

# Notices

Federal Register

Vol. 62, No. 230

Monday, December 1, 1997

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

### Agricultural Research Service

#### Notice of Intent to Grant Exclusive License

**AGENCY:** Agricultural Research Service, USDA.

**ACTION:** Notice of Intent.

**SUMMARY:** Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Water & Oil Technologies, Inc., of Montgomery, Illinois, an exclusive license to U.S. Patent 4,871,556, issued 10/03/89, entitled "Inhibition of Warmed-Over Flavor and Preserving of Uncured Meat Containing Materials." Notice of Availability was published in the **Federal Register** on September 22, 1988.

**DATES:** (**Federal Register**) Comments must be received on or before January 30, 1998.

**ADDRESSES:** Send comments to: USDA, ARS, Office of Technology Transfer, Room 415, Building 005, BARC-West, Beltsville, Maryland 20705-2350.

**FOR FURTHER INFORMATION CONTACT:** June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301-504-5989.

**SUPPLEMENTARY INFORMATION:** The Federal Government's patent rights to this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as Water & Oil Technologies, Inc., has submitted a complete and sufficient application for a license. The prospective license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective license may be granted unless, within sixty (60) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the

license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

**Richard M. Parry, Jr.,**

*Assistant Administrator.*

[FR Doc. 97-31383 Filed 11-28-97; 8:45 am]

BILLING CODE 3410-03-P

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. 97-105-1]

#### Availability of Horse Protection Strategic Plan

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** We are advising the public of the availability of the Animal and Plant Health Inspection Service Horse Protection Strategic Plan.

**ADDRESSES:** Copies of the Animal and Plant Health Inspection Service Horse Protection Strategic Plan are available and may be obtained either by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**, or electronically at <http://www.aphis.usda.gov/ac>. A copy of the strategic plan is also available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect this document are requested to call the reading room in advance at (202) 690-2817.

**FOR FURTHER INFORMATION CONTACT:** Dr. Richard Watkins, Initiatives Coordinator, USDA, APHIS, Animal Care, 4700 River Road, Unit 84, Riverdale, MD 20737-1234, (301) 734-4981.

**SUPPLEMENTARY INFORMATION:** The practice known as "soring" is the causing of pain in Tennessee Walking Horses and other gaited horses, in order to affect their performance. The Horse Protection Act (HPA) (11 U.S.C. *et seq.*) was enacted for the purpose of eliminating soring by prohibiting the showing, exhibition, transport or sale of sore horses. Exercising its rulemaking and enforcement authority under the HPA, the Animal and Plant Health Inspection Service (APHIS) issues and

enforces regulations regarding horse protection at title 9, chapter I, part 11, of the Code of Federal Regulations.

In 1995, APHIS initiated development of a Horse Protection Strategic Plan, designed to achieve the elimination of soring by strengthening APHIS's relationship with the walking horse industry. APHIS drafted a preliminary Strategic Plan, then convened three public meetings in 1996 to gather comments regarding the plan. The meetings were open forums attended by APHIS personnel, horse industry organization representatives, animal interest groups, and other individuals. APHIS considered all comments received at these forums, and revised its preliminary plan accordingly. We are giving notice that the final Horse Protection Strategic Plan is available to the public.

Done in Washington, DC, this 21st day of November, 1997.

**Craig A. Reed,**

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

[FR Doc. 97-31353 Filed 11-28-97; 8:45 am]

BILLING CODE 3410-34-P

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Swamp Timber Sales and Associated Activities; Kootenai National Forest, Lincoln County, Montana

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of Intent to prepare an environmental impact statement.

**SUMMARY:** The USDA, Forest Service, will prepare an Environmental Impact Statement (EIS) to disclose the environmental effects of timber harvest (including salvage of beetle-killed lodgepole pine and windthrown trees), prescribed fire, watershed rehabilitation, year-round road restrictions, road obliteration, construction of temporary roads and reconstruction of specified roads in the Swamp Analysis Area on the Fortine Ranger District of the Kootenai National Forest. The Swamp Analysis Area is located approximately 30 air miles northeast of Libby, Montana, near the communities of Trego, Fortine and Eureka, Montana.

The proposed actions to harvest and reforest timber stands, improve stream

and watershed conditions, reconstruct, rehabilitate or obliterate roads, restrict road access and underburn forest fuels and debris are being considered together because they represent either connected or cumulative actions as defined by the Council on Environmental Quality (40 CFR 1508.25). The purposes of the project are: (1) To manage for a diversity of plant communities and age classes to meet the specific habitat requirements for a variety of plant and animal species; (2) to provide timber to support local, regional, and national needs; and (3) to manage for stable stream channels, viable and productive habitats for aquatic species, and water quality that meets or exceeds State of Montana water quality goals.

The EIS will tier to the Kootenai National Forest Land and Resource Management Plan and Final EIS of September, 1987, which provides overall guidance for forest management of the area. All activities associated with the proposal will be designed to maintain high quality wildlife, fisheries, and watershed objectives.

**DATES:** Written comments and suggestions should be postmarked or received by December 31, 1997.

**ADDRESSES:** The Responsible Official is Edward C. Monnig, District Ranger, Fortine Ranger District, P.O. Box 116, Fortine, Montana, 59918. Written comments and suggestions concerning the scope of the analysis may be sent to him at that address.

**FOR FURTHER INFORMATION CONTACT:** Michael Liu, Project Leader, Fortine Ranger District. Phone: (406) 882-4451.

**SUPPLEMENTARY INFORMATION:** The Swamp Decision Area contains approximately 40,680 acres of land within the Kootenai National Forest in Lincoln County, Montana. All of the proposed projects would occur on National Forest lands in the Swamp, Beaver and Edna Creek drainages near Trego, Montana.

The legal location of the Swamp Decision Area is as follows: All or portions of Sections 1-3 and 11-12 of Township 32 North, Range 28 West; Sections 2-11 and 14-16 of Township 32 North, Range 27 West; Section 36 of Township 33 North, Range 28 West; Sections 1-4, 8-17, and 19-36 of Township 33 North, Range 27 West; Sections 1-11, 14-22, and 29-32 of Township 33 North, Range 26 West; Sections 24-26 and 34-36 of Township 34 North, Range 27 West; and Sections 17-36 of Township 34 North, Range 26 West; Principal Montana Meridian, Lincoln County, Montana.

All proposed activities are outside the boundaries of any roadless area or any

areas considered for inclusion to the National Wilderness System as recommended by the Kootenai National Forest Plan or by any past or present legislative wilderness proposals.

The Forest Service proposes to harvest approximately 36,600 hundred cubic feet (CCF), the equivalent of 15 million board feet (MMBF), of timber through application of a variety of harvest methods on approximately 4780 acres of forest land within the Swamp Decision Area. Use of existing and temporary roads would be needed to access timber harvest areas. An estimated 47 miles of existing roads would be reconstructed to access timber harvest areas or improve watershed conditions. An additional 13 miles of road would be rehabilitated to improve watershed conditions. All temporary roads would be obliterated following completion of sale activities. An additional 16 miles of road no longer in use, would be obliterated by various methods, such as removal of culverts, recontouring, ripping and seeding, and installing barriers. The method of obliteration would be based on site specific conditions. An estimated 24 miles of existing road would be restricted year-round to improve watershed conditions, minimize future road maintenance costs, and to regulate overall open road density to improve big game security. The proposal also includes prescribed burning on approximately 500 acres to enhance wildlife habitat, and promote vegetative diversity. Prescribed burning would also be used to reduce fuels and prepare sites for natural or artificial reforestation on regeneration harvest units after completion of harvest operation.

More specifically management activities in this proposal include:

#### **Regeneration Harvest**

These activities emphasize development of a new stand of trees through harvest of existing live or dead trees. The following types of regeneration harvest are proposed: (1) Salvage of merchantable dead lodgepole pine and other species would be removed in one entry, leaving 6-10 live trees/acre. Approximately 126 acres would be harvested resulting in approximately 2,440 CCF (1 MMBF) of timber; (2) Seedtree/shelterwood harvest of all merchantable trees except for 6-10 trees/acre in seed tree or 20-40 trees/acre in shelterwood prescriptions. Some shelterwood trees could be removed in a second entry when the stand has been certified as regenerated. A total of approximately 299 acres would be harvested resulting in approximately 7296 CCF (3 MMBF) of timber; (3) Using

a group shelterwood prescription some units would be harvested in 3-5 acre openings. Three entries would take place over a 20 year period, removing one-third of the stand with each entry. Leave trees would be left in the openings. Approximately 574 acres would be harvested and yield approximately 4636 CCF (1.9 MMBF) of timber; (4) Special shelterwood harvests would remove all merchantable trees except for 20-25 large diameter (>18" DBH) larch and Douglas fir trees/acre. The remaining shelterwood trees would be left in the unit to provide stand structure. Approximately 259 acres would be harvested yielding approximately 4,880 CCF (2 MMBF) of timber.

#### **Intermediate Harvest**

These activities emphasize active management of existing trees by thinning the stand. The following types of intermediate harvest prescriptions are planned: (1) Blowdown salvage and lodgepole pine salvage would remove merchantable dead trees while protecting desirable live trees in the stand. Approximately 1550 acres would be harvested yielding approximately 7857 CCF (3.2 MMBF) of timber; (2) Commercial thinning of merchantable and less dominant trees in the stand would occur to meet desired stand stocking levels. The largest and healthiest trees would be left in the stands. Approximately 1964 acres would be harvested resulting in approximately 9590 CCF (3.9 MMBF) of timber; (3) Harvest of post and pole sized lodgepole pine from approximately 170 acres is proposed. Larger healthy lodgepole pine and other species would be left on roughly a 12 by 12 spacing. No volume has been estimated at this time.

#### **Underburning**

Underburning is proposed on approximately 500 acres to reduce fuel loads, and improve stands for wildlife. The prescription would involve burning stands during spring and early summer for good smoke dispersion and safe burning conditions.

#### **Watershed Rehabilitation**

A number of watershed rehabilitation projects are proposed in the Swamp Decision Area. These include: two stream channel enhancement projects, two riparian enhancement projects and three projects to control cattle access to streams.

### Road Reconstruction and Rehabilitation

Approximately 47 miles of existing road would be reconstructed to access harvest areas or improve watershed conditions. Approximately 13 miles would be rehabilitated to improve watershed conditions and 16 miles would be obliterated because they are no longer in use. Obliteration would be accomplished through removal of culverts, recontouring, or ripping and seeding the road bed.

### Year-round Road Restrictions

Approximately 24 miles of road would be temporarily restricted year-round. These restrictions would help to improve watershed conditions to minimize future road maintenance costs and to improve big game security by reducing overall open road densities.

The Kootenai National Forest Land and Resource Management Plan provides overall management objectives in individual delineated management areas (MA's). The proposed projects encompass seven predominant MA's; 11, 12, 13, 15, 16, 21 and 24. Briefly described, MA 11 (4% of the area) is managed to maintain or enhance the winter range habitat effectiveness for big-game species and produce a programmed yield of timber. MA 12 (17% of the area) is designated to maintain or enhance big game summer range and produce a programmed yield of timber. MA 13 (9% of the area) is designated to provide special habitat necessary for old growth dependent wildlife. MA 15 (43% of the area) focuses upon timber production using various silvicultural practices while providing for other resource values such as soil, air, water, wildlife, recreation, and forage for domestic livestock. MA 16 (2% of the area) is managed to produce timber while providing for a pleasing view. MA 21 (1% of the area) is designated as a special interest area and serves to provide protection or special management of unique, unusual, or important attributes (flora, fauna, geologic, etc.). MA 24 (4% of the area) is usually not productive ground and is managed to provide site protection and for any inherent wildlife resources. Timber harvest is proposed in MA's 11, 12, 15, 16 and 24.

This proposal includes openings greater than 40 acres to replicate historic disturbance patterns. If these large openings are included in the preferred alternative in the Draft EIS, a 60-day public review will be provided during the comment period on the Draft EIS. Approval of the Regional Forester for exceeding the 40-acre limitation for

regeneration harvest would be required prior to the signing of the Record of Decision.

The Forest Service will consider a range of alternatives. One of these will be the "no action" alternative in which none of the proposed activities would be implemented. Additional alternatives will examine varying levels and locations for the proposed activities to achieve the proposal's purposes, as well as to respond to the issues and other resource values.

### Preliminary Issues

The following preliminary issues have been identified for this proposal:

- Road Management*: Specific roads would need to be restricted or obliterated to meet road densities for wildlife security and improve watershed conditions. Some individuals feel that these activities unfairly restrict public use and waste taxpayer dollars. Others feel restrictions are a benefit to wildlife and watershed conditions and should be implemented.
- Timber Supply*: A continued supply of timber is a concern of both internal and external publics. The methods used to provide that supply as well as amount of timber harvested are components of this issue
- Water Quality*: Road construction and reconstruction, cattle use, as well as timber harvest and prescribed burning are concerns of the public in relation to the issue of water quality.

### Public Involvement and Scoping

On March 13, 1997 an advertisement was placed in the *Daily Inter Lake*, Kalispell, Montana, requesting public comment and information concerning the Swamp Analysis Area. In addition, on March 14, 1997 a letter was mailed to the approximately 216 individuals comprising the mailing list for the Swamp Analysis Area. Taking into account the comments received and information gathered during preliminary analysis, it was decided to prepare an EIS for the Swamp Timber Sales and Associated Activities. Comments received prior to this notice will be included in the documentation for the EIS.

This environmental analysis and decision making process will enable additional interested and affected people to participate and contribute to the final decision. The public is encouraged to take part in the process and is encouraged to visit with Forest Service officials at any time during the analysis and prior to the decision. The Forest Service will be seeking information, comments, and assistance

from Federal, State, local agencies and other individuals or organizations who may be interested in or affected by the proposed action. This input will be used in preparation of the Draft and Final EIS. Comments received on this proposal will be made part of the public record and may be included in the Draft and Final EIS. Names and addresses of commentors are subject to inquiries under the Freedom of Information Act and would be disclosed upon request. Comments on this proposal must be postmarked or received by December 31, 1997.

### Estimated Dates for Filing

The Draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and available for public review by June, 1998. At that time, EPA will publish a Notice of Availability of the Draft EIS in the **Federal Register**. The comment period on the Draft EIS will be a minimum of 45 days from the date the EPA publishes the Notice of Availability in the **Federal Register**.

The Final EIS is scheduled to be completed by August, 1998. In the Final EIS, the Forest Service is required to respond to comments and responses received during the comment period that pertain to the environmental consequences discussed in the Draft EIS and applicable laws, regulations, and policies considered in making a decision regarding the proposal.

### Reviewers Obligations

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 EIS's 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.C. 519, 553 (1978). Also, environmental objections that could be raised at the Draft EIS stage 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 Draft EIS 45 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider and respond to them in the Final EIS.

To assist the Forest Service in identifying and considering issues and

concerns on the proposed action, comments on the Draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the Draft EIS or the merits of the alternatives discussed. 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.

#### Responsible Official

Edward C. Monnig, District Ranger, Fortine Ranger District, Kootenai National Forest, P.O. Box 116, Fortine, Montana, 59918, is the Responsible Official. As the Responsible Official, I will decide which, if any, of the proposed projects will be implemented. I will document the decision and reasons for the decision in the Record of Decision. That decision will be subject to Forest Service Appeal Regulations.

Dated: November 21, 1997.

**Edward C. Monnig,**

*District Ranger, Fortine Ranger District.*

[FR Doc. 97-31330 Filed 11-28-97; 8:45 am]

BILLING CODE 3410-11-M

#### DEPARTMENT OF AGRICULTURE

##### Forest Service

#### Willamette Provincial Interagency Executive Committee (PIEC), Advisory Committee

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Willamette PIEC Advisory Committee will meet on Thursday, December 11, 1997, at the USDI Salem BLM Office; 1717 Fabry Rd SE; Salem, Oregon 97306; phone (503) 375-5642. The Advisory Committee meeting is scheduled for 9:00 a.m. to approximately 12:30 p.m. The tentative agenda includes: (1) Review of the Province timber sale monitoring results, (2) Review and critique of 1997 Willamette PAC activities and accomplishments, (3) Identifying and prioritizing topics for Willamette PAC meeting in 1998, and (4) Public forum.

This public forum is tentatively scheduled to begin at 10:00 a.m. Time allotted for individual presentations will be limited to 3 minutes. Written comments are encouraged. Written comments may be submitted prior to the meeting by sending them to Designated Federal Official Neal Forrester at the address given below.

**FOR FURTHER INFORMATION CONTACT:** For more information regarding this meeting, contact Designated Federal Official Neal Forrester; Willamette National Forest, 211 East Seventh Avenue; Eugene, Oregon 97401; (541) 465-6924.

Dated: November 21, 1997.

**Darrel L. Kenops,**

*Willamette Forest Supervisor.*

[FR Doc. 97-31349 Filed 11-28-97; 8:45 am]

BILLING CODE 3410-11-M

#### DEPARTMENT OF AGRICULTURE

##### Grain Inspection, Packers and Stockyards Administration

#### Opportunity to Comment on the Applicants for the Little Rock Area

**AGENCY:** Grain Inspection, Packers and Stockyards Administration (GIPSA), USDA.

**ACTION:** Notice.

**SUMMARY:** GIPSA requests comments on the applicants for designation to provide official services in the geographic area formerly assigned to Arkansas Grain Inspection Service (Arkansas).

**DATES:** Comments must be postmarked, or sent by telecopier (FAX) by December 30, 1997.

**ADDRESSES:** Comments must be submitted in writing to USDA, GIPSA, Janet M. Hart, Chief, Review Branch, Compliance Division, STOP 3604, Room 1647-S, 1400 Independence Avenue, S.W., Washington, DC 20250-3604. Telecopier (FAX) users may send comments to the automatic telecopier machine at 202-690-2755, attention: Janet M. Hart. All comments received will be made available for public inspection at the above address located at 1400 Independence Avenue, S.W., during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** Janet M. Hart, telephone 202-720-8525.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the October 1, 1997, **Federal Register** (62 FR 51407), GIPSA asked persons interested in providing official services in the Little Rock area, formerly assigned to Arkansas, to submit an application for designation by October 30, 1997. There were two applicants: Memphis Grain Inspection Service, a currently designated official agency,

located at Memphis, Tennessee, and contiguous to the Little Rock area, applied for designation to provide official services in the Little Rock area; and the former Arkansas agency reorganized and applied for designation to provide official services in the Little Rock area.

GIPSA is publishing this notice to provide interested persons the opportunity to present comments concerning the applicants. Commenters are encouraged to submit reasons and pertinent data for support or objection to the designation of the applicants. All comments must be submitted to the Compliance Division at the above address. Comments and other available information will be considered in making a final decision. GIPSA will publish notice of the final decision in the **Federal Register**, and GIPSA will send the applicants written notification of the decision.

Effective November 1, 1997, until an official agency can be selected, requests for official services should be directed to GIPSA's Stuttgart, Arkansas, Field Office at 501-673-2508.

**Authority:** Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

Dated: November 21, 1997.

**Neil E. Porter,**

*Director, Compliance Division.*

[FR Doc. 97-31335 Filed 11-28-97; 8:45 am]

BILLING CODE 3410-EN-P

#### DEPARTMENT OF AGRICULTURE

##### Grain Inspection, Packers and Stockyards Administration

#### Opportunity for Designation in the Champaign (IL) and Enid (OK) Areas

**AGENCY:** Grain Inspection, Packers and Stockyards Administration (GIPSA).

**ACTION:** Notice.

**SUMMARY:** The United States Grain Standards Act, as amended (Act), provides that official agency designations will end not later than triennially and may be renewed. The designation of Champaign-Danville Grain Inspection Departments, Inc. (Champaign), will end May 31, 1998, and the designation of Enid Grain Inspection Company, Inc. (Enid), will end June 30, 1998, according to the Act. GIPSA is asking persons interested in providing official services in the Champaign and Enid areas to submit an application for designation.

**DATES:** Applications must be postmarked or sent by telecopier (FAX) on or before December 30, 1997.