telephone; (202) 205-1248.

DEPARTMENT OF AGRICULTURE

Forest Service

Boundary Extension, Ouachita National Forest, Arkansas

AGENCY: Forest Service, USDA.

ACTION: Notice of boundary extension.

SUMMARY: The Secretary of Agriculture has extended the Ouachita National Forest boundary to include 80 acres, more or less, which were recently acquired through exchange, in Le Flore County, Oklahoma. A copy of the Secretary's establishment document, which includes the legal description of the land within the extension, appears at the end of this notice.

EFFECTIVE DATE: The boundary extension was effective April 17, 1998.

ADDRESSES: A copy of the map showing the boundary extension is on file and available for public inspection in the Office of the Director of Lands, Forest Service, Auditor's Building, 201 14th Street, SW, Washington, D.C. 20090-6090.

FOR FURTHER INFORMATION CONTACT: Jack Craven, Lands Staff, Forest Service, USDA, P.O. Box 96090, Washington, D.C. 20090-6090 (202) 205-1248.