

Date: March 15, 2005.

Time: 8 a.m. to 4 p.m.

Agenda: Healthcare Information Technology Standards.

Place: Hubert H. Humphrey Building, Room 800, 200 Independence Avenue, Washington, DC 20201.

Contact Person: Ms. Dana Haza, Director, Commission on Systemic Interoperability, National Library of Medicine, National Institutes of Health, Building 38, Room 2N21, Bethesda, MD 20894. (301) 594-7520.

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

In the interest of security, HHS has procedures for entrance into the building by non-government employees. Persons without a government I.D. will need to show a photo I.D. at the security desk upon entering the building.

Dated: January 28, 2005.

**Anna Snouffer,**

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05-2130 Filed 2-3-05; 8:45 am]

BILLING CODE 4140-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Prospective Grant of Exclusive License: Use of 3-deazaneplanocin A and Cyclopentenyl Cytosine for the Development of the Topical Treatment of Basal Cell Carcinoma and Resistant Herpes Simplex Virus Infections

**AGENCY:** National Institutes of Health, Public Health Service, HHS.

**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:

(1) U.S. Patent No. 4,968,690, issued Nov. 6, 1990, entitled "3-DEAZANEPLANOCIN A AND METHOD OF PREPARATION" (E-493-1985/0-US-02) (Inventors: Victor E. Marquez, John S. Driscoll, Mu-III Lim, Christopher K Tseng, Alberto Haces and Robert Glazer) (NCI), a continuation of prior application 867,583, filed May 27, 1986, now abandoned.

(2) U.S. Patent No. 4,975,434, issued Dec. 4, 1990, entitled "ANTIVIRAL AND ANTICANCER CYCLOPENTENYL CYTOSINE" (E-493-1985/1-US-01) (Inventors: Victor E. Marquez, John S.

Driscoll, Mu-III Lim, Christopher K Tseng, Alberto Haces and Robert Glazer) (NCI), a continuation of prior application 867,583, filed May 27, 1986, now abandoned to GRX

Pharmaceuticals (hereafter GRX), having a place of business in Marlboro, New Jersey. 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 April 5, 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: Sally Hu, Ph.D., M.B.A., Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852-3804; e-mail: [hus@od.nih.gov](mailto:hus@od.nih.gov); telephone: (301) 435-5606; Facsimile: (301) 402-0220.

**SUPPLEMENTARY INFORMATION:** The technology described in E-493-1985/0-US-02 relates to antiviral and cancer chemotherapy and, more particularly, to the compound 3-deazaneplanocin A and related compounds and a method of preparation thereof, as well as the methods of preparation of a great variety of unsaturated (cyclopentenyl) carbocyclic nucleosides.

The technology described in E-493-1985/1-US-01 relates to antiviral and cancer chemotherapy and, more particularly, to cyclopentenyl pyrimidines which can be used for antiviral and cancer chemotherapy, as well as to methods of preparation of these compounds.

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 field of use may be limited to the development of the topical treatment of basal cell carcinoma and resistant herpes simplex virus 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: January 21, 2005.

**Mark L. Rohrbaugh,**

Director, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 05-2126 Filed 2-3-05; 8:45 am]

BILLING CODE 4140-01-P

## DEPARTMENT OF HOMELAND SECURITY

### Construction and Operation of the National Biodefense Analysis and Countermeasures Center (NBACC) Facility by the Department of Homeland Security at Fort Detrick, Maryland: Record of Decision

**AGENCY:** Science and Technology Directorate, Department of Homeland Security.

**ACTION:** Notice.

**SUMMARY:** In keeping with the purposes of the National Environmental Policy Act (NEPA), the Department of Homeland Security (DHS), in cooperation with the United States Army Garrison, Fort Detrick, decided on January 26, 2005, after completion of the Final Environmental Impact Statement (FEIS) and a thorough consideration of public comments, to implement the Preferred Alternative in the FEIS. This action involves the construction and operation of the National Biodefense Analysis and Countermeasures Center Facility by DHS on a site adjacent to existing U.S. Army Medical Research Institute of Infectious Diseases facilities at Fort Detrick, Maryland. The notice of availability of the Draft Environmental Impact Statement is at 69 FR 56075 and the notice of intent to prepare an Environmental Impact Statement is at 69 FR 31830.

**ADDRESSES:** Copies of the Final EIS and this Record of Decision may be obtained by calling or mailing a request to: Dr. Kevin Anderson, Department of Homeland Security, 7435 New Technology Way, Suite A, Frederick, Maryland, 21703, by telephone (301) 846-2156, fax (301) 682-3662 or e-mail [kevin.anderson@dhs.gov](mailto:kevin.anderson@dhs.gov). The Final EIS and this Record of Decision are available at <http://www.detrick.army.mil/>.

**FOR FURTHER INFORMATION CONTACT:** Questions regarding the Final EIS or this Record of Decision can be submitted by calling or mailing them to Dr. Kevin Anderson at the above phone number or address.

**SUPPLEMENTARY INFORMATION:**

## Record of Decision

### Background

The Department of Homeland Security, DHS, and the United States Army Garrison, Fort Detrick (Cooperating Agency), have decided, after completion of the Final Environmental Impact Statement (FEIS) and a thorough consideration of public comments, to implement Alternative I (the Proposed Action), which was identified as the Preferred Alternative in the FEIS. This action involves the construction and operation of the National Biodefense Analysis and Countermeasures Center (NBACC) Facility by DHS on a site adjacent to existing U.S. Army Medical Research Institute of Infectious Diseases (USAMRIID) facilities at Fort Detrick, Maryland.

The Biological Threat Characterization Center (BTCC) and the National Bioforensics Analysis Center (NBFAC), both components of DHS, will occupy the NBACC Facility, which will contain Biosafety Level (BSL) 2, 3, and 4 laboratory and animal research facilities for conducting studies with disease-causing microbes which spread through the air or have an unknown cause. NBACC's biodefense mission is different from, but complementary to, those of USAMRIID and the National Institutes of Health (NIH) Integrated Research Facility (IRF), currently under construction at an adjoining site.

### Alternatives Considered

Two alternatives were identified and evaluated in detail in the FEIS. They are Alternative I, the Proposed Action, and, Alternative II, No Action. Implementation of the Proposed Action may result in negligible to minor adverse impacts to the physical, biological, and socioeconomic environment. In instances where unavoidable minor adverse environmental impacts are anticipated, mitigation measures to lessen the negative effects have been identified. Under the No-Action Alternative, DHS would not build the NBACC Facility, and the potential negligible to minor adverse impacts associated with the Proposed Action would not occur. Although the No-Action Alternative would be environmentally preferable, its implementation would not address the needs of DHS for BSL 3, and 4 laboratory and animal research facilities.

Three additional alternatives for construction and operation of the NBACC Facility by DHS were identified but rejected as unreasonable and, therefore, were not evaluated in detail

in the FEIS. These are: (1) Construction and Operation of the NBACC Facility by DHS at Another Location within Fort Detrick (Alternative III); (2) Construction and Operation of the NBACC Facility by DHS on an Existing Government-owned Property Outside Fort Detrick (Alternative IV); and (3) Construction and Operation of the NBACC Facility by DHS on a Currently Privately-owned Property Outside Fort Detrick (Alternative V). The rejected alternatives, along with the reasons for their elimination, are described below.

### Factors Involved in the Decision

It was determined that the Proposed Action best satisfies DHS's needs for BSL-3 and BSL-4 laboratory and animal facilities for BTCC research and for support of operations in NBFAC. It is in accord with Fort Detrick's Installation Master Plan and conforms to USAG's planning and environmental policies. The construction and operational phases of the project will have no significant, non-mitigable, adverse environmental impacts and will result in negligible to minor risks to health and safety of the public and the workforce.

The potential adverse impacts were deemed to be mitigable through compliance with existing regulatory requirements, application of Best Management Practices (BMPs), and adherence to construction contract requirements. DHS will incorporate operational and safety safeguards in the facility to protect laboratory workers and local residents from possible harmful health and safety effects related to the operation of the facility. Operation of the NBACC Facility will not adversely impact City of Frederick residents.

None of the other alternatives examined in the EIS, including the No-Action Alternative, would be better suited to the needs of DHS. Moreover, the Proposed Action allows DHS to address a critical national shortage in BSL-4 facilities and fits the critical characteristics for location in or near the National Capital area and co-location with existing BSL-3 and BSL-4 laboratories and associated existing specialized supporting infrastructure for biocontainment facility operations, including response and security services.

Although options to locate the NBACC Facility on an alternate site at Fort Detrick (Alternative III) were also considered during the scoping process for the EIS, this is not consistent with Fort Detrick land use planning. Moreover, in comparison to the Proposed Action, it would be more

distant from the existing USAMRIID facilities and the NIH IRF now under construction, and therefore, less favorable for utilization of existing infrastructure and for synergy among personnel of the three agencies.

Alternatives that would involve locating the NBACC Facility on a site outside of Fort Detrick, either on existing government-owned property (Alternative IV) or on currently privately-owned property (Alternative V) also were eliminated from detailed evaluation in the EIS during the scoping process. Those alternatives could require costly land acquisition and infrastructure development that could delay completion of the NBACC Facility by several years. Furthermore, it would be contrary to congressional intent for the building to be built outside Fort Detrick.

### Practicable Means To Avoid or Minimize Potential Environmental Harm from the Selected Alternative

All practicable means to avoid or minimize adverse environmental effects from the selected action have been identified and incorporated into the selected action. Pollution prevention measures incorporated in the selected action include:

- Reducing construction waste by recycling materials wherever possible;
- Applying BMPs during construction to minimize soil erosion and potential airborne particulate matter,
- Including new state-of-the-art energy efficient equipment in the facility to reduce the energy demand on Fort Detrick electrical systems;
- Rendering all contaminated or potentially contaminated medical waste noninfectious by a combination of chemical and physical (autoclaving) methods before disposal or transport off-site;
- Sterilizing laboratory wastewater within the laboratories and, secondarily, within the facility itself through chemical disinfection or steam sterilization methods before discharging wastewater into the Fort Detrick sanitary sewer system;
- Employing High Efficiency Particulate Air filters to capture small particles in laboratory exhaust air before venting the air to the outside; and
- Requiring that NBACC Facility activities comply with the DHS waste management policies, which emphasize source segregation, inactivation, source reduction, reuse, and recycling.

### Mitigation Measures, Monitoring and Enforcement

During the preparation of the FEIS several potential adverse environmental

impacts associated with implementation of the selected action were identified. These included land use (land disturbance), construction noise, transportation (traffic and parking), geology (potential sinkholes), surface water resources (sedimentation, stormwater management, water supply), plant and animal ecology (displacement of deer and/or bird species), air quality (fugitive dust during construction, increased pollutant emissions during operation, increased vehicular emissions), and pollution prevention/waste management (construction wastes and handling and disposal of waste generated during operation). These potential adverse impacts were deemed to be negligible to minor, and mitigable through compliance with existing regulatory requirements, application of BMPs, and adherence to construction contract requirements.

In addition, possible adverse health and safety impacts on laboratory workers in the NBACC Facility and on nearby residents during the operational phase of the project were evaluated. The risks were deemed to be negligible to minor, and mitigable through adherence to guidelines outlined in *Biosafety in Microbiological and Biomedical Laboratories*, a joint publication of the Centers for Disease Control and the NIH, as well as other standards for safe operational practices.

Since potential adverse impacts would be mitigated by compliance with existing regulatory requirements, application of BMPs, and adherence to construction contract requirements, existing regulatory reporting requirements and contract administration procedures will serve in lieu of a formal Monitoring and Enforcement Program.

### Conclusion

Based upon review and careful consideration of the impacts identified in the FEIS, results of various environmental and hazard assessment studies conducted in conjunction with the DEIS; public comments received throughout the National Environmental Policy Act process, including comments on the DEIS and comments received during the required 30-day waiting period for the FEIS, as well as other relevant factors, such as congressional intent, DHS and USAG, Fort Detrick, have decided to implement Alternative I, the Proposed Action, Construction and Operation of the NBACC Facility by DHS on a Site Adjacent to Existing USAMRIID Facilities at Fort Detrick, Maryland.

Dated: January 27, 2005.

**Maureen I. McCarthy,**

*Director, Research and Development, Science and Technology Directorate, Department of Homeland Security.*

[FR Doc. 05-2092 Filed 2-3-05; 8:45 am]

**BILLING CODE 4410-10-P**

## DEPARTMENT OF HOMELAND SECURITY

### Office of the Secretary

#### Privacy Act of 1974; Systems of Records

**AGENCY:** Department of Homeland Security.

**ACTION:** Notice of computer matching programs.

**SUMMARY:** In accordance with the Privacy Act of 1974, as amended by the Computer Matching and Privacy Protection Act of 1988, the Department of Homeland Security is giving notice of computer matching programs that its component agency, United States Citizenship and Immigration Services, will conduct with five state agencies.

**DATES:** Matching activities under the new agreements will be effective March 7, 2005, or 40 days after a report concerning the computer matching programs has been transmitted by the Department of Homeland Security to the Office of Management and Budget and transmitted to Congress with a copy of the agreements, whichever is later.

**FOR FURTHER INFORMATION CONTACT:** Nuala O'Connor Kelly, Chief Privacy Officer, Department of Homeland Security, Washington, DC 20528 by telephone (202) 772-9848 or facsimile (202) 772-5036.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

The Privacy Act, as amended by the Computer Matching and Privacy Protection Act of 1988, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State, or local government records. The Privacy Act requires Federal agencies involved in computer matching programs to:

(1) Negotiate written agreements with the other agency or agencies participating in the matching programs;

(2) Obtain the approval of the matching agreement(s) by the Data Integrity Board of the participating Federal agencies;

(3) Publish notice of the computer matching program(s) in the **Federal Register**;

(4) Furnish detailed reports about the matching programs to Congress and to the Office of Management and Budget (OMB);

(5) Notify applicants and beneficiaries that their records are subject to matching; and

(6) Verify match findings before reducing, suspending, terminating, or denying an individual's benefits of payments.

The Department of Homeland Security (DHS) has taken action to ensure that these requirements are met by the matching agreements at issue in this notice.

##### B. Legal Authority

The legal authority for the relevant disclosures in these matching operations is contained in Section 21 of the Immigration Reform and Control Act (IRCA) of 1986 (Pub. L. 99-603), as amended by the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) (Pub. L. 104-193). This statute requires United States Citizenship and Immigration Services (USCIS) to establish a system for the verification of immigration status of alien applicants for, or recipients of, certain types of benefits, and to make this system available to state agencies which administer such benefits.

##### C. The Matching Agreements

The matching agreements at issue in this notice involve information obtained from USCIS, which is the source agency. The information will be used by the recipient agencies to confirm the immigration status of alien applicants for, or recipients of, Federal benefits assistance under the "Systematic Alien Verification for Entitlements" (SAVE) Program. Specifically, the matching activities will permit the following eligibility determinations:

(1) The New York Department of Labor, New Jersey Department of Labor and Workforce Development, Massachusetts Division of Employment and Training, and the Texas Workforce Commission will be able to determine eligibility status for unemployment compensation;

(2) The California Department of Social Services will be able to determine eligibility status for the Temporary Assistance for Needy Families (TANF) Program, and the Food Stamps Program;

(3) The California State Department of Health Services will be able to determine eligibility status for the Medicaid Program.

Employing user identification codes and passwords, authorized persons from the state agencies listed above may electronically access the database of the