

Notices

Federal Register

Vol. 64, No. 21

Tuesday, February 2, 1999

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 Continental Grain Company of Chicago, Illinois, an exclusive license to U.S. Patent No. 5,807,546 issued on September 15, 1998, entitled "Livestock Mucosal Competitive Exclusion Culture to Reduce Enteropathogenic Bacteria." Notice of Availability was published in the **Federal Register** on August 7, 1997. **DATES:** Comments must be received on or before April 5, 1999.

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 Continental Grain Company submitted a complete and sufficient application for a license. The prospective exclusive 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 exclusive 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. 99-2429 Filed 2-1-99; 8:45 am]

BILLING CODE 3410-03-P

DEPARTMENT OF AGRICULTURE

Forest Service

Duck-Sheriff Project, Allegheny National Forest

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: In accordance with the National Environmental Policy Act, notice is hereby given that the Forest Service, Allegheny National Forest (ANF), will prepare an Environmental Impact Statement to disclose the environmental consequences of the proposed Duck-Sheriff project.

The purpose of this project is to move the ANF from the existing condition towards the desired future condition (DFC) as detailed in the Allegheny National Forest Land and Resource Management Plan (Forest Plan). The Forest Plan allocates land to management where wood production is one of the featured objectives (Management Area [MA] 3.0). Equally important, the Forest Plan allocates land to management that emphasizes wildlife and recreation (MA 6.1). The Duck-Sheriff project contains both of these management areas.

In order to move toward the DFC, the acres in early successional age class (0-20 year age) need to increase; healthy forested stands capable of producing high quality, high value sawtimber need to be maintained; and understories dominated by fern, grass or undesirable vegetation need to develop desirable seedlings. Project proposals include timber harvesting as a means for making desired changes to forest vegetation and satisfying the demonstrated public need for wood products. Management actions necessary to meet the purpose and need include: 1,364 acres of regeneration harvest to ensure future forests; herbicide, fertilizer, fencing, mechanical site preparation, and/or planting to ensure seedling establishment and growth in understories. An additional 1,842 acres of intermediate harvests are

planned to reduce the competition for light and nutrients, thereby improving the health, vigor, and growth of residual trees and to restore the understory within mature forests. Activities associated with these silvicultural practices include 3 miles of new road construction, 28 miles of road restoration, 9 miles of road betterment, and 7 acres of stone pit development to provide an adequate long-term transportation system.

Additional areas need to be designated for management of late successional values, riparian areas need protection and enhancement, sections of the North Country Trail need improvement, water borne recreation needs enhancement, wildlife habitat needs improvement, and interpretation of wildland heritage needs to be increased. Project proposals (management actions) were designed to address these needs.

During project analysis issues will be identified that focus on the management of the area. Alternatives will be developed to show various ways to address the issues. This process is driven by comments received from the public, other agencies, and internal Forest Service concerns. To assist in commenting, a scoping letter providing more detailed information on the project proposal has been prepared and is available to interested parties.

After analysis, the responsible official will select an alternative that maximizes net public benefits for the Duck-Sheriff Project area.

DATES: Comments, suggestions, and recommendations for achieving the purpose and need for the Duck-Sheriff Project are now being accepted. The public comment period will be for 30 days from the date this notice is published in the **Federal Register**. Comments and suggestions should be submitted in writing and postmarked by March 4, 1999 to ensure timely consideration.

CONTACT PERSONS & ADDRESSES: Submit written comments and suggestions concerning the proposed action to: "Duck-Sheriff Project", attention Sue Wingate—ID Team Leader, Bradford Ranger District, HC1 Box 88, Bradford, PA 16701. For further information, contact Sue Wingate @ (814) 362-4613. The responsible official for this project is John R. Schultz, District Ranger,

Bradford Ranger District, HC1 Box 88, Bradford, PA 16701.

SUPPLEMENTARY INFORMATION: The analysis of the Duck-Sheriff project is conducted under the guidance of the National Environmental Policy Act and the Allegheny National Forest Land and Resource Management Plan. Preliminary issues were developed based on past public involvement on other projects, known concerns of other agencies, interdisciplinary team identification of Forest Service concerns, and identified opportunities in the project area. The following issues will be carried forward in the project analysis. They will be modified as additional issues are identified during scoping: (1) Road management and new access; (2) deer densities and investments to restore desirable understory vegetation; (3) vegetation treatments along the North Country Trail; (4) uneven-aged timber management; and (5) old-growth forest and contiguous canopy.

Preliminary alternatives were developed to display management opportunities in response to the known issues. Management actions within the alternatives respond to the issues in different ways by varying the size and intensity of the treatments and projects proposed. The amount of even and uneven-aged management, wildlife, recreation development, road management, watershed rehabilitation and other activities differ within the alternatives. The combinations of proposed activities are likely to be adjusted after all comments are reviewed.

Comments considered beyond the scope of this project which will *not* be evaluated. This includes whether or not commercial timber harvest should occur on National Forest System lands; the validity of the science of silviculture and forest management; and whether or not to allow the use of herbicides on the Allegheny National Forest on a programmatic level.

Commenting

Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection. In a recent legal opinion, the Forest Service's Office of General Council (OGC) has determined that names and addresses of people who respond to a Forest Service solicitation are not protected by the Privacy Act and can be released to the public. The Forest Service routinely gives notice of and requests comments on proposed land and resource management actions accompanied by

environmental documents, as well as on proposed rules and policies. Comments received in response to such solicitations, including names and addresses of those who comment, will be considered part of the public record and will be available for such inspection, upon request. Any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. The opinion states that such confidentiality may be granted in only very limited circumstances, such as to protect trade secrets.

The Draft EIS is expected to be filed with the Environmental Protection Agency and to be available for public review by May 15, 1999. At that time the Environmental Protection Agency will publish a notice of availability of the document in the Federal Register. A public comment period on the Draft EIS will be 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 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 environmental impact statement stage but that are not raised until after completion of 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 objections 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 environmental impact statement 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 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.

After the comment period ends on the Draft EIS, the comments will be analyzed and considered by the Forest Service in preparing the final environmental impact statement. The Final EIS is scheduled to be completed by September 15, 1999. The decision will be subject to appeal under 36 CFR 215.

Dated: January 27, 1999.

John R. Schultz,

District Ranger.

[FR Doc. 99-2377 Filed 2-1-99; 8:45 am]

BILLING CODE 3410-11-P

DEPARTMENT OF AGRICULTURE

Forest Service

Douglas-Fir Beetle Project; Idaho Panhandle National Forests, Bonner, Kootenai, Shoshone Counties, Idaho and Pend Oreille County, Washington; Colville National Forest, Pend Oreille County, Washington

AGENCY: Forest Service, USDA.

ACTION: Revision of notice of intent to prepare an environmental impact statement.

SUMMARY: The USDA Forest Service published in the **Federal Register**/Vol. 63, No. 221/, Tuesday, November 17, 1998, pages 63830 to 63833 two notices of intent to prepare an environmental impact statement (EIS) to disclose the potential environmental effects of proposed activities in forest stands infested with Douglas-fir beetles. This revision changes the designation of the responsible officials. Also the two EIS projects, Pend Oreille Priest Beetle (63830-63831) and Coeur d'Alene Beetle (63831-63833), published in the **Federal Register**, November 17, 1998 have been consolidated into one EIS designated, Douglas-fir Beetle Project. No other changes to the two published notices of intent are being made with this revision.

We are the responsible officials for this environmental impact statement and will decide which projects will be implemented. Addresses are: Idaho Panhandle National Forests, 3815 Schreiber Way, Coeur d'Alene, ID 83817-8363 and Colville National