

DEPARTMENT OF DEFENSE**Department of the Army****Availability of Non-Exclusive, Exclusive License or Partially Exclusive Licensing of U.S. Patent Concerning Polymerization of Aromatic Monomers Using Derivatives of Hematin****AGENCY:** Department of the Army, DoD.**ACTION:** Notice.

SUMMARY: In accordance with 37 CFR Part 404.6, announcement is made of the availability for licensing of U.S. Patent No. U.S. 7,479,329 entitled "Polymerization of Aromatic Monomers Using Derivatives of Hematin" issued January 20, 2009. This patent has been assigned to the United States Government as represented by the Secretary of the Army.

FOR FURTHER INFORMATION CONTACT: Mr. Jeffrey DiTullio at U.S. Army Soldier Systems Center, Kansas Street, Natick, MA 01760, Phone: (508) 233-4184 or E-mail: Jeffrey.Ditullio@natick.army.mil.

SUPPLEMENTARY INFORMATION: Any licenses granted shall comply with 35 U.S.C. 209 and 37 CFR Part 404.

Brenda S. Bowen,*Army Federal Register Liaison Officer.*

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BILLING CODE 3710-08-P

DEPARTMENT OF DEFENSE**Department of the Army; Corps of Engineers****The Release of the Draft Environmental Impact Statement (DEIS) and the Announcement of a Public Hearing for the Proposed Construction of the Western Wake Regional Wastewater Management Facilities, Which Includes Regional Wastewater Pumping, Conveyance, Treatment, and Discharge Facilities To Serve the Towns of Apex, Cary, Holly Springs and Morrisville, as Well as the Wake County Portion of Research Triangle Park (Service Area), NC****AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.**ACTION:** Notice.

SUMMARY: The U.S. Army Corps of Engineers (COE), Wilmington District, Regulatory Division has been reviewing the request for Department of the Army authorization, pursuant to Section 404 of the Clean Water Act from the Town of Cary, acting as the lead for the Western Wake Regional Wastewater

Management Facilities Project Partners (Western Wake Partners), to construct Regional Wastewater Management Facility. The proposed project consists of regional wastewater pumping, conveyance, treatment, and discharge facilities to serve the Towns of Apex, Cary, Holly Springs and Morrisville, as well as the Wake County portion of Research Triangle Park (RTP South), NC.

The project is being proposed by the Western Wake Partners to provide wastewater service for planned growth and development in the project service area and to comply with two regulatory mandates. One regulatory mandate has been issued by the North Carolina Environmental Management Commission (EMC), and the second regulatory mandate has been issued by the North Carolina Department of Environment and Natural Resources (NC DENR).

DATES: The Public Hearing will be held at the Town of Apex Town Hall, 73 Hunter Street, Apex North Carolina, on April 14, 2009 at 6 p.m. Written comments on the Draft EIS will be received until April 27, 2009.

ADDRESSES: Copies of comments and questions regarding the Draft EIS may be addressed to: U.S. Army Corps of Engineers, Wilmington District, Regulatory Division. ATTN: File Number 2005-20159, 69 Darlington Avenue, Wilmington, NC 28403. Copies of the Draft EIS can be reviewed on the Wilmington District Regulatory homepage at <http://www.saw.usace.army.mil/wetlands/projects/ww-wtp>, or contact Ms. Gwen Robinson, at (910) 251-4494, to receive written or CD copies of the Draft EIS.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and DEIS can be directed to Mr. Henry Wicker, Project Manager, Regulatory Division, telephone: (910) 251-4930.

SUPPLEMENTARY INFORMATION:

1. *Project Description.* The proposed project consists of regional wastewater pumping, conveyance, treatment, and discharge facilities to serve the Towns of Apex, Cary, Holly Springs and Morrisville, as well as RTP South (service area), NC. The purpose of the project is to provide wastewater service for planned growth and development in the project service area and to comply with two regulatory mandates. One regulatory mandate has been issued by the North Carolina Environmental Management Commission (EMC), and the second regulatory mandate has been issued by the North Carolina Department of Environment and Natural Resources (NC DENR).

Regulatory Mandate No. 1—Interbasin Transfer: The Towns of Apex, Cary, and Morrisville, as well as Research Triangle Park (RTP) South, obtain their drinking water from Jordan Lake in the Cape Fear River Basin and discharge treated effluent to locations in the Neuse River Basin. Obtaining water from one basin and discharging it to another river basin is referred to as an interbasin transfer (IBT), which requires a permit from the EMC. In July 2001, the EMC granted the Towns of Apex, Cary, and Morrisville, as well as Wake County (on behalf of RTP South), an IBT certificate to withdraw water from the Cape Fear River Basin and discharge the water to the Neuse River Basin. However, as a condition of approval, the IBT certificate issued by the EMC requires the local governments to return reclaimed water to the Cape Fear River Basin after 2010. As a result, the local governments have initiated activities to plan, permit, design, and construct wastewater transmission, treatment, and disposal facilities in order to comply with the terms and conditions of the IBT certificate issued by the EMC. The facilities that will be described and evaluated in the environmental impact statement (DEIS) are needed to comply with the IBT certificate terms and conditions.

Regulatory Mandate No. 2—Nutrient Enrichment for Harris Lake: The Town of Holly Springs currently has a wastewater treatment plant (WWTP) that discharges to Utley Creek, which is a tributary to Harris Lake in the Cape Fear River Basin. Representatives from NCDENR have directed the Town of Holly Springs to remove the Town's wastewater discharge from Utley Creek due to nutrient enrichment issues in Utley Creek and downstream in Harris Lake. In addition, NCDENR has encouraged Holly Springs to participate with Apex, Cary and Morrisville on a regional wastewater management program that will allow Holly Springs to remove the Town's discharge from Utley Creek after 2010. Thus, Holly Springs is participating with Apex, Cary and Morrisville in the planning, permitting, design and construction of regional effluent disposal facilities in order to comply with the mandate issued by NCDENR to remove its discharge from Utley Creek. The regional effluent disposal facilities that will be described and evaluated in the DEIS are needed to comply with the NCDENR mandate.

The proposed project was reviewed to address a number of issues which includes an alternatives analysis, direct environmental impacts, secondary and cumulative environmental impacts, environmental justice concerns,

endangered species, and potential project costs.

2. *Proposed Action.* The proposed action is to construct a regional wastewater pumping, conveyance, treatment, and discharge facility to serve the Towns of Apex, Cary, Holly Springs and Morrisville, as well as RTP South, North Carolina. The Towns have cooperated together to develop the proposal, and each town will be responsible for the permits for their part of the proposed project. It is anticipated there will be 4 permit requests to construct the whole project. Future request for Department of the Army authorization for other sections of the project will be submitted once the final plans have been completed.

This request for Department of the Army authorization consists of the construction of a regional wastewater system that includes the construction of influent conveyance facilities, a new water reclamation facility (WRF), and new effluent conveyance facilities in western Wake County and Chatham County, North Carolina to serve the Towns of Apex, Cary, and Morrisville and RTP South. The proposed WRF site is north of U.S. 1 and just south of Old U.S. 1 between New Hill-Holleman and Shearon Harris Roads. The WRF would be constructed in two phases to a proposed treatment capacity of 30-million gallons per day (mgd). The Town of Holly Springs Utley Creek Wastewater Treatment Plant (WWTP) has already been approved to expand to 6 MGD and will share the 38 MGD outfall to the Cape Fear River. The effluent line will leave the WRF in Wake County and enter Chatham County to the discharge point located on the Cape Fear River downstream of Buckhorn Dam in Chatham County.

As a result of the construction activities related to this permit request from Western Wake Partners, there will be temporary and permanent impacts to wetlands and streams. The total permanent impact of the proposed project is 509 of linear feet (lf) of stream (329 lf of perennial and 180 lf intermittent) and 1.8 acres of wetlands. The total temporary impact of the proposed project is 1,924 lf of stream (1,115 lf of perennial and 809 lf of intermittent) and 6.8 acres of wetlands. Most of these impacts are along the influent transmission lines.

3. *Alternatives.* An extensive alternatives analysis was performed and reviewed by the Project Delivery Team (PDT). This included the evaluation of wastewater management options; wastewater discharge options; WRF site alternatives; conveyance alternatives and wastewater outfall options. Many

alternatives were identified and evaluated through the scoping process, and further detailed description of all alternatives is disclosed in Section or Chapter 2 of the Draft EIS.

4. *Scoping Process.* A public scoping meeting was held on April 19, 2007 and a Project Delivery Team (PDT) was developed to provide input in the preparation of the EIS. The PDT was comprised of representatives from local, state, and federal government, the Western Wake Partners, Wake County, Chatham County, and the New Hill Community.

The COE coordinated closely with the North Carolina Division of Water Quality Construction Grants and Loans Section in the development of the EIS to ensure the process complies with State Environmental Policy Act (SEPA) requirements, as well as the NEPA requirements. The Draft EIS has been designed to consolidate both NEPA and SEPA processes to eliminate duplications.

Dated: March 4, 2009.

C. Scott McLendon,

Assistant Chief, Wilmington Regulatory District.

[FR Doc. E9-5563 Filed 3-12-09; 8:45 am]

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DEPARTMENT OF DEFENSE

Corps of Engineers

Department of the Army; Notice of Solicitation for Estuary Habitat Restoration Program

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

ACTION: Notice of solicitation for project applications.

SUMMARY: Congress has appropriated limited funds to the U.S. Army Corps of Engineers (Corps) for implementation of the Estuary Habitat Restoration Program as authorized in Section 104 of the Estuary Restoration Act of 2000, Title I of the Estuaries and Clean Waters Act of 2000 (Pub. L. 106-457) (accessible at <http://www.usace.army.mil/CECW/ERA/pages/Default.aspx>). On behalf of the Estuary Habitat Restoration Council (Council), the Corps is soliciting proposals for estuary habitat restoration projects. This document describes project criteria and evaluation criteria the Council will use to determine which projects to recommend. Recommended projects must provide ecosystem benefits, have scientific merit, be technically feasible, and be cost-effective. Proposals selected for Estuary Habitat Restoration Program funding

may be implemented in accordance with a cost-share agreement with the Corps, a cooperative agreement with the Corps, or a cooperative agreement with one of the other agencies represented on the Council, subject to availability of funds.

DATES: Proposals must be received on or before May 12, 2009.

ADDRESSES: Ms. Ellen Cummings, Headquarters, U.S. Army Corps of Engineers, Washington, DC 20314-1000.

FOR FURTHER INFORMATION CONTACT: Ms. Ellen Cummings, (202) 761-4750, e-mail: Ellen.M.Cummings@usace.army.mil.

SUPPLEMENTARY INFORMATION:

I. Introduction

Under the Estuary Habitat Restoration Program, the U.S. Army Corps of Engineers (Corps), Department of the Interior (acting through the U.S. Fish and Wildlife Service), National Oceanic and Atmospheric Administration, Environmental Protection Agency, and Department of Agriculture are authorized to carry out estuary habitat restoration projects. However, the Estuary Habitat Restoration Council (Council) is responsible for soliciting, reviewing and evaluating project proposals. The agencies may only fund projects on the prioritized list provided by the Council. The Estuary Habitat Restoration Strategy prepared by the Council contains introductory information about the program and provides the context in which projects will be evaluated and the program will be conducted. The Strategy was published in the **Federal Register** (67 FR 71942) on December 3, 2002. It is also accessible at <http://www.usace.army.mil/CECW/ERA/pages/Default.aspx> in PDF format.

An emphasis will be placed on achieving cost-effective restoration of ecosystems while promoting increased partnerships among agencies and between public and private sectors. Projects funded under this program will contribute to the Estuary Habitat Restoration Strategy goal of restoring 1,000,000 acres of estuary habitat.

For purposes of this program, *estuary* is defined as "a part of a river or stream or other body of water that has an unimpaired connection with the open sea and where the sea water is measurably diluted with fresh water from land drainage." Estuary also includes the " * * * near coastal waters and wetlands of the Great Lakes that are similar in form and function to estuaries * * *" For this program, estuary is considered to extend from the head of tide to the boundary with the open sea