

Jacksonville, Florida, an exclusive license to Serial No. 08/788,604.

DATES: February 17, 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 Green-Releaf BioTech, 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 ninety (90) 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. 98-30905 Filed 11-18-98; 8:45 am]

BILLING CODE 3410-03-P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 98-112-1]

Availability of an Environmental Assessment and Finding of No Significant Impact for Field Testing Marek's Disease Vaccine, Serotypes 1 and 3, Live Marek's Disease Virus Vector

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared an environmental assessment and finding of no significant impact concerning authorization to ship for the purpose of field testing, and then to field test, an unlicensed live viral Marek's disease vaccine for use in poultry. A risk analysis, which forms the basis for the environmental assessment, has led us to conclude that field testing this

veterinary vaccine will not have a significant impact on the quality of the human environment. Based on our finding of no significant impact, we have determined that an environmental impact statement need not be prepared. We intend to authorize shipment of this vaccine for field testing 14 days after the date of this notice, unless new, substantial issues bearing on the effects of this action are brought to our attention. We also intend to issue a veterinary biological product license for this vaccine, provided the field test data support the conclusions of the environmental assessment and finding of no significant impact and the product meets all other requirements for licensure.

ADDRESSES: Copies of the environmental assessment and finding of no significant impact may be obtained by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. Please refer to the docket number, date, and complete title of this notice when requesting copies. Copies of the environmental assessment and finding of no significant impact (as well as the risk analysis with confidential business information removed) are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect those documents are requested to call ahead on (202) 690-2817 to facilitate entry into the reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Jeanette Greenberg, Technical Writer-Editor, Center for Veterinary Biologics, Licensing and Policy Development, VS, APHIS, USDA, 4700 River Road Unit 148, Riverdale, MD 20737-1231; telephone (301) 734-5338; fax (301) 734-4314; or e-mail: Jeanette.B.Greenberg@usda.gov.

SUPPLEMENTARY INFORMATION: Under the Virus-Serum-Toxin Act (21 U.S.C. 151 *et seq.*), a veterinary biological product must be shown to be pure, safe, potent, and efficacious before a veterinary biological product license may be issued. A field test is generally necessary to satisfy prelicensing requirements for veterinary biological products. Prior to conducting a field test on an unlicensed product, an applicant must obtain approval from the Animal and Plant Health Inspection Service (APHIS), as well as obtain APHIS' authorization to ship the product for field testing.

In determining whether to authorize shipment and grant approval for the field testing of the unlicensed product

referenced in this notice, APHIS conducted a risk analysis to assess the potential effects of this product on the safety of animals, public health, and the environment. Based on the risk analysis, APHIS has prepared an environmental assessment (EA). APHIS has concluded that field testing the unlicensed veterinary biological product will not significantly affect the quality of the human environment. Based on this finding of no significant impact (FONSI), we have determined that there is no need to prepare an environmental impact statement.

The EA and FONSI have been prepared by APHIS concerning the field testing of the following unlicensed veterinary biological product:

Requester: Tri Bio Laboratories, Inc.
Product: Marek's Disease Vaccine, Serotypes 1 and 3, Live Marek's Disease Virus Vector.

Field test locations: Wisconsin, North Carolina, and California.

The above-mentioned vaccine is for use as an aid in the prevention of Marek's disease in chickens. The vaccine contains live Marek's disease virus serotype 3 (which is nonpathogenic), into which were inserted three genes coding for glycoproteins from Marek's disease virus serotype 1.

The EA and FONSI have been prepared in accordance with: (1) The National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500-1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Unless substantial environmental issues are raised in response to this notice, APHIS intends to authorize shipment of the above product for the initiation of field tests 14 days from the date of this notice.

Because the issues raised by field testing and by issuance of a license are identical, APHIS has concluded that the EA and FONSI that were generated for field testing would also be applicable to the proposed licensing action. Provided that the field test data support the conclusions of the original EA and FONSI, APHIS does not intend to issue a separate EA to support the issuance of the product license, and would determine that an environmental impact statement need not be prepared. APHIS intends to issue a veterinary biological product license for this vaccine following completion of the field test provided no adverse impacts on the

human environment are identified and provided the product meets all other requirements for licensure.

Authority: 21 U.S.C. 151-159.

Done in Washington, DC, this 12th day of November 1998.

Joan M. Arnoldi,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98-30974 Filed 11-18-98; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Forest Service

Establishment of The Opal Creek Wilderness and Opal Creek Scenic Recreation Area, Willamette National Forest, Marion County, Oregon

AGENCY: Forest Service, USDA.

ACTION: Notice of establishment of a wilderness and scenic recreation area.

SUMMARY: Omnibus Parks and Public Lands Management Act of 1996, Pub. L. 104-333 ("Opal Creek Bill") provides for the establishment of the Opal Creek Wilderness and Scenic Recreation Area upon a determination by the Secretary of Agriculture that specified conditions are met within two years of enactment. The Secretary has determined that the conditions have been met, and the Opal Creek Wilderness and Scenic Recreation Area can be established. A copy of the establishment document appears at the end of this notice.

EFFECTIVE DATE: November 9, 1998.

ADDRESSES: A copy of the map depicting the Opal Creek Wilderness and Scenic Recreation Area, as well as a written legal description, are on file and available for public inspection in Forest Supervisor's Office, Willamette National Forest, P.O. Box 10607, Eugene, Oregon 97440.

FOR FURTHER INFORMATION CONTACT: Steve Sorseth, Wilderness Coordinator, Willamette National Forest, P.O. Box 10607, Eugene, Oregon 97440, phone 541-465-6494.

Dated: November 12, 1998.

Kimberly E. Bown,

Acting Regional Forester.

Establishment of the Opal Creek Wilderness and Opal Creek Scenic Recreation Area

Recitals

A. Section 1023 of the Omnibus Parks and Public Lands Management Act of 1996, Pub. L. 104-333; 110 STAT. 4215-4224 ("Opal Creek Bill") provides for the establishment of the Opal Creek Wilderness and Scenic Recreation Area

upon a determination by the Secretary of Agriculture (Secretary) that specified conditions are met within two years of enactment [Opal Creek Bill, section 1023(c)(1)].

B. Pub. L. 104-333 was enacted November 12, 1996.

C. The conditions as specified in Opal Creek Bill section 1023(c)(2) are as follow:

1. The donation to the United States in acceptable condition and without encumbrance:

a. All right, title, and interest in the following patented parcels of land-Santiam Number 1, Mineral Survey Number 992, as described in patent number 39-92-0002, dated December 11, 1991; Ruth Quartz Mine Number 2, Mineral Survey number 994, as described in patent number 39-91-0012, dated February 12, 1991; Morning Star Lode, Mineral Survey Number 993, as described in patent number 36-91-0011, dated February 12, 1991;

b. All right, title, and interest held by any entity other than the Times Mirror Land and Timber Company, its successors and assigns in and to lands located in section 18, T. 8 S., R. 5 E., W.M., Marion County, Oregon, Eureka numbers 6, 7, 8 and 13 mining claims; and

c. An easement across the Hewitt, Starvation, and Poor Boy Mill Sites, Mineral Survey Number 990, as described in patent number 36-91-0017, dated May 9, 1991.

2. A binding agreement, in the form of a Purchase Option Contract, has been executed by the Secretary and the owners of record as of March 29, 1996, of the following interests, specifying the terms and conditions for the deposition of such interests to the United States Government:

a. The lode mining claims known as the Princess Lode, Black Prince Lode, and King Number 4 Lode, embracing portions of sections 29 and 32, T. 8 S., R. 5 E., W.M., Marion County, Oregon, the claims being more particularly described in the field notes and depicted on the plat of Mineral Survey Number 887, Oregon; and

b. Ruth Quartz Mine Number 1, Mineral Survey Number 994, as described in patent number 39-91-0012, dated February 12, 1991.

D. I have reviewed the record prepared by the Forest Service related to the real property described in Recital C, above.

Determinations

1. Based upon my review of the record, I make the following determinations on behalf of the Secretary:

a. The conditions described in Recital C1, above, were met when the Friends of Opal Creek donated the interests in real property described in Recital C1 to the United States in acceptable condition and without encumbrance in a Donation Deed dated October 23, 1998, and recorded in the Marion County, Oregon real property records on October 23, 1998, Reel 1534, Page 676, and a Right-of-Way Easement dated October 23, 1998 and recorded in the Marion County, Oregon real property records on October 23, 1998, Reel 1534, Page 675.

b. The condition of the binding agreement specifying the terms and conditions for the disposition of the real property interests described in Recital C2 was met by the Purchase Option and Contract ("Option") signed by the Friends of Opal Creek on July 29, 1998 and accepted by the Forest Service, on behalf of the Secretary on September 29, 1998. The Friends of Opal Creek met the terms and conditions of the Option when it transferred the interests in real property described in Recital C.2. to the United States in a Warranty Deed dated October 23, 1998, Reel 1534, page 674.

Establishment

Based on the above Determinations and the provisions of the Opal Creek Bill:

1. The Opal Creek Wilderness is established, and includes certain land in the Willamette National Forest as generally depicted on the map entitled "Proposed Opal Creek Wilderness and Scenic Recreation Area" dated July 1996, as described in section 1023(a)(2) of the Opal Creek Bill. A copy of that map is attached as Exhibit 1.

2. The part of the Bull of the Woods Wilderness that is located in the Willamette National Forest is incorporated into the Opal Creek Wilderness.

3. The Opal Creek Scenic recreation Area is established, as also generally depicted on the map entitled "Proposed Opal Creek Wilderness and Scenic recreation Area" dated July 1996 (Exhibit 1), as described in section 1023(a)(3) of the Opal Creek Bill.

4. Under the U.S. Department of Agriculture's delegations of authority, the Chief of the Forest Service may make the determination on behalf of the Secretary that the conditions in subsection 1023(c)(2) of the Opal Creek Bill have been met. The Secretary has delegated to the Under Secretary for Natural Resources and Environmental the authority to acquire and dispose of lands and interests in lands may be authorized for the protection, management, and administration of the