

ACTION: Notice of Completion of Panel Review of the Final Affirmative Countervailing Duty Determination made by the U.S. Department of Commerce, International Trade Administration, Import Administration, respecting Fresh, Chilled and Frozen Pork from Canada, Secretariat File No. USA-89-1904-06.

SUMMARY: Pursuant to the Memorandum Opinion and Order of the Binational Panel dated June 3, 1991, the Panel Review of the final determination described above was completed on July 5, 1991.

FOR FURTHER INFORMATION CONTACT: James R. Holbein, United States Secretary, Binational Secretariat, suite 4012, 14th and Constitution Avenue, Washington, DC 20230, (202) 377-5438.

SUPPLEMENTARY INFORMATION: On March 8, 1991, the Binational Panel issued a decision which affirmed in part and remanded in part Commerce's determination on remand. Commerce filed a second redetermination on remand on April 11, 1991, which was challenged by separate motions for reconsideration under rule 75 and reexamination under rule 77. The Panel denied these motions in Memorandum Opinions and Orders dated May 15, 1991 and June 7, 1991. Pursuant to the June 3 Panel Order, the Secretariat was instructed to issue a Notice of Completion of Panel Review on the 31st day following the issuance of the Order, if no Request for an Extraordinary Challenge was filed. No such request was filed. Therefore, the Panel Review was completed and the panelists discharged from their duties effective July 5, 1991.

Dated: July 9, 1991.

James R. Holbein,
United States Secretary FTA Binational Secretariat.

[FR Doc. 91-16740 Filed 7-12-91; 8:45 am]

BILLING CODE 3510-GT-M

National Oceanic and Atmospheric Administration

Announcement of Thunder Bay (MI) as an Active Candidate for Designation as a National Marine Sanctuary; Intent To Prepare a Draft Environment Impact Statement and Management Plan

AGENCY: Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: NOAA is announcing Thunder Bay (Lake Huron, Michigan) as an Active Candidate for designation as a National Marine Sanctuary, and its intent to prepare a draft environmental impact statement and management plan (DEIS/MP). The proposed study area includes Thunder Bay and vicinity (up to Middle Island) extending out to 83 °W. Depths extend to over 300 feet (91 meters) along the northeast section of the site. Approximately 400 square miles are encompassed in the study area, all of which are within State of Michigan waters.

DISCUSSION: Pursuant to 15 CFR 922.309(b), selection of a site as an Active Candidate formally initiates the National Environmental Policy Act (NEPA) process; NOAA will prepare a DEIS/MP to examine management, boundary and regulatory alternatives associated with Sanctuary designation. NOAA will conduct public scoping meetings to gather information and comments from individuals, organizations, and governmental officials on the range and significance of issues related to this proposal. These scoping meetings will be announced in the *Federal Register* and in newspapers in the area(s) of local concern at a future date.

The management plan to be prepared for the proposed Sanctuary will specify the goals and objectives of Sanctuary designation and will describe programs for resource protection. The plan will identify specific needs and priorities related to resource protection, research, monitoring, education and interpretation at the proposed Sanctuary. It will contain an administration plan and budget as well as a discussion of volunteer programs, public access, visitor use policies, and facilities development needs. The various administrative and regulatory alternatives for Sanctuary management will be analyzed and preferred alternatives recommended.

Site Description

Natural Resources. The highly sculptured limestone bedrock, the undulatory pattern of the submerged terraces and scarps, and the extreme gradations in sediment size composition create a variety of biological niches in the Thunder Bay area. Marsh vegetation along the edges of the Michigan Islands provides a habitat and breeding area for thousands of colonial nesting birds such as ring-billed gulls, common terns, and herring gulls. Thunder Island alone hosts 11,000 breeding pairs of shorebirds. Scarecrow Island, part of the Michigan Islands National Wildlife Refuge, has

the greatest variety of nesting birds in the National Wildlife Refuge. The gravel shoreline is heavily used by herring and ring-billed gulls, while many waterfowl (including great blue herons and cormorants) are observed nesting along the shores and within the bays. The American osprey and the American bald eagle, endangered species, have also been observed within the area as well as the rare sandhill crane.

The various geologic sites, including the Misery Bay Sinkhole and the Thunder Bay Island Rock Wall as well as the numerous shipwreck sites, serve as a habitat for 20 species of gamefish. Alewives, carp, black bass, smallmouth bass, catfish, brown trout, steelhead, splake, northern pike, and yellow perch can be observed within and around these sites. Chinook salmon, rainbow trout, brown trout, splake, and steelhead are annually stocked by the Michigan Department of Natural Resources in the inland rivers that feed Thunder Bay.

Human Uses. Situated in an area of medium population density, the area is primarily used for recreational boating, diving, and nature appreciation. Three interesting underwater geological sites (Rock Wall, Misery Bay Sinkhole, and the North Point Reef forming the northern boundary of Thunder Bay) and 83 identified shipwrecks attract large numbers of gamefish, anglers, and recreational divers to the area. The shipwrecks include wood-hulled schooners, steamers, barges, Great Lakes tugboats, a steel-hulled steamer, and an oceangoing freighter. The area also supports a shipwreck salvage industry that has reduced the recreational value of some of the wreck sites. Much of the area is not easily accessible, though some is visited by the more serious naturalists and birdwatchers.

The State of Michigan owns the waters, lake bed, islands, and much of the shore adjacent to Thunder Bay. The area is presently included in Michigan's Underwater Preserve System administered by the Michigan Department of Natural Resources in cooperation with the Department of State, Division of History. The Underwater Preserve System seeks to prevent damage to sunken ships due to improper salvage practices.

Four islands within this site are nature preserves. Two islands are managed, primarily to protect migratory and nesting birds, as part of the Michigan Island National Wildlife Refuge; two are owned by the Michigan Nature Association.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Durden, Atlantic and Great

Lakes Regional, Manager, Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management, NOAA, 1825 Connecticut Avenue, NW., suite 714, Washington, DC 20235 (Telephone 202/673-5122).

Federal Domestic Assistance Catalogue Number 11.429

Marine Sanctuary Program

Dated: May 24, 1991.

Virginia K. Tippie,

Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 91-16717 Filed 7-12-91; 8:45 am]

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Patent and Trademark Office

[Docket No. 910766-1166]

Extension of Previously Issued Interim Orders

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice.

SUMMARY: The Secretary of Commerce has delegated to the Assistant Secretary and Commissioner of Patents and Trademarks, by Amendment 2 to Department Organization Order 10-14, the authority under section 914 of title 17 of the United States Code (the copyright law) to make findings and issue orders for the interim protection of mask works of foreign origin.

On June 28, 1991, President Bush signed into law S. 909, a bill to extend the authority of the Secretary of Commerce to issue orders under section 914 of the Semiconductor Chip Protection Act of 1984 (SCPA) until July 1, 1995. Because the existing interim orders are scheduled to expire on July 1, 1991, this order extends the expiration of these orders until December 31, 1992.

EFFECTIVE DATE: This order is effective on July 1, 1991.

TERMINATION DATE: This order shall terminate on December 31, 1992.

ADDRESSES: Questions should be submitted to Michael S. Keplinger by mail marked to his attention and addressed to Commissioner of Patents and Trademarks, Box 4, Washington DC 20231.

FOR FURTHER INFORMATION: Contact Mr. Michael S. Keplinger at (703)557-3065.

SUPPLEMENTARY INFORMATION:

Background

The SCPA established a new form of intellectual property protection for mask works fixed in semiconductor chip products, now frequently referred to as semiconductor chip layout-designs or

topographies. The new subject matter of protection is defined in 17 U.S.C. section 901(a)(2) as:

a series of related images, however fixed or encoded

(A) having or representing the predetermined, three-dimensional pattern of metallic, insulating or semiconductor material present or removed from the layers of a semiconductor chip product; and

(B) in which series the relation of the images to one another is that each image has the pattern of the surfaces of one form of the semiconductor chip product.

The SCPA grants a 10-year term of protection to original mask works, measured from the earlier of the date of their registration in the U.S. Copyright Office, or the date of their first commercial exploitation anywhere in the world. Mask works must be registered within two years of first commercial exploitation to maintain this protection. Section 913(d)(1) provides that mask works first commercially exploited on or after July 1, 1983, were eligible for protection if they were registered in the U.S. Copyright Office before July 1, 1985.

Eligibility of a foreign mask work for protection is governed by the alternative criteria set out in section 902. First, protection is available to owners of mask works who are nationals, domiciliaries, or sovereign authorities of a foreign nation that is a party to a treaty that provides for the protection of mask works and to which treaty the United States is also a party, or a stateless person wherever domiciled. Alternatively, protection is afforded to mask works that are first commercially exploited in the United States, or which come within the scope of a Presidential proclamation. Section 902(a)(2) provides that the President may issue such a proclamation upon a finding that:

a foreign nation extends, to mask works of owners who are nationals or domiciliaries of the United States protection (A) on substantially the same basis as that on which the foreign nation extends protection to mask works of its own nationals and domiciliaries and mask works first commercially exploited in that nation, or (B) on substantially the same basis as provided in this chapter, the President may by proclamation extend protection under this chapter to mask works (i) of owners who are, on the date on which the mask works are registered under section 908, or the date on which the mask works are first commercially exploited anywhere in the world, whichever occurs first, nationals, domiciliaries, or sovereign authorities of that nation, or (ii) which are first commercially exploited in that nation.

To encourage progress toward international comity in mask work protection, section 914(a) permits the Secretary of Commerce to extend the

privilege of obtaining interim protection under chapter 9 to nationals, domiciliaries, and sovereign authorities of a foreign nation if the Secretary finds:

(1) That the foreign nation is making good faith efforts and reasonable progress toward—

(A) Entering into a treaty described in section 902(a)(1)(A); or

(B) Enacting legislation that would be in compliance with subparagraph (A) or (B) of section 902(a)(2); and

(2) That the nationals, domiciliaries, and sovereign authorities of the foreign nation, and persons controlled by them, are not engaged in the misappropriation, or unauthorized distribution or commercial exploitation, of mask works; and

(3) That issuing the order would promote the purposes of this chapter and international comity with respect to the protection of mask works.

While section 914 is silent on the specific procedures to be followed in making the requisite determinations and issuing the interim orders, the legislative history of the SCPA makes it clear that Congress intended that a process of public notice and hearing be followed.¹ On November 7, 1984, the Patent and Trademark Office issued "Guidelines for the Submission of Application for Interim Protection of Mask Works under 17 U.S.C. 914" along the lines suggested in the legislative history.² These Guidelines specify the content and procedures for the submission of petitions for the issuance or termination of interim orders. The Guidelines also specify the persons eligible to submit applications to initiate proceedings, the procedures to be followed by the Office, and the information to be submitted. It is important to note that while a petition for an interim order may be submitted by anyone, the Commissioner's findings must be made with respect to the actions of a government. Consequently, the Guidelines require that certain information be supplied by the government of the foreign nation in question. They also encourage the submission of additional material by the applicant that would aid in making the determinations.

Procedurally, the Guidelines require the Commissioner to receive petitions and to initiate proceedings to grant or revoke interim orders. The Commissioner may initiate proceedings upon his own motion or at the direction of the Secretary. The first step is to publish the petition in the **Federal Register** in order to solicit comments.

¹ See 130 Cong. Rec. 28956 at 28959 (1984) (explanatory memorandum accompanying Mathias-Lahy Amendment to S. 1201).

² 49 FR 44517 (Nov. 7, 1984).