

guidelines for conducting management activities in these areas. All activities associated with the proposal will be designed to maintain or enhance the resource objectives identified in the BLM Headwaters Resource Management Plan and Helena Forest Plan further refined in the Big Belts Integrated Resource Analysis.

The Forest Service and Bureau of Land Management are seeking information and comments from Federal, State, and local agencies together with organizations or individuals who may be interested in or affected by the proposed action. The Forest Service and Bureau of Land Management invite written comments and suggestions on the issues for the proposal and the area being analyzed. Information received will be used in preparation of the Draft EIS.

Preparation of the EIS will include the following steps:

1. Identification of issues to be analyzed in depth.
2. Identification of additional reasonable alternatives.
3. Identification of potential environmental effects of the alternatives.

Timber harvest includes even-aged management treatments such as clearcutting with reserves, seed tree with reserves, and shelterwood with reserves. Intermediate treatments such as commercial thinning will also be considered. Prescribed burning will be used to treat nonforested and forested vegetation. Alternatives to this proposal will include the "no action" alternative, in which none of the proposed treatments would be implemented. Other alternatives will examine variations in the location, amount and method of vegetative management.

The preliminary issues identified are:

1. The effects on forest health and sustaining ecosystems.
2. The effects on recreation and visual resources.
3. The effects on wildlife.
4. The effects on the roadless and wilderness character of the Roadless Areas.
5. The effects on fish, water quality, and riparian areas.
6. The potential for increase in noxious weed populations or distribution.

The Forest Service and Bureau of Land Management will jointly analyze and disclose in the DEIS and FEIS the environmental effects of the proposed action pertaining to each agency and a reasonable range of alternatives. The DEIS and FEIS will disclose the direct, indirect and cumulative environmental effects of each alternative and its

associated site specific mitigation measures.

Public participation is especially important at several points of the analysis. Interested parties may visit with the Forest Service/Bureau of Land Management officials at any time during the analysis. However, two periods of time are specifically identified for the receipt of comments. The first comment period is during the scoping process when the public is invited to give written comments to the Forest Service and Bureau of Land Management. The second review period is during the 90 day review of the DEIS when the public is invited to comment on the DEIS.

The DEIS is expected to be filed with the Environmental Protection Agency (EPA) and available for public review in March of 1999. At that time, the EPA will publish a notice of availability of the DEIS in the **Federal Register**.

The comment period on the DEIS will be 90 days from the date the notice of availability is published in the **Federal Register**.

At this early stage in the scoping process, the Forest Service and Bureau of Land Management believe it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviews of DEIS 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). Secondly, environmental objections that could be raised at the draft environmental impact statement stage, but that are not raised until after completion of the FEIS 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. 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 90-day comment period so that substantive comments and objections are made available to the Forest Service and Bureau of Land Management at a time when it can meaningfully consider them and respond to them in the FEIS.

To assist the Forest Service and Bureau of Land Management in identifying and considering issues and concerns on the proposed action, comments on the DEIS 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 DEIS 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 DEIS, the comments will be analyzed and considered by the Forest Service and Bureau of Land Management in preparing the FEIS. The FEIS is expected to be filed in February of 2000.

Dated: February 18, 1998.

**Thomas J. Clifford**,  
Forest Supervisor.

Dated: February 18, 1998.

**Merle Good**,  
Headwaters Resource Area Manager, Bureau of Land Management.

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-401]

### Certain CD-Rom Controllers and Products Containing Same; Notice of Commission Determination not To Review Initial Determination Granting Motion To Amend the Complaint and Notice of Investigation To Add an Additional Respondent

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's ("ALJ's") initial determination ("ID") granting complainant's motion to amend the complaint and notice of investigation to add an additional respondent.

**FOR FURTHER INFORMATION:** Carl P. Bretscher, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone (202) 205-3107.

**SUPPLEMENTARY INFORMATION:** The Commission instituted the above-captioned patent-based section 337 investigation on August 20, 1997, on a complaint filed by Oak Technology, Inc. of Sunnyvale, California. The complaint and subsequent notice of investigation originally named four respondents—Winbond Electronics Corp. of Hsinchu, Taiwan; Winbond Electronics North America Corp. of San Jose, California; Wearnes Technology (Private) Ltd. of Singapore; and Wearnes Electronics

Malaysia Sendirian Berhad of Johor, Malaysia (collectively, the "original respondents").

On October 14, 1997, Oak Technology filed a motion pursuant to Commission rule 210.14(b), 19 CFR 210.14(b), to amend the notice of investigation and complaint by adding Wearnes Peripherals International (Private) Ltd. of Singapore ("WPI") as an additional respondent. WPI and the original respondents opposed the motion to amend. The Commission investigative attorney filed a response in support of the motion. Oak Technology was granted leave to reply to WPI's opposition, and WPI was granted leave to file a sur-reply.

On January 23, 1998, the ALJ issued an initial determination (Order No. 5) granting Oak Technology's motion to add WPI as a respondent. No petitions for review were filed. The Commission has determined not to review the subject ID.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and Commission rule 210.42, 19 CFR 210.42. Copies of the ALJ's 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> or <ftp://ftp.usitc.gov>).

Issued: February 18, 1998.

By order of the Commission.

**Donna R. Koehnke,**

Secretary.

[FR Doc. 98-4788 Filed 2-24-98; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-370 Sanctions Proceeding]

### Certain Salinomycin Biomass and Preparations Containing Same; Termination of Sanctions Proceeding; Vacatur of Recommended Determination; Cancellation of Commission Hearing

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

**SUMMARY:** The Commission determined to grant a joint motion to terminate the sanctions proceedings and vacate the presiding administrative law judge's (ALJ) recommended determination (RD) on monetary sanctions. The Commission reserved its authority, in an appropriate case, to pursue sanctions on its own initiative under rule 210.4(d)(1)(ii) without regard to whether there has been a private settlement agreement.

**FOR FURTHER INFORMATION CONTACT:** Jean H. Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3104.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on February 6, 1995, based on a complaint filed by Kaken Pharmaceutical Co. Inc. (Kaken). On November 6, 1995, the ALJ issued his final initial determination (ID) in this investigation, finding no violation of section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, by respondents Hoechst Aktiengesellschaft, Hoechst Veterinar GmbH, and Hoechst-Roussel Agri-Vet Co. (collectively, Hoechst). His determination was based on his findings that the patent at issue was invalid for failure to disclose the best mode of operation and unenforceable due to inequitable conduct during prosecution of the patent before the U.S. Patent and Trademark Office. The ALJ's ID was not reviewed by the Commission and was ultimately upheld on appeal to the U.S. Court of Appeals for the Federal Circuit, *Kaken Pharmaceutical Co. v. USITC*, Appeal Nos. 96-1300, -1302, nonprecedential opinion dated March 31, 1997.

On January 19, 1996, Hoechst filed a motion for sanctions against Kaken, which the Commission referred to the

presiding ALJ for issuance of an RD. Hoechst's motion alleged, *inter alia*, that Kaken committed sanctionable conduct by filing a complaint totally lacking in merit. On May 14, 1997, the ALJ issued his RD in which he recommended that the Commission impose on Kaken and its attorneys joint and several liability for an amount of money equal to double the entire attorneys fees and costs of the Hoechst respondents incurred in both the section 337 investigation on the merits and in the proceeding on sanctions. All parties filed comments on the RD. On August 8, 1997, Kaken and its attorneys requested an opportunity to present oral argument before the Commission and leave to reply to Hoechst's comments. On October 24, 1997, the Commission granted the motion for oral argument and issued notice of a hearing date of December 10, 1997. 62 FR 58746 (Oct. 30, 1997).

On November 5, 1997, Hoechst, Kaken, and Kaken's attorneys filed a joint motion for termination of the sanctions proceedings based on Hoechst's withdrawal of its motion for sanctions. The parties also moved that the RD be vacated. They stated that Hoechst and Kaken have entered into a worldwide settlement agreement with respect to salinomycin that includes the reissue patent that formed the basis of Kaken complaint at the Commission. They stated that, as a result, all issues between Hoechst and Kaken have been fully resolved. On November 17, 1997, the Commission investigative attorney (IA) supported the motion to terminate. On November 21, 1997, the Commission determined to postpone the oral argument indefinitely while it considered the joint motion to terminate. 62 FR 63193 (Nov. 26, 1997).

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337.

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> or <ftp://ftp.usitc.gov>).

Issued: February 18, 1998

By order of the Commission.

**Donna R. Koehnke,**

Secretary.

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