and Training, National Institute of Environmental Health Sciences, National Institutes of Health, P.O. Box 12233, Research Triangle Park, NC 27709, (919) 541–7723.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *http://www.niehs.nih.gov/dert/c-agenda.htm*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards, 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: April 8, 2004.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 04–8496 Filed 4–14–04; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: Human Monoclonal Antibody Therapeutics for the Treatment of Hepatitis C (HCV) Infections

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i), that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of an exclusive license to practice the invention embodied in: United States Patent Application 60/250,561 and its foreign equivalents entitled "Monoclonal Antibodies Specific For The E2 Glycoprotein Of Hepatitis C Virus and Their Use In The Diagnosis, Treatment, and Prevention of HCV'' filed December 1, 2000, to Biolex, Inc., having a place of business in Pittsboro, NC. The patent rights in this invention have been assigned to the United States of America.

DATES: Only written comments and/or application for a license which are received by the NIH Office of Technology Transfer on or before June 14, 2004, will be considered.

ADDRESSES: Requests for a copy of the patent application, inquiries, comments and other materials relating to the contemplated license should be directed to: Susan Ano, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; e-mail: *anos@mail.nih.gov*; telephone: (301) 435–5515; facsimile: (301) 402–0220.

SUPPLEMENTARY INFORMATION: 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 60 days from the date of this published notice, NIH receives written evidence and argument that 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.

This invention relates to human monoclonal antibodies that exhibit immunological binding affinity for the hepatitis C virus E2 glycoprotein and are cross-reactive against different hepatitis C virus (HCV) strains. These antibodies may be used in passive immunoprophylaxis for the prevention of hepatitis C virus infection and/or in passive immunotherapy for the treatment of hepatitis C.

The licensed territory will be worldwide excluding Europe, India, and Japan. This notice should be considered a modification of the **Federal Register** notice originally published in 68 FR 10744, March 6, 2003.

The field of use may be limited to development of human monoclonal antibody biotherapeutics for the prevention and/or treatment of HCV infections.

Properly filed competing applications for a license filed in response to this notice will be treated as objections to the contemplated license. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: April 7, 2004.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 04–8492 Filed 4–14–04; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF THE INTERIOR

Truckee River Operating Agreement, California and Nevada

AGENCY: U.S. Department of the Interior.

ACTION: Notice of intent to prepare a revised draft environmental impact statement/environmental impact report.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality (CEQ) regulations, the California Environmental Quality Act (CEQA), and the California State CEQA guidelines, the U.S. Department of the Interior (Interior) and the California Department of Water Resources (DWR) intend to prepare a revised draft environmental impact statement/environmental impact report (revised Draft EIS/EIR) for the Draft Truckee River Operating Agreement (TROA) which would implement Section 205(a) of the Truckee-Carson-Pyramid Lake Water Rights Settlement Act of 1990, Title II of Pub. L. 101–618 (Settlement Act). Scoping meetings were held for the original draft EIS/EIR and no additional scoping meetings are planned.

ADDRESSES: Kenneth Parr, Bureau of Reclamation (Reclamation), 705 North Plaza Street, Room 320, Carson City, Nevada 89701–4015, e-mail: *kparr@mp.usbr.gov;* or Michael Cooney, DWR, Central District, 3251 S Street, Sacramento, California 95816–7017, e-mail: *mikec@water.ca.gov.*

FOR FURTHER INFORMATION CONTACT: Kenneth Parr, Reclamation, telephone: 775–882—3436, TDD 775–882–3436, or fax 775–882–7592; or Michael Cooney, DWR, telephone: 916–227–7606. Information is also available at Reclamation's Web site at: *http://www.usbr.gov/mp/troa/.*

SUPPLEMENTARY INFORMATION:

Background

Section 205(a) of the Settlement Act directs the Secretary of the Interior (Secretary), in conjunction with others, to negotiate an operating agreement governing operation of federal Truckee River reservoirs and other specified matters. Interior, U.S. Department of Justice, States of California and Nevada, Pyramid Lake Paiute Tribe, Sierra Pacific Power Company, Truckee Meadows Water Authority, and other entities in California and Nevada completed a draft of the TROA in October 2003. The Draft TROA is the first of a number of steps required before TROA can be implemented. The Draft TROA is now available to the public in advance of completion of the revised

Draft EIS/EIR. The Draft TROA can be viewed at *http://www.usbr.gov/mp/troa/docs/TROAdraft.pdf.*

TROA would, in part, (1) Enhance conditions for threatened and endangered fishes throughout the Truckee River basin; (2) increase municipal and industrial (M&I) drought protection for Truckee Meadows (Reno-Sparks metropolitan area); (3) improve river water quality downstream from Sparks, Nevada; and (4) enhance stream flows and recreational opportunities in the Truckee River basin. At the time TROA takes effect, the Settlement Act provides that a permanent allocation between California and Nevada of water in the Lake Tahoe, Truckee River and Carson River basins will also take effect. The allocation of those waters has been a long-standing issue between the two States; implementation of TROA resolves that issue. In addition, Section 205 of the Settlement Act requires that TROA, among other things, implement the provisions of the Preliminary Settlement Agreement as modified by the Ratification Agreement and ensure that water is stored and released from federal Truckee River reservoirs to satisfy the exercise of water rights in conformance with the Orr Ditch decree and Truckee River General Electric decree. The Preliminary Settlement Agreement as modified by the Ratification Agreement was a 1989 agreement between Sierra Pacific Power Company and the Pyramid Lake Paiute Tribe to change the operation of federal reservoirs and Sierra Pacific's exercise of its Truckee River water rights to (1) improve spawning conditions for threatened and endangered fish species (cui-ui and Lahontan cutthroat trout) and (2) provide additional M&I water for Truckee Meadows during drought situations.

Before TROA can be approved by the Secretary and the State of California, and signed by other negotiating parties, potential environmental effects of the agreement must be analyzed pursuant to NEPA and CEQA. Accordingly, Interior and DWR will jointly prepare a revised Draft EIS/EIR for that purpose. The revised Draft EIS/EIR is expected to be released for public comment in the summer of 2004.

An initial Draft EIS/EIR was prepared and released for public review in February 1998. Since then, ongoing negotiations have substantially modified the proposed agreement, resulting in the need to prepare a revised Draft EIS/EIR.

Current Activities

With the public release of the Draft TROA by the negotiators, a new analysis can begin. This analysis will be based on current conditions as well as three alternatives: (1) No Action Alternative (current management continuing in the future, without TROA); (2) Local Water Supply Alternative (changed management in the future, without TROA); and (3) TROA in the future. A Notice of Availability/Notice of Completion will be filed and published announcing (1) the release of the revised Draft EIS/EIR, (2) dates for a public comment period, and (3) locations of hearings that will provide public involvement opportunities. Section 205 of the Settlement Act also requires that any final TROA be issued as a Federal Regulation. Accordingly, and concurrently with the preparation of the revised Draft EIS/EIR, a draft regulation is being prepared which will be issued for public comments by publication in the **Federal Register.**

Once public comments on the revised Draft EIS/EIR and draft TROA regulation have been received, the lead agencies will send any comments that might relate to provisions of the draft TROA regulation to the negotiators. Comments on the revised Draft EIS/EIR will be addressed in the final environmental analysis of TROA, together with any changes thereto, and a Final EIS/EIR will be published. The Secretary cannot sign a final TROA until a Record of Decision has been completed. The State of California cannot sign TROA until it has considered and certified the Final EIS/EIR in conjunction with making any necessary findings pursuant to CEQA. These and other steps, including approval by the Orr Ditch and Truckee River General Electric Courts, must be completed before TROA may be implemented. TROA will also be published as a Federal Regulation.

Description of Alternatives

No Action Alternative (No Action)

Under No Action, Truckee River reservoir operations would remain unchanged from current operations and would be consistent with existing court decrees, agreements, and regulations that currently govern surface water management (i.e., operating reservoirs in the Truckee River and Lake Tahoe basins and maintaining stream flows) in the Truckee River basin. Truckee Meadows Water Authority's (TMWA) existing programs for surface water rights acquisition and groundwater pumping for M&I use would continue. Groundwater pumping and water conservation in Truckee Meadows, however, would satisfy a greater proportion of projected future M&I demand than under current conditions. Groundwater pumping in California would also increase to satisfy a greater projected future M&I demand.

Local Water Supply Alternative (LWSA)

All elements of Truckee River reservoir operations, river flow management, Truckee River hydroelectric plant operations, minimum reservoir releases, reservoir spill and precautionary release criteria, and water exportation from the upper Truckee River basin and Lake Tahoe basin under LWSA would be the same as described under No Action. The principal differences between No Action and LWSA would be the source of water used for M&I purposes, extent of water conservation, implementation of a groundwater recharge program in Truckee Meadows, and assumptions regarding governmental decisions concerning approval of new water supply proposals.

TROA Alternative (TROA)

TROA would modify existing operations of all designated reservoirs to enhance coordination and flexibility while ensuring that existing water rights are served and flood control and dam safety requirements are met. TROA would incorporate, modify, or replace various provisions of the Truckee River Agreement (TRA) and the Tahoe-Prosser Exchange Agreement (TPEA). TROA would supersede all requirements of any agreements concerning the operation of all reservoirs, including those of TRA and TPEA, and would become the sole operating agreement for all designated reservoirs.

All reservoirs would continue to be operated under TROA for the same purposes as under current operations and with most of the same reservoir storage priorities as under No Action and LWSA. The Settlement Act requires that TROA avoid adverse impacts to Orr Ditch decree water rights.

The primary difference between TROA and the other alternatives is that TROA would expand opportunities for storing and managing other categories of water not addressed under the current permit or license of a reservoir (*i.e.*, credit water). Signatories to TROA generally would be allowed to accumulate credit water in storage by retaining or capturing water in a reservoir that would have otherwise been released from storage or passed through the reservoir to serve a downstream water right (*e.g.*, retaining Floriston Rate water that would have been released to serve an Orr Ditch decree water right). In cases with a change in the place or type of use, such storage could take place only after a transfer in accordance with applicable

State water law. Once accumulated, credit water would be classified by category with a record kept of its storage, exchange, and release. Credit water generally would be retained in storage or exchanged among the reservoirs until needed to satisfy its beneficial use. The Interim Storage Agreement (negotiated in accordance with Section 205(b)(3) of the Settlement Act) would no longer be necessary and so would be superseded by new storage agreements between the Bureau of Reclamation and TROA signatories.

Dated: April 8, 2004.

Willie R. Taylor,

Director, Office of Environmental Policy and Compliance.

[FR Doc. 04–8570 Filed 4–14–04; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Proposed Finding Against Federal Acknowledgment of the Burt Lake Band of Ottawa and Chippewa Indians, Inc.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of proposed finding.

SUMMARY: Pursuant to 25 CFR 83.10(h), notice is hereby given that the Assistant Secretary—Indian Affairs proposes to determine that the Burt Lake Band of Ottawa and Chippewa Indians, Inc., 6461 East Brutus Road, P.O. Box 206, Brutus, Michigan, c/o Mr. Carl L. Frazier, is not an Indian tribe within the meaning of Federal law. This notice is based on a determination that the petitioner does not satisfy criteria 83.7(a), 83.7(b), 83.7(c) and 83.7(e), and thus, does not meet the requirements for a government-to-government relationship with the United States.

DATES: As provided by 25 CFR 83.10(i), any individual or organization wishing to challenge or support the proposed finding may submit factual or legal arguments and evidence to rebut or support the evidence relied upon, within 180 calendar days from the date of publication of this notice. Interested and informed parties who make submissions to the Assistant Secretary must also provide copies to the petitioner.

ADDRESSES: Comments on the proposed finding and/or requests for a copy of the report of the summary evaluation of the evidence should be addressed to the Office of the Assistant Secretary—Indian Affairs, 1951 Constitution Avenue, NW., Washington, DC 20240, Attention: Office of Federal Acknowledgment, Mail Stop 34B–SIB. The names and addresses of commenters generally are available to the public.

FOR FURTHER INFORMATION CONTACT: R. Lee Fleming, Director, Office of Federal Acknowledgment, (202) 513–7650.

SUPPLEMENTARY INFORMATION: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM.

The Burt Lake Band of Ottawa and Chippewa Indians, Inc. (BLB), petitioner #101, submitted a letter of intent to petition for Federal acknowledgment on September 6, 1985. The Assistant Secretary—Indian Affairs (AS–IA) placed the BLB on active consideration on December 16, 2002.

The BLB petitioner claims that it is a successor to a Cheboygan band of Ottawa and Chippewa Indians who signed treaties with the United States in Washington on March 28, 1836, and in Detroit on July 31, 1855. The Cheboygan band had a historical village on Burt Lake near the northern tip of Michigan's Lower Peninsula on land acquired between 1846 and 1849, from the United States land office, patented to the Governor of Michigan in trust for the Cheboygan band. The band lost title to this village through tax sales, and in 1900, the purchaser burned it. The village residents dispersed, but a portion of them settled in an exclusive Indian settlement on "Indian Road,'' near the historical village. In 1977, Margaret Martell in Lansing, Michigan, began to organize the descendants of residents of Indian Road. In 1984, descendants of John B. Vincent (1816–1903) joined the petitioner. The available evidence does not demonstrate that these descendants interacted with Indians at Burt Lake or any other Indian group prior to 1984. Just 46 percent of the petitioner's 490 members descend from the historical Cheboygan band, and 48 percent descend from John B. Vincent.

The proposed finding concludes that the petitioner is not eligible to be evaluated under section 83.8 of the regulations as a previously acknowledged Indian entity. Although Indians at Burt Lake were acknowledged as a tribe as recently as 1917, most of the petitioner's members do not descend from the previously acknowledged entity. Therefore, the petitioner is not the same tribal entity, or a portion that has evolved from the entity, that was previously acknowledged. This finding may be the result of substantial changes in the petitioner's membership since the preliminary determination. An evaluation under section 83.7 rather than section 83.8 does not result in a different finding on any criterion. Whether the petitioner is eligible to be evaluated under section 83.8 of the regulations is subject to reconsideration at the time of the final determination.

The BLB petitioner does not meet criterion 83.7(a), which requires that it has been identified as an American Indian entity on a substantially continuous basis since 1900. The BLB petitioner's membership has two main components, descendants of the historical Cheboygan band, all of whom also descend from a resident of the Indian settlement at Burt Lake about 1900, and a larger number of descendants of John B. Vincent, who was not a member of the historical band or a resident of the historical settlement. The case record contains some identifications prior to 1956, of an Indian settlement at Burt Lake or an Indian entity consisting of descendants of the historical band. The record, however, does not contain identifications of any Indian entity consisting of Vincent's descendants prior to 1979. A Burt Lake band organization that has become the current petitioner has been identified since 1978, and since 1984, identifications of that Indian entity have identified a group that consists of both Vincent descendants and Burt Lake band descendants.

This proposed finding does not answer the interpretive question of whether a historical identification of a Burt Lake group or Indian settlement that contained no Vincent descendants constitutes an identification of a petitioning group in which Burt Lake descendants are outnumbered by Vincent descendants, because whichever way this question is resolved the result is that the petitioner fails to meet the requirements of criterion (a). If historical identifications of a historical Burt Lake Indian entity are rejected as identifications of the current petitioner, because that historical entity is significantly different in composition from the petitioning entity, then the petitioner has not been identified on a substantially continuous basis. The available evidence does not demonstrate that both components of the petitioner's membership were identified as constituting a single Indian entity, or separate Indian entities that amalgamated, from 1900 to 1978. Alternatively, if historical identifications of a historical Burt Lake settlement are accepted as identifications of the current petitioner, because a substantial portion of the