

Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: [grjohnson@acf.hhs.gov](mailto:grjohnson@acf.hhs.gov).

**OMB Comment:** OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Attn: Desk Officer for ACF, E-mail address: [Katherine\\_T\\_Astrich@omb.eop.gov](mailto:Katherine_T_Astrich@omb.eop.gov).

Dated: November 16, 2004.

**Robert Sargis,**

*Reports Clearance Officer.*

[FR Doc. 04-25892 Filed 11-22-04; 8:45 am]

BILLING CODE 4184-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

**Name of Committee:** National Institute of Allergy and Infectious Diseases Special Emphasis Panel NIAID AIDS Training Grant.

**Date:** December 14, 2004.

**Time:** 1 p.m. to 4 p.m.

**Agenda:** To review and evaluate grant applications.

**Place:** National Institutes of Health, Rockledge 6700, 6700B Rockledge Drive, 3145, Bethesda, MD 20817, (Telephone Conference Call).

**Contact Person:** Geetha P. Bansal, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID/NIH/DHHS, Room 3145, 6700-B Rockledge Drive, MSC 7616,

Bethesda, MD 20892, (301) 402-5658, [gbansal@niaid.nih.gov](mailto:gbansal@niaid.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: November 15, 2004.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 04-25902 Filed 11-22-04; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

**Name of Committee:** National Institute of Allergy and Infectious Diseases Special Emphasis Panel Unsolicited Program Project (PO1) Application.

**Date:** December 14, 2004.

**Time:** 2 p.m. to 5 p.m.

**Agenda:** To review and evaluate grant applications.

**Place:** National Institutes of Health, Rockledge 6700B Rockledge Drive, Bethesda, MD 20817, (Telephone Conference Call).

**Contact Person:** John A. Bogdan, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892-7616, 301-496-2550, [jbogdan@niaid.nih.gov](mailto:jbogdan@niaid.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: November 15, 2004.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 04-25903 Filed 11-22-04; 8:45 am]

BILLING CODE 4140-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Prospective Grant of Exclusive License: Conformationally Locked Nucleoside Analogs

**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 following invention as embodied in the following patent applications: DHHS Ref. No. E-231-1993; U.S. Serial Number 08/126,796, filed on September 24, 1993; 08/311,425, filed on September 23, 1994, U.S. Patent No. 5,629,454; 08/818,563, filed on March 14, 1997, U.S. Patent No. 5,869,666; PCT (PCT/US94/10794) filed on September 23, 1994, and National Stage filed in Singapore (9607728-4), Australia (78420/94), Canada (2172534), Europe (9492932.1), Japan (07-506691), Greece (3026166); DHHS Ref. No. E-100-1996; U.S. Provisional 60/023,565, filed on August 7, 1996; U.S. Serial Number 08/908,724, filed on August 7, 1997, U.S. Patent No. 5,840,728; PCT (PCT/US96/12800) filed on August 15, 1996; DHHS Ref. No. E-249-2000; U.S. Provisional 60/220,934, filed on July 26, 2000; U.S. Serial Number 10/346,762, filed on January 15, 2003; PCT (PCT/US01/23246) filed on July 24, 2001, and National Stage filed in Australia (2001278993), Canada (2417251), Europe (01951228.8) to N&N Scientific, having a place of business in Maryland but incorporated in Illinois. The patent rights in these inventions 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 January 24, 2005 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: Robert M. Joynes, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852-3804; Email: [joynesr@od.nih.gov](mailto:joynesr@od.nih.gov); Telephone: (301) 594-6565; 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.

The compounds of the present invention represent the first examples of carbocyclic dideoxynucleosides that in solution exist locked in a defined N-geometry (C3'-endo) conformation typical of conventional nucleosides. These analogues exhibit increased stability due to the substitution of carbon for oxygen in the ribose ring. The invention includes 4'-6'-cyclopropane fused carbocyclic dideoxynucleosides, 2'-deoxynucleosides and ribonucleosides as well as oligonucleotides derived from these analogues; the preferred embodiment of the invention is carbocyclic-4'-6'-cyclopropane-fused analogues of dideoxypurines, dideoxypyrimidines, deoxypurines, deoxypyrimidines, purine ribonucleosides and pyrimidine ribonucleosides. In addition, oligonucleotides derived from one or more of the nucleosides in combination with the naturally occurring nucleosides are within the scope of the present invention.

The invention also includes a method for the treatment of herpes virus infections by the administration of cyclopropanated carbocyclic 2'-deoxynucleosides to an affected individual. This invention is a method of administration of the compounds described above. The compounds of this invention are particularly efficacious against herpes simplex viruses 1 and 2 (HSV-1 and HSV-2), Epstein-Barr Virus (EBV) and human cytomegalovirus (CMV), although the nucleoside analogues of the invention may be used to treat any condition caused by a herpes virus. Specifically, the N-methanocarpa-T (Thymidine) analogue (hereafter (N)-MCT) has been shown to exhibit strong activity against HSV-1 and HSV-2, and moderate to strong activity against EBV. Significantly, the anti-HSV activity of the Thymidine analogue is thirty times more potent than Acyclovir (shown in a plaque reduction assay), a widely used anti-HSV therapeutic. Furthermore, the Thymidine analogue is also non-toxic against stationary cells and is potent against rapidly dividing cells. Dosage amounts for the compounds are similar to those of Acyclovir.

The field of use may be limited to development of antiviral therapeutics.

The licensed territory will be exclusive worldwide.

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: November 15, 2004.

**Steven M. Ferguson,**

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

[FR Doc. 04-25956 Filed 11-22-04; 8:45 am]

BILLING CODE 4140-01-P

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Citizenship and Immigration Services

[CIS NO. 2330-04]

RIN 1615-ZA07

### Information Regarding the H-1B Numerical Limitation for Fiscal Year 2005

**AGENCY:** U.S. Citizenship and Immigration Services, DHS.

**ACTION:** Notice.

**SUMMARY:** This notice explains how the Department of Homeland Security (DHS), through U.S. Citizenship and Immigration Services (USCIS), will process H-1B petitions for new employment for Fiscal Year (FY) 2005 now that it is clear that the demand for H-1B workers will exceed the statutory numerical limit (the cap) for H-1B nonimmigrant aliens for FY 2005. This notice is published so that the public will understand the procedure for processing H-1B petitions now that the cap is reached, as this procedure may affect the hiring decisions of some prospective H-1B petitioners. These procedures are intended to minimize confusion and the burden on employers who use the H-1B program.

**DATES:** This notice is effective November 23, 2004.

#### FOR FURTHER INFORMATION CONTACT:

Kevin J. Cummings, Business and Trade Services Branch/Program and Regulation Development, U.S. Citizenship and Immigration Services, Department of Homeland Security, 111 Massachusetts Avenue, NW., 3rd Floor, Washington, DC 20529, telephone (202) 305-3175.

## SUPPLEMENTARY INFORMATION:

### Who Is an H-1B Nonimmigrant?

An H-1B nonimmigrant is an alien employed in a specialty occupation or as a fashion model of distinguished merit and ability. A specialty occupation is an occupation that requires theoretical and practical application of a body of specialized knowledge and attainment of a bachelor's or higher degree in the specific specialty as a minimum for admission into the United States.

### What Is the Cap or Numerical Limitation on the H-1B Nonimmigrant Classification?

Section 214(g) of the Immigration and Nationality Act (Act) provides that the total number of aliens who may be issued H-1B visas or otherwise granted H-1B status during FY 2005 may not exceed 65,000. In accordance with the Free Trade Agreements (FTA) for Chile and Singapore, as approved by Congress in Public Laws 108-77 and 108-78, 1,400 out of the 65,000 H-1B numbers are reserved for H-1B1 nonimmigrants from Chile, and 5,400 out of the 65,000 are reserved for H-1B1 nonimmigrants from Singapore. This effectively reduces the overall number of H-1B numbers that may be used prior to September 30, 2005, from 65,000 to 58,200.

Section 214(g)(8)(B)(iv) of the Act also requires that any unused H-1B1 numbers set aside for aliens from Chile and Singapore be applied to the numerical limitation for the fiscal year in which they were not used. Visas may be issued under such an adjustment within 45 days of the next fiscal year to aliens who had applied for such visas during the fiscal year for which the adjustment was made. Id. The total number of Chileans and Singaporeans who were granted H-1B1 visas or otherwise granted H-1B1 status during FY 2004 was less than 100. Therefore, pursuant to Section 214(g)(8)(B)(iv), USCIS has returned approximately 6,700 unused H-1B1 numbers to the FY 2004 H-1B cap.

Following the adjustment for the Chile and Singapore H-1B1 program, and taking into account any other cases that can be counted against the FY 2004 cap, there now appears to be a sufficient number of H-1B petitions with employment start dates prior to October 1, 2005 pending at the USCIS Service Centers to reach the adjusted cap for FY 2005. Therefore, as of October 2, 2004, and until April 1, 2005, USCIS will return any petitions (along with the filing fee and, if applicable, the premium processing fee) requesting an