

# 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.

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## DEPARTMENT OF AGRICULTURE

### Agricultural Research Service

#### Notice of Federal Invention Available for Licensing and Intent to Grant Exclusive License

**AGENCY:** Agricultural Research Service, USDA.

**ACTION:** Notice of availability and intent.

**SUMMARY:** Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Nutrition 21, Inc. of Purchase, New York, an exclusive license to U.S. Patent No. 6,689,383, "Chromium-Histidine Complexes as Nutrient Supplements," issued on February 10, 2003. Notice of Availability of this invention for licensing was published in the **Federal Register** on March 13, 2001.

**DATES:** Comments must be received within thirty (30) calendar days of the date of publication of this Notice in the **Federal Register**.

**ADDRESSES:** Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Room 4-1174, 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 Nutrition 21, Inc. of Purchase, New York, 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 thirty (30) 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.

**Michael D. Ruff,**

*Assistant Administrator.*

[FR Doc. 04-18347 Filed 8-10-04; 8:45 am]

**BILLING CODE 3410-03-P**

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Umatilla National Forest, Garfield County, Washington; Upper Charley Subwatershed Ecosystem Restoration Projects

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of intent to prepare a supplemental environmental impact statement.

**SUMMARY:** This notice of intent initiates a Umatilla National Forest Land and Resource Management Plan amendment to incorporate the Lynx Conservation Assessment and Strategy (LCAS, August 2000) in support of the site-specific project called Upper Charley Subwatershed Ecosystem Restoration Projects (**Federal Register**, vol. 67, no. 91, page 31801).

**DATES:** Comments concerning this proposed action must be received by September 20, 2004. The draft environmental impact statement is expected November 2004 and the final environmental impact statement is expected spring 2005.

**ADDRESSES:** Send written comments to the Responsible Official, Jeff Blackwood, Forest Supervisor, Umatilla National Forest, 2517 S.W. Hailey Avenue, Pendleton, OR 97801. Send electronic comments to: [comments-pacificnorthwest.umatilla@fs.fed.us](mailto:comments-pacificnorthwest.umatilla@fs.fed.us). For further information, mail correspondence to Monte Fujishin, District Ranger, Pomeroy Ranger District, 71 West Main Street, Pomeroy, WA 99347.

**FOR FURTHER INFORMATION CONTACT:** See above address.

#### SUPPLEMENTARY INFORMATION:

#### Background

Canada lynx (*Lynx Canadensis*) was listed by U.S. Fish and Wildlife Service

as a threatened species under the Endangered Species Act on March 24, 2000 (**Federal Register**, vol. 65, no. 58). In the final rule, U.S. Fish and Wildlife Service concluded National Forest Land and Resource Management Plans lack guidance for the conservation of lynx. In August 2000 the USDA Forest Service, USDI Bureau of Land Management, and USDI Fish and Wildlife Service issued "The Lynx Conservation Assessment and Strategy" (LCAS) to provide a consistent and effective approach to conserve lynx on federal lands.

The notice of intent to prepare an Environmental Impact Statement for Upper Charley Subwatershed Ecosystem Restoration Projects appeared in the **Federal Register** on August 25, 1998 (vol. 63, no. 164, pages 45220-45222). Notification of the Draft Environmental Impact Statement was printed in the **Federal Register** on April 21, 2000 (vol. 65, no. 78, page 21418). On May 10, 2002, Pomeroy District Ranger Monte Fujishin issued a Final Environmental Impact Statement and Record of Decision for Upper Charley Subwatershed Ecosystem Restoration Projects (**Federal Register**, vol. 67, no. 91, page 31801). On May 21, 2003 Oregon Natural Resources Council Fund (ONRC) filed a complaint in U.S. District Court against Linda Goodman, Regional Forester, Pacific Northwest Region; and United States Forest Service. The complaint stated the Umatilla Land and Resource Management Plan (Forest Plan) lacks guidance for the conservation of Canada lynx. Forest Supervisor, Jeff Blackwood decided to amend the Forest Plan and begin the amendment process with this Notice of Intent to prepare a Draft Supplemental Environmental Impact Statement. The supplemental statement will provide additional analysis and documentation in support of the May 2002 Upper Charley Subwatershed Ecosystem Restoration Projects Final Environmental Impact Statement.

#### Purpose and Need for Action

The Forest Plan amendment will provide management direction (objectives, standards, and guidelines) to guide the conservation of Canada lynx consistent with new science and the Endangered Species Act. Specific management direction needs to be added to fulfill our obligations under the Endangered Species Act as applied

to the site-specific project called Upper Charley Subwatershed Ecosystem Restoration Projects.

### Proposed Action

Forest Service proposes to amend the Umatilla Forest Plan to incorporate applicable conservation measures (objectives, standards, and guidelines) from the Lynx Conservation Assessment and Strategy only for the site-specific project called Upper Charley Subwatershed Ecosystem Restoration Projects located in Umatilla National Forest.

### Possible Alternatives

All alternatives described in Chapter 2 of the May 2002 FEIS remain unchanged except for an amendment to incorporate applicable conservation measures from the Lynx Conservation Assessment and Strategy. Alternatives are described in detail on pages II-2 through II-30 in the May 2002 Upper Charles FEIS.

### Responsible Official

Jeff Blackwood, Forest Supervisor, Umatilla National Forest, 2517 S.W. Hailey Avenue, Pendleton, OR 97801.

### Nature of Decision To Be Made

Whether or not Forest Supervisor, Jeff Blackwood, should amend the Umatilla Forest Plan and incorporate applicable conservation measures (objectives, standards, and guidelines) from "The Lynx Conservation Assessment and Strategy, 2nd Edition, August 2000".

### Issues

Key issues are described in detail on pages I-12 through I-16 in the May 2002 Upper Charley FEIS and include: Effects of the proposed activities on (1) ecosystem sustainability, (2) big game habitat, (3) water quality and fish habitat, and (4) how should roads be managed in the Upper Charley analysis area.

### Comments Requested

This notice of intent initiates the 30-day scoping process that will guide development of a supplement to Upper Charley Subwatershed Ecosystem Restoration Projects FEIS. We are seeking comments on a forest plan amendment to incorporate LCAS conservation measures, and revalidate comments previously received for Upper Charley DEIS.

### Early Notice of Importance of Public Participation in Subsequent Environmental Review

A draft environmental impact statement will be prepared for comment.

The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice 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 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). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement 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. 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.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement 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 draft environmental impact statement of 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.

Comments received, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection.

(Authority: 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21)

Dated: August 5, 2004.

**Jeff D. Blackwood,**

*Forest Supervisor.*

[FR Doc. 04-18328 Filed 8-10-04; 8:45 am]

**BILLING CODE 3410-11-M**

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## DEPARTMENT OF COMMERCE

### Submission for OMB Review; Comment Request

The Department of Commerce (DOC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Agency:* Bureau of Industry and Security (BIS).

*Title:* Approval of Triangular Involving Commodities Covered By A U.S. Import Certificate

*Agency Form Number:* None.

*OMB Approval Number:* 0694-0009.

*Type of Request:* Extension of a currently approved collection of information.

*Burden:* 1 hour.

*Average Time Per Response:* 30 minutes per response.

*Number of Respondents:* 1 respondent.

*Needs and Uses:* The triangular symbol will be stamped on the certificate as notification that the importer does not intend to import or retain the items in the country issuing the certificate, but that, in any case, the items will not be delivered to any other destination except in accordance with the EAR. If this procedure were not followed, strategic commodities could be delivered to unauthorized destinations.

*Affected Public:* Individuals, businesses or other for-profit institutions.

*Respondent's Obligation:* Required to obtain or retain a benefit.

*OMB Desk Officer:* Dave Rostker.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, DOC Paperwork Clearance Officer, (202) 482-0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Dave Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, D.C. 20230.