

- Storm Water Permit and Montana Pollution Discharge Elimination System (MPDES) Permit from the Montana Department of Environmental Quality
- 404 Permit from the U.S. Army Corps of Engineers
- Water Rights Permit from the Montana Department of Natural Resources and Conservation
- 310 Permit from the Montana Department of Fish, Wildlife and Parks and Lincoln County Conservation District
- Special Use Permits from the Kootenai National Forest
- Major Facility Siting Act (MFSA) Certificate of Compliance from the Montana Department of Environmental Quality.

#### Comment Requested

This Notice of Intent initiates the scoping process, which guides the development of the EIS. At this stage of the planning process, site-specific public comments are being requested to determine the scope of the analysis, and identify significant issues and alternatives to the Proposed Action. The estimated date for issuance of the draft environmental impact statement is May 2006.

#### Scoping Process

The Forest Service, in conjunction with Montana State agencies, will hold public scoping meetings in Libby, Montana, Bonners Ferry, Idaho; and noxon, Montana during the week of August 15, 2005. Specific location and time of the meetings will be published in the local newspapers approximately one week prior to the meeting date. A scoping document is available upon request or an electronic copy may be viewed at: <http://www.fs.fed.us/rl/kootenai/projects/montanore>.

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

A draft EIS will be prepared for comment. The comment period on the draft EIS ends 60 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 the public participation in the environmental review process. First, reviewers of a draft EIS 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 EIS stage but that are not raised until after completion of the final EIS 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 60 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider and respond to them in the final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the Proposed Action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft EIS. Comments may also address the adequacy of the draft EIS 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.

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: July 7, 2005.

#### Cami Winslow,

Acting Forest Supervisor, Kootenai National Forest.

[FR Doc. 05-13846 Filed 7-13-05; 8:45 am]

BILLING CODE 3410-11-M

#### CENTRAL INTELLIGENCE AGENCY

##### Fleet Alternative Fuel Use and Vehicle Acquisition Report for Fiscal Years 2004 and 2005 (Through June 2005)

**AGENCY:** Central Intelligence Agency.  
**ACTION:** Notice of availability.

**SUMMARY:** Pursuant to the Energy Policy Act of 1992 (EPA) (42 U.S.C. 13218(b)) and Executive Order 13149, the Central Intelligence Agency gives notice of its intention to make its Fleet Alternative Fuel Use and Vehicle Acquisition Report for Fiscal Years 2004 and 2005 (through June 2005) available on-line as of July 14, 2005, at <http://www.cia.gov/cia/reports/afvreports/2005/index.html> and at <http://www.cia.gov/cia/reports/afvreports/2005/report.pdf>.

**FOR FURTHER INFORMATION CONTACT:** Public Communications Branch, Central Intelligence Agency, telephone (703) 482-0623.

Dated: July 8, 2005.

#### Edmund Cohen,

Director, Information Management Services.

[FR Doc. 05-13890 Filed 7-13-05; 8:45 am]

BILLING CODE 6310-02-M

#### DEPARTMENT OF COMMERCE

##### International Trade Administration

[A-588-804]

##### Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from Japan: Notice of Court Decision Not in Harmony

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce

**SUMMARY:** On June 27, 2005, the United States Court of International Trade (CIT) affirmed the Department of Commerce's (the Department's) redetermination on remand of the final results of the antidumping duty administrative reviews on antifriction bearings (other than tapered roller bearings) and parts thereof from Japan. See *NSK Ltd. v. United States*, Consol. Court No. 98-07-02527, slip op. 05-77 (CIT 2005). The Department is now issuing this notice of court decision not in harmony.

**EFFECTIVE DATE:** July 14, 2005.

**FOR FURTHER INFORMATION:** Yang Jin Chun or Richard Rimlinger, AD/CVD Operations, Office 5, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-5760 or (202) 482-4477, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On June 18, 1998, the Department published the final results of administrative reviews of the antidumping duty orders on antifriction bearings (other than tapered roller bearings) and parts thereof from Japan for the period May 1, 1996, through April 30, 1997. See *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from France, et al.; Final Results of Antidumping Duty Administrative Reviews*, 63 FR 33320 (June 18, 1998). NSK Ltd. and NSK Corporation (hereafter "NSK") filed a lawsuit challenging the final results. On July 8, 2002, the CIT affirmed the Department's decision to classify NSK's repacking expenses as a selling expense

under section 772(d)(1)(B) of the Tariff Act of 1930, as amended (the Act). See *NSK Ltd. v. United States*, 217 F. Supp 2d. 1291 (CIT 2002). NSK appealed the CIT's judgment to the United States Court of Appeals for the Federal Circuit (CAFC). The CAFC vacated and remanded the Department's decision to classify NSK's repacking expenses as selling expenses and not movement expenses under section 772(d)(1)(B) of the Act. On February 18, 2005, pursuant to the CAFC's decision, the CIT remanded this case to the Department to revisit its classification of U.S. repacking expenses as selling expenses and provide an explanation for the inconsistent treatment of U.S. repacking expense, U.S. warehousing expense, and U.S. expense for shipping from warehouse to customer. See *NSK Ltd. v. United States*, Consol. Court No. 98-07-02527, slip op. 05-26 (CIT 2005). In accordance with the CIT's remand order in *NSK Ltd.*, slip op. 05-26, the Department filed its remand results on May 18, 2005. On June 27, 2005, the CIT affirmed the Department's final results of remand redetermination in their entirety. See *NSK Ltd.*, slip op. 05-77.

The changes to our calculations with respect to NSK resulted in a change in the weighted-average margin for ball bearings (BBs) from 2.35 percent to 2.34 percent and a change in the weighted-average margin for cylindrical roller bearings (CRBs) from 2.21 percent to 2.19 percent for the period of review. Accordingly, absent an appeal, or, if appealed, upon a "conclusive" decision by the CAFC which is consistent with the CIT's decision, we will amend our final results of these reviews to reflect the recalculation of margins for NSK.

#### Suspension of Liquidation

The CAFC held that the Department must publish notice of a decision of the CIT or the CAFC which is not in harmony with the Department's determination. See *The Timken Company v. United States*, 893 F.2d 337, 341 (CAFC 1990). Publication of this notice fulfills that obligation. The CAFC also held that, in such a case, the Department must suspend liquidation until there is a "conclusive" decision in the action. *Id.* Therefore, the Department must suspend liquidation pending the expiration of the period to appeal the CIT's June 27, 2005, decision affirming the Department's remand results or pending a final decision of the CAFC if that decision is appealed.

Because entries of the BBs and CRBs from Japan produced by, exported to, or imported into the United States by NSK are currently being suspended pursuant to the court's injunction order in effect,

the Department does not need to order U.S. Customs and Border Protection to suspend liquidation of affected entries. The Department will not order the lifting of the suspension of liquidation on entries of the BBs and CRBs made during the review period before a court decision in this lawsuit becomes final and conclusive.

We are issuing and publishing this notice in accordance with section 516A(c)(1) of the Act.

Dated: July 8, 2005.

**Susan Kuhbach,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E5-3750 Filed 7-13-05; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF DEFENSE

### Department of the Army

#### Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Provisional Patent Applications Concerning Inhibitors of Type F Botulinum Neurotoxin Proteinase Activity

**AGENCY:** Department of the Army, DoD.

**ACTION:** Notice.

**SUMMARY:** In accordance with 37 CFR 404.6 and 404.7, announcement is made of the availability for licensing of the invention set forth in U.S. Provisional Patent Application Serial No. 60/656,551 entitled "Inhibitors of Type F Botulinum Neurotoxin Proteinase Activity," filed February 17, 2005; as well as the invention set forth in related U.S. Provisional Patent application Serial No. 60/660,024 entitled "Inhibitors of Type F Botulinum Neurotoxin Proteinase Activity," filed February 23, 2005. The United States Government, as represented by the Secretary of the Army, has rights in this invention.

**ADDRESSES:** Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR-ZA-J, 504 Scott Street, Fort Detrick, Frederick, MD 21702-5012.

**FOR FURTHER INFORMATION CONTACT:** For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619-7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619-6664, both at telefax (301) 619-5034.

**SUPPLEMENTARY INFORMATION:** Botulinum neurotoxins (BoNTs A-G) are zinc metalloendoproteases that exhibit extraordinary specificities for proteins

involved in neurotransmitter release. In view of the extreme toxicities of these molecules, their applications in human medicine, and potential for misuse, it is of considerable importance to elucidate the mechanisms underlying substrate recognition and to develop inhibitors, with the ultimate goal of obtaining anti-botulinum drugs.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. 05-13856 Filed 7-13-05; 8:45 am]

**BILLING CODE 3710-08-M**

## DEPARTMENT OF DEFENSE

### Department of the Army

#### Prospective Grant of Exclusive Patent License

**AGENCY:** Department of the Army, DoD.

**ACTION:** Notice.

**SUMMARY:** In accordance with 35 U.S.C. 209 and 37 CFR 404, U.S. Army Research, Development and Engineering Command (RDECOM) hereby given notice that it is contemplating the grant of an exclusive license in the United States to practice the below referenced invention owned by the U.S. Government to TSI Incorporated, 500 Cardigan Road, Shoreview, MN 55126.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Biffoni, Intellectual Property Attorney, U.S. Army Research, Development and Engineering Command, ATTN: AMSRD-CC (Bldg E4435), Aberdeen Proving Ground, MD 21010-5424, phone: (410) 436-1158; Fax: 410-436-2534 or e-mail: [u.john.biffoni@us.army.mil](mailto:u.john.biffoni@us.army.mil).

**SUPPLEMENTARY INFORMATION:** The prospective exclusive license may be granted, unless REDECOM receives written evidence and argument to establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7 on or before July 29, 2005. The following Patent Number, Title, and Issue Date is provided:

*Title:* "Low Concentration Aerosol".

*Description:* The present invention relates to an apparatus useful in generating and counting low concentrations of individual aerosol particles.

*Patent Number:* 5,918,254.

*Issue Date:* June 29, 1999.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. 05-13857 Filed 7-13-05; 8:45 am]

**BILLING CODE 3710-08-M**