

The complainant requests that the Commission institute an investigation and, after a hearing, issue a permanent exclusion order and permanent cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained herein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone 202-205-2000. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<http://www.usitc.gov>).

FOR FURTHER INFORMATION CONTACT: Jay H. Reiziss, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-205-2579.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (1997).

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on May 5, 1998, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain recombinantly produced Hepatitis B vaccines, or products containing same, made by a process that infringes claims 4, 5, 7, or 8 of U.S. Letters Patent Re. 35,749, and whether there exists an industry in the United States as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Chiron Corporation, 4560 Horton Street, Emeryville, CA 94608-2917.

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon

which the complaint is to be served: SmithKline Beecham Biologicals, S.A., Rue de l'Institut, 69, 1330 Rixensart, R.C. Nivelles 65945, Belgium, SmithKline Beecham Corporation, One Franklin Plaza, Philadelphia, PA 19102.

(c) Jay H. Reiziss, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Room 401-L, Washington, DC 20436, who shall be the Commission Investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern is designated as the presiding administrative law judge.

(4) Pursuant to section 210.50(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.50(b)(1), the Commission delegates to the presiding administrative law judge the authority to compel discovery, take evidence, and hear argument with respect to the public interest, as appropriate, and directs the administrative law judge to include findings of fact and conclusions of law on public interest issues in any recommended determination filed with the Commission under section 210.42(a)(1)(ii), 19 CFR 210.42(1)(ii).

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with § 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received no later than 20 days after the date of service by the Commission of the complaint and notice of investigation. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefore is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against such respondent.

Issued: May 5, 1998.

By order of the Commission.

Donna R. Koehnke,
Secretary.

[FR Doc. 98-12423 Filed 5-8-98; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS 1926-98]

Fiscal Year 1998 Numerical Limitation Reached for H-1B Nonimmigrants

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: The Immigration Act of 1990 (IMMACT), provided that beginning with fiscal year 1992, the total number of aliens who may be issued visas under the H-1B category during any fiscal year could not exceed 65,000. Based on all available data, the 65,000 limit has been reached for fiscal year 1998. This notice describes the procedures the Service will use for processing H-1B petitions for new or initial employment in the remainder of fiscal year 1998.

DATES: This notice is effective May 11, 1998.

FOR FURTHER INFORMATION CONTACT: John W. Brown, Adjudications Officer, Adjudications Division, Immigration and Naturalization Service, 425 I Street, NW., Room 3214, Washington, DC 20536, telephone (202) 514-3240.

SUPPLEMENTARY INFORMATION:

Background

Section 205 of the Immigration Act of 1990 (IMMACT), Public Law 101-649, dated November 29, 1990, imposed a 65,000 numerical limitation beginning in fiscal year 1992 on the number of aliens who could be accorded H-1B nonimmigrant status in a fiscal year.

The regulation at 8 CFR 214.2(h)(8)(ii)(E) provides that "If the total numbers available in a fiscal year are used, new petitions and the accompanying fee shall be rejected and returned with a notice that numbers are unavailable for the particular nonimmigrant classification until the beginning of the next fiscal year."

Which H-1B Petitions Will Be Affected by This Notice?

H-1B petitions filed for new or initial employment for the remainder of fiscal year 1998 will be affected by this notice as well as petitions pending with the Service on the date of this notice.

Which H-1B Petitions Will Not Be Affected by This Notice?

Petitions filed for sequential H-1B employment, concurrent H-1B employment, extension of H-1B stay, and amended H-1B petitions are not affected by this notice.

Sequential employment is where an alien assumes one H-1B position after another. For example, an H-1B chemist completes his or her assignment with "Company A" and then assumes a new position the very next day as an H-1B chemist with "Company B".

Concurrent employment is where an alien holds two H-1B positions at the same time. For example, an H-1B computer system analyst works for "Company A" full-time during the week and works for "Company B" part-time on the weekends.

An *extension of stay* is where the alien's current employer submits a petition to extend the alien's temporary stay.

An *amended petition* is where there has been a change in the conditions of the alien's employment, but the alien remains employed by the same petitioner.

How Will H-1B Petitions Submitted For New or Initial Employment for Fiscal Year 1998 be Processed?

Based on 8 CFR 214.2(h)(8)(ii)(E), the Service will return, with fee, any H-1B petition filed with the Service on or after the date of this notice for new or initial employment in fiscal year 1998. The petitioner will be advised in a notice to either resubmit the petition when numbers are available on October 1, 1998, or to resubmit the petition and request employment commencing on or after October 1, 1998.

In the case of those petitions pending with the Service on the date of this notice, the Service will contact the petitioner or the attorney of record and advise him or her that the 65,000 limit has been reached. The petitioner will then be given the option of either withdrawing the petition or requesting that the Service change the date of the beneficiary's intended employment to on or after October 1, 1998, the beginning of fiscal year 1999, when H-1B numbers will again become available.

How Will H-1B Petitions Submitted For New or Initial Employment Beginning in Fiscal Year 1999 be Processed?

H-1B petitions filed for employment commencing on or after October 1, 1998, which is the beginning of fiscal year 1999, are not affected by the procedures described in this notice and those

petitions will be adjudicated when received by the Service.

What Will Happen if the Numerical Limitation is Raised by Congress?

The Congress is currently considering whether to raise the numerical limit for fiscal year 1998. The procedures described in this notice will be modified if the limit is raised through legislation enacted by the Congress and signed by the President.

Dated: May 6, 1998.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 98-12448 Filed 5-8-98; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Susan Harwood Training Grant Program

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of availability of funds and request for grant applications.

SUMMARY: The Occupational Safety and Health Administration (OSHA) awards funds to nonprofit organizations to conduct safety and health training and education in the workplace. This notice announces grant availability for training in safety and health programs for construction, silica in general industry, food processing, shipyards, logging, and outreach to workers. The notice describes the scope of the grant program and provides information about how to get detailed grant application instructions. Applications should not be submitted without the applicant first obtaining the detailed grant application instructions mentioned later in the notice.

Authority for this program may be found in section 21(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 670).

DATES: Applications must be received by June 26, 1998.

ADDRESSES: Grant applications are to be submitted to the OSHA Office of Training and Education, Division of Training and Educational Programs, 1555 Times Drive, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Ronald Mouw, Chief, Division of Training and Educational Programs, or Helen Beall, Training Specialist, OSHA Office of Training and Education, 1555

Times Drive, Des Plaines, Illinois 60018, telephone (847) 297-4810, e-mail helen.beall@oti.osha.gov.

SUPPLEMENTARY INFORMATION:

What is the Purpose of the Program?

Susan Harwood Training Grants provide funds to train workers and employers to recognize, avoid, and prevent safety and health hazards in their workplaces. The program emphasizes three areas.

- Educating workers and employers in small businesses. A small business has 250 or fewer workers.

- Training workers and employers about new OSHA standards.

- Training workers and employers about high risk activities or hazards identified by OSHA through the priority planning process or otherwise, or as part of an OSHA special emphasis program.

Grantees are expected to develop training and/or educational programs that address one of the topics named by OSHA (see below), recruit workers and employers for the training, and conduct the training. Grantees will also be expected to follow-up with people who have been trained to find out what, if any, changes were made to reduce hazards in their workplaces as a result of the training.

What Are the Training Topics This Year?

The purpose of this notice is to announce that funds are available for grants. Each grant application must address one of the following topic areas.

1. Construction. Applicants may address one of the following topics.

- Recognition and avoidance of lead and silica hazards in bridge repair and renovation.

- Safety and health hazards in highway construction with emphasis on preventing fatalities, particularly those caused by being struck by vehicles and equipment.

- Recognition and avoidance of electrical hazards in construction, particularly contact with overhead power lines. Projects will emphasize developing systems and procedures that will provide ongoing training programs for new employees after the grant has ended.

2. Silica in general industry. Recognition and avoidance of silica hazards in industries where sandblasting is a process, such as metal finishing, or where silica is part of the manufacturing process, such as cement.

3. Food processing. Safety and health hazards in red meat and/or poultry processing.