

requested by the user. Further assume that zero volts or the absence of any input are included in the universe of inputs that may be first and second signals.

(d) *Output means for providing output signals representative of the information stored* means the circuitry needed to translate internal logic signal(s) representative of the stored information into a signal suitable to drive devices external to the chip, according to the output drive specifications of the chip in question.

(14) If the disputed claim terms are interpreted as assumed in question 13, do the accused devices of respondents and intervenor infringe this claim? Each respondent and intervenor is requested to answer this part of the question with regard to its own accused devices.

(15) If the disputed claim terms are interpreted as set forth in question 13, is claim 1 of the '903 patent valid in view of the prior art of record?

(16) If the disputed claim terms are interpreted as set forth in question 13, do the Atmel AT27, AT29, and AT49 parts practice the '903 patent?

In connection with the final disposition of this investigation, the Commission may issue (1) an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) cease and desist orders that could result in respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry that either are adversely affecting it or are likely to do so. For background information, see the Commission Opinion, *In the Matter of Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360.

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is

therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond, in an amount to be determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed.

#### Written Submissions

The parties to the investigation are requested to file written submissions on the issues under review. The submissions should be concise and thoroughly referenced to the record in this investigation, including references to exhibits and testimony. Additionally, the parties to the investigation, interested government agencies, and any other interested persons are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the March 19, 1998 recommended determination of the ALJ. Complainant and the Commission investigative attorney are also requested to submit proposed remedial orders for the Commission's consideration. The written submissions and proposed remedial orders must be filed no later than the close of business on May 20, 1998. Reply submissions must be filed no later than May 28, 1998. No further submissions will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file with the Office of the Secretary the original and 14 true copies thereof on or before the deadlines stated above. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment is granted by the Commission will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and § 210.42-

.45 of the Commission's Rules of Practice and Procedure (19 CFR 210.42-.45).

Copies of the public version of the ID and all other nonconfidential documents filed in connection with this investigation are or will be 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, S.W., Washington, D.C. 20436, telephone 202-205-2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>).

Issued: May 6, 1998.

By order of the Commission.

**Donna R. Koehnke,**  
Secretary.

[FR Doc. 98-12587 Filed 5-8-98; 8:45 am]

BILLING CODE 7020-02-P

#### INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-408]

#### In the Matter of Certain Recombinantly Produced Hepatitis B Vaccines and Products Containing Same; Notice of Investigation

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Institution of investigation pursuant to 19 U.S.C. 1337.

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on April 3, 1998, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Chiron Corporation, 4560 Horton Street Emeryville, California 94608. A supplementary letter and an amended complaint were filed on April 20, 1998. A second supplement was filed on April 27, 1998. The complaint, as amended and supplemented, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain recombinantly produced Hepatitis B vaccines, and products containing same, made by processes that infringe claims 4, 5, 7, and 8 of U.S. Letters Patent Re. 35,749. The complaint further alleges that there exists an industry in the United States as required by subsection (a)(2) of section 337.

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]

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## 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.