

in the prevention of disease caused by feline immunodeficiency virus and feline rhinotracheitis virus.

The EA has been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provision 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).

Unless substantial issues with adverse environmental impacts are raised in response to this notice, APHIS intends to issue a finding of no significant impact (FONSI) based on the EA and authorize shipment of the above product for the initiation of field tests following the close of the comment period for this notice.

Because the issues raised by field testing and by issuance of a license are identical, APHIS has concluded that the EA that is generated for field testing would also be applicable to the proposed licensing action. Provided that the field test data support the conclusions of the original EA and the issuance of a FONSI, APHIS does not intend to issue a separate EA and FONSI to support the issuance of the product license, and would determine that an environmental impact statement need not be prepared. APHIS intends to issue a veterinary biological product license for this vaccine following completion of the field test provided no adverse impacts on the human environment are identified and provided the product meets all other requirements for licensing.

**Authority:** 21 U.S.C. 151–159; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC this 17th day of March, 2004.

**Kevin Shea,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 04–6328 Filed 3–19–04; 8:45 am]

**BILLING CODE 3410–34–P**

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. 04–012–1]

#### Availability of Environmental Assessment for Field Test of Genetically Engineered Organism

**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 for a confined release into the environment of genetically engineered nonpathogenic (avirulent) strains of a bacterium, *Erwinia amylovora*, the causal agent of fire blight disease. The purpose of the release is to determine whether the avirulent strains are effective as disease suppression agents of pathogenic fire blight disease on apple and pear trees. This environmental assessment is available for public review and comment.

**DATES:** We will consider all comments we receive on or before April 21, 2004.

**ADDRESSES:** You may submit comments by any of the following methods:

- **Postal Mail/Commercial Delivery:** Please send four copies of your comment (an original and three copies) to Docket No. 04–012–1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 04–012–1.

- **E-mail:** Address your comment to [regulations@aphis.usda.gov](mailto:regulations@aphis.usda.gov). Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and “Docket No. 04–012–1” on the subject line.

- **Agency Web Site:** Go to <http://www.aphis.usda.gov/ppd/rad/cominst.html> for a form you can use to submit an e-mail comment through the APHIS Web site.

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov> and follow the instructions for locating this docket and submitting comments.

**Reading Room:** You may read the environmental assessment and any comments that we receive in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

**Other Information:** You may view APHIS documents published in the **Federal Register** and related information, including the names of groups and individuals who have commented on APHIS dockets, on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Cordts, BRS, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 734–5531. To obtain a copy of the environmental assessment, contact Ms. Kay Peterson at (301) 734–4885; e-mail:

[Kay.Peterson@aphis.usda.gov](mailto:Kay.Peterson@aphis.usda.gov). The environmental assessment is also available on the Internet at [http://www.aphis.usda.gov/brs/aphisdocs/03\\_27901r\\_ea.pdf](http://www.aphis.usda.gov/brs/aphisdocs/03_27901r_ea.pdf).

**SUPPLEMENTARY INFORMATION:** The regulations in 7 CFR part 340, “Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,” regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or 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.” A permit must be obtained or a notification acknowledged before a regulated article may be introduced into the United States. The regulations set forth the permit application requirements and the notification procedures for the importation, interstate movement, and release into the environment of a regulated article.

On October 6, 2003, the Animal and Plant Health Inspection Service (APHIS) received a permit application (APHIS No. 03–279–01r) from Oregon State University, Corvallis, OR, for a permit to release into the environment avirulent strains 153 HrpS– and 153 HrpL– of the bacterial pathogen, *Erwinia amylovora*, the causal agent of fire blight disease, on apple and pear trees in Benton and Jackson Counties, OR. The avirulent strains of *E. amylovora* have been genetically engineered using the neomycin phosphotransferase (*nptII*) gene of transposon 10 from *Escherichia coli* strain DH5α and the *hrp* gene from *E. amylovora* strain Ea321. Insertion of the transposon within the coding region of the *E. amylovora hrp* gene results in inactivation of the gene and disruption of the disease-causing mechanism within the bacterium, thereby rendering the bacterium nonpathogenic or avirulent. Use of the *nptII* gene also confers resistance to the antibiotic kanamycin, which is used as a marker for the avirulent strains. The introduction of the avirulent strains, alone and in combination with other non-pathogenic bacteria, is expected to protect susceptible plants from infection

by wild type *E. amylovora*. The purpose of the field trial is to determine whether the avirulent Hrp – strains are effective as suppression agents of fire blight, one of the most destructive bacterial diseases of apple, pear, and other trees in the family *Rosaceae*.

The genetically engineered strains of *E. amylovora* are considered regulated articles under the regulations in 7 CFR part 340 because the recipient organism is a plant pathogen. The tests will be conducted in both screenhouse and field trials, and access to both sites is restricted by fences and/or chained gates. Data collection and monitoring on bacterial populations and incidence of disease will be conducted during the testing periods. Containment protocols have been designed to limit dispersal of the recombinant bacterium and are expected to provide the necessary degree of both biological and physical containment. In 13 years of similar testing using non-recombinant organisms, the applicants have not detected *E. amylovora* strains overwintering on trees and none is expected.

To provide the public with documentation of APHIS' review and analysis of any potential environmental impacts and plant pest risk associated with the proposed release of the subject avirulent mutant strains of *E. amylovora*, an environment assessment (EA) has been prepared. The EA was prepared in accordance with (1) The National Environmental Policy Act of 1969 (NEPA), as amended (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).

**Authority:** 7 U.S.C. 1622n and 7701–7772; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 17th day of March, 2004.

**Kevin Shea,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 04–6327 Filed 3–19–04; 8:45 am]

**BILLING CODE 3410–34–P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Newspapers Used for Publication of Legal Notices by the Intermountain Region; Utah, Idaho, Nevada, and Wyoming

**AGENCY:** Forest Service, USDA.

#### **ACTION:** Notice.

**SUMMARY:** This notice lists the newspapers that will be used by the ranger districts, forests and regional office of the Intermountain Region to publish legal notices required under 36 CFR 215, 217, and 218. The intended effect of this act is to inform interested members of the public which newspapers the Forest Service will use to publish notices of proposed actions and notices of decision. This will provide the public with constructive notice of Forest Service proposals and decisions, provide information on the procedures to comment or appeal, and establish the date that the Forest Service will use to determine if comments or appeals were timely.

**DATES:** Publication of legal notices in the listed newspapers will begin on or April 1, 2004. The list of newspapers will remain in effect until October 1, 2004, when another notice will be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Priscilla McLain, Regional Appeals Coordinator, Intermountain Region, 324 25th Street, Ogden, UT 84401, and phone (801) 625–5146.

**SUPPLEMENTARY INFORMATION:** The administrative procedures at 36 CFR 215, 217, and 218 require the Forest Service to publish notices in a newspaper of general circulation. The content of the notices is specified in 36 CFR 215, 217 and 218. In general, the notices will identify: the decision or project, by title or subject matter; the name and title of the official making the decision; how to obtain additional information; and where and how to file comments or appeals. The date the notices is published will be used to establish the official date for the beginning of the comment or appeal period. The newspapers to be used are as follows:

#### **Regional Forester, Intermountain Region**

For decisions made by the Regional Forester affecting National Forests in Idaho: *Idaho Statesman*, Boise, Idaho

For decisions made by the Regional Forester affecting National Forests in Nevada: *Reno Gazette-Journal*, Reno, Nevada

For decisions made by the Regional Forester affecting National Forests in Wyoming: *Casper Star-Tribune*, Casper, Wyoming

For decisions made by the Regional Forester affecting National Forests in Utah: *Salt Lake Tribune*, Salt Lake City, Utah

For decisions made by the Regional Forester that affect all National Forests in the Intermountain Region. *Salt Lake Tribune*, Salt Lake City, Utah

#### **Ashley National Forest**

Ashley Forest Supervisor decisions: *Vernal Express*, Vernal, Utah

Duchesne District Ranger decisions: *Uinta Basin Standard*, Roosevelt, Utah

Flaming Gorge District Ranger for decisions affecting Wyoming: *Rocket Miner*, Rock Springs, Wyoming

Flaming Gorge District Ranger for decisions affecting Utah: *Vernal Express*, Vernal, Utah

Roosevelt District Ranger decisions: *Uinta Basin Standard*, Roosevelt, Utah

Vernal District Ranger decisions: *Vernal Express*, Vernal, Utah

#### **Boise National Forest**

Boise Forest Supervisor decisions: *Idaho Statesman*, Boise, Idaho

Cascade District Ranger decisions: *Long Valley Advocate*, Cascade, Idaho

Emmett District Ranger decisions: *Messenger-Index*, Emmett, Idaho

Idaho City District Ranger decisions: *Idaho Statesman*, Boise, Idaho

Lowman District Ranger decisions: *Idaho World*, Garden Valley, Idaho

Mountain Home District Ranger decisions: *Idaho Statesman*, Boise, Idaho

#### **Bridger-Teton National Forest**

Bridger-Teton Forest Supervisor decisions: *Casper Star-Tribune*, Casper, Wyoming

Big Piney District Ranger decisions: *Casper Star-Tribune*, Casper, Wyoming

Buffalo District Ranger decisions: *Casper Star-Tribune*, Casper, Wyoming

Greys River District Ranger decisions: *Casper Star-Tribune*, Casper, Wyoming

Jackson District Ranger decisions: *Casper Star-Tribune*, Casper, Wyoming

Kemmerer District Ranger decisions: *Casper Star-Tribune*, Casper, Wyoming

Pinedale District Ranger decisions: *Casper Star-Tribune*, Casper, Wyoming

#### **Caribou-Targhee National Forest**

Caribou-Targhee Forest Supervisor decisions for the Caribou portion: *Idaho State Journal*, Pocatello, Idaho

Caribou-Targhee Forest Supervisor decisions for the Targhee portion: *Post Register*, Idaho Falls, Idaho

Ashton District Ranger decisions: *Post Register*, Idaho Falls, Idaho

Dubois District Ranger decisions: *Post Register*, Idaho Falls, Idaho

Island Park District Ranger decisions: *Post Register*, Idaho Falls, Idaho

Montpelier District Ranger decisions: *Idaho State Journal*, Pocatello, Idaho

Palisades District Ranger decisions: *Post Register*, Idaho Falls, Idaho

Soda Springs District Ranger decisions: *Idaho State Journal*, Pocatello, Idaho

Teton Basin District Ranger decisions: *Post Register*, Idaho Falls, Idaho

Westside District Ranger decisions: *Idaho State Journal*, Pocatello, Idaho