

# Notices

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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

### Submission for OMB Review; Comment Request

February 8, 1999.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of management and Budget (OMB), Washington, D.C. 20503 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, D.C. 20250-7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720-6746.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it

displays a currently valid OMB control number.

### Food and Nutrition Service

*Title:* SMI Implementation Study Year 2 Data Collection.

*OMB Control Number:* 0584-0485.

*Summary of Collection:* The framework for implementation of the School Meals initiative for Healthy Children was initially proposed under the Healthy Meals Americans Act of 1994 (PL 103-448), enacted on November 2, 1994. The legislation was later amended under the Healthy Meals for Children Act of 1996 (PL 104-149), signed May 29, 1996. In 1993, the U.S. Department of Agriculture launched the most far-reaching reform of the school lunch program since it was established over a half century ago. The central purpose of the reform is to upgrade the nutritional content of school meals. The several activities that are now underway as part of this reform are collectively termed the "School Meals Initiative (SMI)." This second year study will collect and analyze information relating to implementation of the SMI and data gathered in a base year survey as well as to other issues pertaining to administration of the school-based child nutrition programs administered by the USDA. The Food and Nutrition Service (FNS) will collect information using a mail and telephone survey to evaluate the implementation of the USDA's School Meals Initiative.

*Need and Use of the Information:* FNS will collect information on how the regulation is being implemented at the SFA and State level so that program improvement can be made. FNS will examine how food service operations and activities are affected by the implementation of SMI and will examine the role the State Agency has played in assisting public SFAs in the selection and implementation of new menu planning systems. FNS will use the information in administering implementation of the School Meals Initiative and in performing its continuing oversight responsibilities. It will also be used by Child Nutrition Programs in the states.

*Description of Respondents:* Not for-profit institutions; State, Local, or Tribal Government.

*Number of Respondents:* 2,039.

*Frequency of Responses:* Reporting; Other (One-time).

*Total Burden Hours:* 2,014.

**Nancy B. Sternberg,**

*Departmental Clearance Officer.*

[FR Doc. 99-3451 Filed 2-11-99; 8:45 am]

BILLING CODE 3410-01-M

## 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 EnerGenetics International, Inc., of Nauvoo, Illinois, an exclusive license to U.S. Patent No. 5,432,265 issued on July 11, 1995, entitled "Process for the Continuous Removal of Products for High Pressure Systems." Notice of Availability was published in the **Federal Register** on September 24, 1993, for U.S. Patent No. 5,432,265.

**DATES:** Comments must be received on or before April 13, 1999.

**ADDRESSES:** Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Beltsville, Maryland 20705-5131.

**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 EnerGenetics International, Inc., has 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. 99-3501 Filed 2-11-99; 8:45 am]

BILLING CODE 3410-03-P

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### **Environmental Impact Statement Preparation for the Big Run Project, Allegheny National Forest, Elk County, PA**

**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 will prepare an Environmental Impact Statement to disclose the environmental consequences of the proposed Big Run Project.

The purpose of this project is to move 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 3.0). The Big Run project is located entirely within this management area.

In order to move towards the DFC, the early successional age class (0-20 year age) needs 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 woody vegetation need to develop seedling vegetation. Project proposals include timber harvesting as a means for making desired changes to forest vegetation and satisfying the demonstrated public need for wood products. Our proposed action to meet the purpose and need includes 410 acres of regeneration harvests to bring the onset of a new forest; herbicide, fertilizer, fencing, mechanical site preparation, and planting to ensure seedling establishment and growth in understories; and 476 acres of thinning in immature stands to reduce the competition for light and nutrients, thereby improving the health and vigor of residual trees. Associated with these silvicultural activities includes approximately one mile of new road construction, six miles of road restoration, 12 miles of road betterment,

approximately one half mile of road obliteration, and additional stone pit development to provide an adequate long-term transportation system. Wildlife habitat improvement measures in the form of plantings, fish habitat improvements and stocking, and wood duck nest box placement serve to supplement the existing conditions.

After completion of the analysis, the responsible official will select an alternative that maximizes net public benefits for the Big Run Project area.

**DATES:** The public is asked to provide comments, suggestions, and recommendations for achieving the purpose and need for the Big Run Project. The public comment period will be for 30 days from the date the Environmental Protection Agency publishes this notice of availability in the **Federal Register**. Comments and suggestions should be submitted in writing and postmarked by March 9, 1999 to ensure timely consideration. To assist in commenting, a scoping letter providing more detailed information on the project proposal has been prepared and is available to interested parties.

#### **FOR FURTHER INFORMATION CONTACT:**

Submit written comments and suggestions concerning the proposed action to: "Big Run Project", attention Mary Schoeppel—ID Team Leader, Marienville Ranger District, HC2 Box 130, Marienville, PA 16239. For further information, contact Mary Schoeppel at (814) 927-6628.

**SUPPLEMENTARY INFORMATION:** The issue of uneven-aged management often arises during the scoping process for projects such as this. We will therefore include at least one alternative to the Proposed Action which will evaluate the effects of applying uneven-aged management techniques. Issues which are generated through the scoping process may generate additional alternatives.

Comments considered beyond the scope of this project and which will *not* be evaluated include 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.

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 during June of 1999. At that time, the Environmental Protection Agency (EPA) will publish in the **Federal Register** a notice of availability of the draft environmental impact statement. The comment period on the draft will be 45 days from the date the EPA notice appears in the **Federal Register**.

The Forest Service believes it is important to give reviewers notice at this early stage 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 proposals so that it is meaningful and alerts an agency to the reviewers 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 may be waived if not raised until after completion of the full environmental impact statement, *City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1988), 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.

Comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or