

Deliveries to Everglades National Park Project. FWS concluded that the operations, if continued, would likely jeopardize the continued existence of the endangered Cape Sable seaside sparrow and adversely modify its critical habitat. In response, the Corps implemented an Interim Structural and Operational Plan (ISOP) in March 2000, followed by the Interim Operating Plan (IOP) in July 2002. These operations were designed to protect the sparrow pending completion of construction of the MWD Project and the C-111 Project. Because of the urgency to implement IOP in time for the next sparrow breeding season, the IOP Final Environmental Impact Statement (FEIS) was completed prior to conclusion of modeling that supported the selected plan. Pursuant to a March 2006 order by the United States District Court for the Southern District of Florida, the Corps will be preparing a supplement to the IOP FEIS. The Supplemental Environmental Impact Statement (SEIS) will update the FEIS with the modeling for the selected alternative, which was completed in November 2002, as well as actual data collected since the May 2002 FEIS. In addition the SEIS will update its analysis of the default condition for the reservoirs.

**ADDRESSES:** U.S. Army Corps of Engineers, Planning Division, Environmental Branch, P.O. Box 4970, Jacksonville, FL 32232-0019.

**FOR FURTHER INFORMATION CONTACT:** Ms. Barbara Cintron at (904) 232-1692 or e-mail at [Barbara.b.cintron@saj02.usace.army.mil](mailto:Barbara.b.cintron@saj02.usace.army.mil).

**SUPPLEMENTARY INFORMATION:**

a. The proposed action will be the previously selected Alternative 7R that consists of water management operations of existing structural components of the Central & Southern Florida Project (C&SF Project) to avoid flooding the sparrow breeding habitats during the breeding season and to rehydrate breeding habitats during the annual wet season in order to prevent and reverse habitat degradation.

b. Alternatives will be chosen from the array in the previous FEIS that involve spatial variations in conveying water through the C&SF Project to protect the sparrow.

c. A scoping letter will be used to invite comments on alternatives and issues from Federal, State, and local agencies, affected Indian tribes, and other interested private organizations and individuals.

d. The Draft SEIS will update the Corps' analysis of Alternative 7R with modeling that was completed in November 2002 for that alternative and

compare it to the previous alternatives. In addition, modeling for marsh operations and variable flows at pump station S-356 based on seepage will be used to update the analysis of the default condition for the reservoirs constructed in the C-111 Basin. The previous model could not accommodate the analysis of variable flows at S-356 when the 7R modeling was concluded in 2002. The analysis will also include actual hydrologic field data collected since 2002 and information on subsequent nesting success of endangered species, including the sparrow and the snail kite.

e. The alternative plans will be reviewed under provisions of appropriate laws and regulations, including the Endangered Species Act, Fish and Wildlife Coordination Act, Clean Water Act, and Farmland Protection Policy Act.

f. A scoping meeting is not anticipated.

g. The Draft SEIS is expected to be available for public review in the 3rd quarter of CY 2006.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

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**BILLING CODE 3710-AJ-M**

**DEPARTMENT OF DEFENSE**

**Department of the Army, Corps of Engineers**

**Intent To Prepare an Environmental Impact Statement for the Dam Safety Assurance Evaluation Report, Dover Dam, City of Dover, Tuscarawas County, OH**

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of intent.

**SUMMARY:** Pursuant to the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers (Corps), Huntington District will prepare an Environmental Impact Statement (EIS) to disclose potential impacts to the natural, physical, and human environment resulting from modifications to Dover Dam. This high hazard dam does not conform to current design standards related to stability and sliding during a probable maximum flood. Modifications will be performed so the Dam will meet these standards.

**DATES:** A public scoping meeting will be held on May 24, 2006 from 7-8:30 p.m.

**ADDRESSES:** Send written comments and suggestions concerning this proposed project to David M. Rieger, PD-R, U.S. Army Corps of Engineers, Huntington

District, 502 Eighth Street, Huntington, WV 25701-2070. Telephone: 304-399-5160. Electronic mail:

[david.m.rieger@1rh01.usace.army.mil](mailto:david.m.rieger@1rh01.usace.army.mil).

Requests to be placed on the mailing list should also be sent to this address.

**FOR FURTHER INFORMATION CONTACT:** Mr. Rodney Cremeans, U.S. Army Corps of Engineers, Huntington District, 502 Eighth Street, Huntington, WV 25701-2070. Telephone: (304) 399-5170. Electronic mail: [Rodney.G.Cremeans@1rh01.usace.army.mil](mailto:Rodney.G.Cremeans@1rh01.usace.army.mil).

**SUPPLEMENTARY INFORMATION:**

1. *Authority:* Investigation and justification of modifications for dam safety assurance to completed Corps of Engineers projects is authorized under Section 1203 of the Water Resources Development Act of 1986 (Pub. L. 99-662).

2. *Background:* a. Guidance for this study is provided in USACE Engineer Regulation 1110-2-1155 for modifying or developing new facilities, raising the dam and/or improving the stability of the dam to accommodate currently anticipated flood volumes.

b. The Corps evaluates structures such as Dover Dam periodically throughout their life. These evaluations are important for identifying trends in the aging process of the structure as well as offering an opportunity to consider developments in the design and weather forecasting sciences. Concerns for the stability of the dam have grown over the life of Dover Dam. Since the construction of the project in the 1930's, the maximum pool recorded was 907.4 (8.6 feet below the spillway crest) in January 2005. No significant problems have been encountered with the dam, however, inflow is very carefully monitored to ensure the safety of the public downstream of the dam.

c. The Corps will continue to manage stability concerns in the event of extreme flooding. However, recent flood events have highlighted the need to address on-going concerns and renew consideration of potential low-frequency extreme flood events.

d. The National Weather Service has published details of procedures and methods that are used to develop generalized estimates of Probably Maximum Precipitation (PMP), the greatest rainfall rates for specified durations that are theoretically possible for regions throughout the United States. These rainfall estimates are considered extreme, with a very low probability of occurrence. However, the worst-case storms associated with the PMP events, retain some probability of occurrence. These PMP events are used

to develop flood scenarios and guide design criteria for structures such as Dover Dam. The Corps has determined the dam may not safely accommodate flooding during these theoretical probable maximum flood (PMF) events.

e. In the event of a PMF, the pool behind Dover is estimated to reach or exceed elevation 940.5 msl. For context, the project will be completely overtopped at elevations above 931 msl, the current spillway elevation is 916 msl and the project was designed for flood waters reaching only 936.8 msl. The concrete gravity dam is also believed to be unstable against sliding under these conditions due to known faulting and uncertain foundation bedrock quality.

f. The EIS and Evaluation Report will consider the structural integrity of the dam, its ability to accommodate flood waters as well as transportation, noise, terrestrial, aquatic, economic, environmental justice and cultural resource issues associated with the performance of the dam. The EIS and Evaluation Report will recommend any modifications necessary to ensure the long-term safe performance of the structure as originally intended.

g. Modifications to meet current design standards could include raising the dam height, constructing an auxiliary spillway, modifying the existing spillway, constructing a stilling basin downstream of the dam, and anchoring the structure to prevent sliding.

3. **Public Participation:** a. The Corps of Engineers will conduct a public scoping meeting (see **DATES**) to gain input from interested agencies, organizations, and the general public concerning the content of the EIS, issues and impacts to be addressed in the EIS, and alternatives that should be analyzed. The meeting will be held at the McDonald/Marlite Conference Center, 143 McDonald Driver Southwest, New Philadelphia, OH. Phone: (330) 308-5009.

b. The Corps invites full public participation to promote open communication and better decision-making. All persons and organizations that have an interest in the Dover Dam Project or the Muskingum Watershed Conservancy District system of flood damage reduction and the environment are urged to participate in this NEPA evaluation process. Assistance will be provided upon request to anyone having difficulty with learning how to participate.

c. Public comments are welcomed anytime throughout the NEPA process. Formal opportunities for public participation include: (1) Public

meetings to be held near the community of Dover; (2) Anytime during the NEPA process via mail, telephone or e-mail; (3) During Review and Comment on the Draft EIS; and (4) Review of the Final EIS. Schedules and locations will be announced in local news media. Interested parties should submit contact information to be included on the mailing list for public distribution of meeting announcements and documents (See **ADDRESSES**).

4. **Schedule:** The Draft Environmental Impact Statement is scheduled to be released for public review and comment in September 2006. The Final Report and Final EIS are scheduled to be completed in March 2007.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

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## DEPARTMENT OF DEFENSE

### Department of the Navy

#### Notice of Availability of Government-Owned Inventions; Available for Licensing

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

**ACTION:** Notice.

**SUMMARY:** The Department of the Navy hereby gives notice of the availability of exclusive or partially exclusive licenses to practice worldwide under the following pending patents. Any license granted shall comply with 35 U.S.C. 209 and 37 CFR part 404. Applications will be evaluated utilizing the following criteria: Ability to manufacture and market the technology; manufacturing and marketing ability; time required to bring technology to market and production rate; royalties; technical capabilities; and small business status.

U.S. Patent application Serial Numbers 11/328,486 and PCT/US2006/00194 entitled, "*Method for the detection of stress biomarkers including cortisol by fluorescence polarization*" filed on January 4, 2006. The invention relates to a competitive a fluorescence method for estimating the concentration of stress biomarkers such as cortisol, melatonin and secretory IgA, in bodily fluids including serum, urine and oral fluids including saliva.

U.S. Patent application Serial Number 11/373,777 entitled "*Methods for Downregulating Expression of an HIV-1 Cofactor*" filed on March 10, 2006. The present invention relates to a method of inducing a decrease in HIV-1 susceptibility in CD4 T cells. The method contemplates the induction of

the HIV-1 decrease in susceptibility by treating CD4 T cells by blocking intracellular signaling via CTLA-4.

U.S. Patent application Serial Numbers 11/357,462 and PCT/US06/04620, entitled "*Diagnostic Assay for Orientia Tsutsugamushi by Detection of Responsive Gene Expression*" filed on February 9, 2005. The present invention relates to a method of diagnosing *Rickettsial* diseases by analysis of modulation of host gene expression. The method contemplates the use of microarray technology for the detection and analysis of gene up or down regulation in response to bacterial infection.

U.S. Patent application Serial Number 60/762,559 entitled "*Interim Dental Dressing and Restorative Material*" filed on January 25, 2006. The present invention relates to a restorative dental formulation for the temporary replacement of tooth structure and missing dental restorations. The invention also relates to the packaging of the dental formulation into single-use disposable containers for easy admixing of contents, easy and accurate determination of proper admixing of ingredients and easy and effective dispensing of restorative material.

U.S. Patent application Serial Number 60/781,407 entitled "*Method for the Detection of Target Molecules by Fluorescence Polarization Using Peptide Mimics*" filed on March 10, 2006. The invention relates to a competitive method measuring stress biomarkers including cortisol, melatonin and secretory IgA by fluorescence polarization, fluorescence life-time analysis or fluorescence resonance energy transfer. The method can be carried out using samples from a wide range of fluid samples including serum and oral fluids including saliva.

U.S. Patent application Serial Number 60/758,099 entitled "*Adhesin-Enterotoxin Chimera Based Composition Against Enterotoxigenic Escherichia Coli*" filed on January 11, 2006. The invention relates to a method of inducing an immune response against enterotoxigenic *Escherichia coli* using a chimera composed of bacterial fimbriae components and immunogenic bacterial toxins. The inventive composition contemplates *Escherichia coli* adhesin molecularly fused to diarrheagenic bacteria toxin yielding an adhesin-toxoid chimera.

**DATES:** Applications for a non-exclusive, exclusive or partially exclusive license may be submitted at any time from the date of this notice.

**ADDRESSES:** Submit application to the Office of Technology Transfer, Naval