

**DEPARTMENT OF DEFENSE****Office of the Secretary****Strategic Environmental Research and Development Program, Scientific Advisory Board****AGENCY:** Department of Defense.**ACTION:** Notice open meeting.

**SUMMARY:** This Notice is published in accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463). The topic of the meeting on June 13-14, 2006 are to review new start and continuing research and development projects requesting Strategic Environmental Research and Development Program funds in excess of \$1M. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Scientific Advisory Board at the time and in the manner permitted by the Board.

**DATES:** June 13, 2006 from 8 a.m. to 12 p.m. and June 14, 2006 from 8 a.m. to 5 p.m.

**ADDRESSES:** Battelle Eastern Science and Technology Center, 1204 Technology Drive, Aberdeen, MD 21001.

**FOR FURTHER INFORMATION CONTACT:** Ms. Misa Jensen, SERDP Program Office, 901 North Stuart Street, Suite 303, Arlington, VA or by telephone at (703) 696-2126.

**C.R. Choate,***Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 06-4887 Filed 5-25-06; 8:45 am]

**BILLING CODE 5001-06-M****DEPARTMENT OF DEFENSE****Department of the Army****Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Application Concerning Wearable Tissue Viability Diagnostic Unit****AGENCY:** Department of the Army, DoD.**ACTION:** Notice.

**SUMMARY:** In accordance with 37 CFR 404.6 and 404.7, announcement is made of the availability for licensing of U.S. Patent Application No. 10/882,310 entitled "Wearable Tissue Viability Diagnostic Unit," filed July 2, 2004. Foreign rights also available (PCT/US04/021654). The United States Government, as represented by the Secretary of the Army, has rights in this invention.

**ADDRESSES:** Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR-ZA-J, 504 Scott Street, Fort Detrick, Frederick, MD 21702-5012.

**FOR FURTHER INFORMATION CONTACT:** For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619-7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619-6664, both at telefax (301) 619-5034.

**SUPPLEMENTARY INFORMATION:** A device for gathering image information about a region of tissue that has been exposed to a contrast agent and methods of use thereof. The device preferably includes night vision goggles, and an excitation source that generates light of a wavelength to activate the contrast agent. The excitation source preferably is attached to the night vision goggles and is capable of directing light to a target. A filter preferably is attached to the night vision goggles, wherein the filter passes light sufficient to form an image of the region of tissue, and wherein the image may be assessed to determine the viability of the region of tissue.

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

[FR Doc. 06-4880 Filed 5-25-06; 8:45 am]

**BILLING CODE 3710-08-M****DEPARTMENT OF DEFENSE****Department of the Army; Corps of Engineers****Notice of Availability of a Draft Integrated System Investment Plan and Programmatic Environmental Impact Statement for the Ohio River Mainstem System Study****AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.**ACTION:** Notice of availability.

**SUMMARY:** a. Pursuant to the National Environmental Policy Act (NEPA), the Great Lakes and Ohio River Division of the U.S. Army Corps of Engineers (Corps) is seeking comments on a draft System Investment Plan and Programmatic Environmental Impact Statement (SIP/PEIS) that evaluates alternative investment strategies for the maintenance of commercial navigation infrastructure along with the ecosystem sustainability needs on the Ohio River System for the next 60 years.

b. The primary purpose of the Ohio River Mainstem Systems Study (ORMSS) is to develop the best SIP for maintaining safe, environmentally

sustainable, and reliable navigation on the Ohio River over a 60-year period from 2010 to 2070. The study evaluated the operation and maintenance, rehabilitation, and construction reinvestment needs at the 19 navigation lock and dam sites on the Ohio River Mainstem. The study reports on five plans for meeting these needs based on five different traffic forecast scenarios. The future reliable operation of these structures is critical to the continued growth in commercial navigation throughout the Ohio River basin. In response to stakeholder input, the study purpose was modified to include the identification of measures to improve ecological sustainability to provide a balance between economic and environmental improvements.

c. In order to facilitate review, the Corps will be conducting six public meetings along the Ohio River to solicit comments on its proposed plan. (See **SUPPLEMENTARY INFORMATION** for dates, times and locations).

d. The Corps will be providing copies of the SIP/PEIS at numerous locations for review by the public. (See **SUPPLEMENTARY INFORMATION** for locations).

e. The review and comment period for this draft document will be 60 days.

**DATES:** Submit comments on or before July 25, 2006.

**ADDRESSES:** Send all written comments and queries concerning this draft report to Mr. Jeffrey Benedict, U.S. Army Corps of Engineers, Pittsburgh District, William S. Morehead Building, 1000 Liberty Avenue, Pittsburgh, PA 15222-4186. Telephone: (412) 395-7202. Electronic mail: [celrl-ormss@rl02.usace.army.mil](mailto:celrl-ormss@rl02.usace.army.mil). Fax: (412) 644-2673.

**FOR FURTHER INFORMATION CONTACT:** Mr. Veronica Rife, U.S. Army Corps of Engineers, Louisville District, 600 Dr. Martin Luther King, Jr. Place, Louisville, KY 40202. Telephone: (502) 315-6785. Electronic mail: [celrl-ormss@rl02.usace.army.mil](mailto:celrl-ormss@rl02.usace.army.mil).

**SUPPLEMENTARY INFORMATION:**

1. *Authority:* The proposed action is being conducted under the authority of United States Senate, Committee on Public Works resolution dated May 16, 1955; and United States House of Representatives, Committee on Public Works and Transportation resolution dated March 11, 1982.

2. *Background:* a. The ORMSS draft report is an integrated System Investment Plan (SIP) and Programmatic Environmental Impact Statement (PEIS). The PEIS is centered on a system-wide Cumulative Effects Assessment (CEA) and other studies that focused on

specific issues identified through the study scoping process.

b. A variety of stakeholders participated in the development of the study through forums as varied as public meetings and workshops with industry groups, environmental groups, and academia. The ORMSS study team has solicited input and shared work with interested stakeholders through various communication channels.

c. The major engineering and economic variables in developing a system investment plan for the mainstem locks are lock condition and traffic demand. Forecasts of both variables are uncertain giving rise to the need for a risk based analysis to insure that the study conclusions and recommendations cover the plausible range of future scenarios. Engineering reliability models were used to analyze lock component reliability and capture the uncertainty of lock performance while accommodating forecasted traffic demand. Multiple traffic forecasts were used to model river traffic. Five forecasts were developed for the study, each recognizing that the primary driver of river traffic is utility coal at 50–60% of system tonnage transported.

d. The with-project condition (WPC) is the plan that best addresses the stated planning objectives and addresses the problems and opportunities. The planning objectives were: Ensuring Future Navigability, Improving Navigation Efficiency, and Enhancing Environmental Sustainability. To achieve these objectives, the study team developed and evaluated alternative actions ranging from proactive maintenance and small scale improvements to large-scale construction reinvestments. Proactive maintenance occurs when lock components are replaced or a lock is rehabilitated in advance of component(s) failure. Small-scale improvements considered include floating buoys, permanent mooring cells near lock approach points, and other infrastructure or procedural opportunities. Large-scale reinvestments evaluated include chamber rehabilitations, construction of new larger lock chambers, and 600 extensions of some auxiliary lock chambers.

e. Two ecosystem sustainability alternatives were formulated for the WPC analysis to address long-term sustainability of aquatic and riparian ecological resources. The Moderate and Maximum Ecosystem Sustainability Related plans were developed based on expected costs, need for modified or additional authority, complexity, and several scientific, policy, funding and

timing uncertainties of various measures. A total of 26 ecosystem sustainability measures were evaluated; 12 specific types of measures in addition to the 14 from the Without Project Condition (WOPC). The Moderate plan included 19 of the measures and the Maximum Plan consists of all 26 measures.

f. The WOPC is the most likely condition expected to exist in the future in the absence of implementation of water resource project investment alternative(s). The future WOPC constitutes the benchmark against which alternative plans are evaluated. For this study, the WOPC was formulated as the least Federal cost plan providing viable navigation on the Ohio River Mainstem. The WOPC as developed is a reactive maintenance strategy for major lock components. This assumes that as a component fails, it is repaired in a timely fashion; however, no proactive maintenance is performed, i.e., components are not repaired or replaced in anticipation of failure.

g. The ORMSS draft SIP recommendations follow:

- Increase Operation and Maintenance (O&M) investments to maximize economic efficiency. Complete all authorized navigation improvements; Olmsted, JT Myers, McAlpine, Greenup, Lower Monongahela, Kentucky Lock and Chickamauga.

- Provide optimal funding for the Upper Ohio River Study currently underway in order for this project to be included in a WRDA in the FY 2010 time frame.

- Initiate main chamber rehabilitation studies for Meldahl, Hannibal, and Myers and complete by 2009. Initiation of design of these efforts should begin in 2010.

- Pursue planning and implementation of measures to improve environmental sustainability in collaboration with other interests.

- Initiate preparation of the Program Implementation Plan for the Ohio River Ecosystem Restoration Program.

- Incorporate all Reasonable and Prudent Measures into the Operation and Maintenance of the river.

- Complete work on the Markland gates as soon as possible. Funds provided in FY 2006 will initiate design and continued funding in FY 2007 and 2008 will construct the gates and place them in service.

- All detailed evaluation of site-specific impacts for follow on studies and other actions would be tiered from the SIP/PEIS.

- Initiate the Ohio River Basin Comprehensive Study in order to assess water resource opportunities throughout the basin in collaboration with other interests. Planning efforts should include identification and evaluation of opportunities to improve environmental sustainability throughout the basin including the tributaries.

- Establish a stand alone program (Ohio River Navigation System Investment Program) to update the data and models used in preparing the System Investment Plan. Expand the program capability to include the Ohio River dams and include tributary (Allegheny, Monogahela, Kanawha, Green, Tennessee and Cumberland Rivers) locks and dam structures to support navigation investment decisions and manage future system risk. Use these tools in annual budget formulation.

- Use the Ohio River Navigation System Investment Program to reexamine the medium and long term needs identified in the SIP to optimize investments on these projects.

- All detailed evaluation of site-specific impacts for follow on studies and other actions would be tiered from the SIP/PEIS.

- The System Investment Plan was not developed considering a constrained federal budget or considering the total Ohio River System. Follow on actions need to be conducted to analyze investment strategies with a constrained federal budget and expanded to include all navigation locks, dams and channels on the Ohio River and its navigable tributaries.

3. *Public Participation:* a. In order to facilitate review, the Corps will be conducting six public meetings along the Ohio River to solicit comments on this proposed plan. The meeting dates, times and locations are:

- June 19, 2006, Open Forum 6 p.m. to 7 p.m., Public Meeting 7 p.m. to 9 p.m., Community College of Beaver County, Allied Health Building Auditorium, One Campus Drive, Monaca, PA 15061.

- June 20, 2006, Open Forum 6 p.m. to 7 p.m., Public Meeting 7 p.m. to 9 p.m., Holiday Inn, 701 Pike Street, Marietta, OH 45750.

- June 21, 2006, Open Forum 6 p.m. to 7 p.m., Public Meeting 7 p.m. to 9 p.m., Big Sandy Superstore Arena, 3rd Ave. and 8th Street, Huntington, WV 25701.

- June 27, 2006, Opera Forum 6 p.m. to 7 p.m., Public Meeting 7 p.m. to 9 p.m., Banterra Bank—Large Conference Room, 101 West Eighth Street, Metropolis, IL 62960.

- June 28, 2006, Open Forum 6 p.m. to 7 p.m., Public Meeting 7 p.m. to 9 p.m. Victory Theater, 5th Floor Banquet Room, 600 Main Street, Evansville, IN 47708.

- June 29, 2006, Open Forum 6 p.m. to 6:30 p.m., Public Meeting 6:30 p.m. to 8:30 p.m., Kenton County Public Library—Large Meeting Room, 505 Scott Blvd., Covington, KY 41011.

b. The Corps will be providing copies of the SIP/PEIS at numerous locations for review by the public. All locations can be found on the Web at: <http://www.lrl.usace.army.mil/ORMSS/>, by e-mailing an inquiry to [celrl-ormss@lrl02.usace.army.mil](mailto:celrl-ormss@lrl02.usace.army.mil) or by calling Jane Ruhl at (502) 315-6862.

c. In addition, the public can download a copy of the document off the Web at: <http://www.lrl.usace.army.mil/ORMSS/>.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. 06-4884 Filed 5-25-06; 8:45am]

BILLING CODE 3710-GM-M

## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

#### Intent to Prepare a Draft Environmental Impact Statement for Residential, Commercial, and Marine Development Along the Gulf Intracoastal Waterway

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

**ACTION:** Notice of intent.

**SUMMARY:** The Mobile District, U.S. Army Corps of Engineers (Corps), intends to prepare a Draft Environmental Impact Statement (DEIS) to address the potential impacts associated with mixed-use waterfront development along the Gulf Intracoastal Waterway (GIWW) in Baldwin County, AL, specifically the stretch known as the "Foley Land Cut". The Corps will be evaluating 14 separate permit applications for the proposed work under the authority of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. The EIS will be used as a basis for ensuring compliance with the National Environmental Policy Act (NEPA).

**FOR FURTHER INFORMATION CONTACT:**

Questions about the proposed action and the DEIS should be addressed to Mr. Michael B. Moxey, Regulatory Division, phone (251) 694-3771 or e-mail at [michael.b.moxey@sam.usace.army.mil](mailto:michael.b.moxey@sam.usace.army.mil), or Dr. Susan Ivester Rees, Coastal Environment Team, phone (251) 694-

4141 or e-mail at [susan.i.rees@sam.usace.army.mil](mailto:susan.i.rees@sam.usace.army.mil), Mobile District, U.S. Army Corps of Engineers, P.O. Box 2288, Mobile, AL 36628-0001.

**SUPPLEMENTARY INFORMATION:**

1. The permit applications propose construction of 14 mixed-use developments along the GIWW consisting of the following: in excess of 5,644 condominium units, 1,780 wet boat slips, 1,822 dry boat storage spaces, various commercial establishments, support facilities, and various resort amenities. The projects will be located in South Baldwin County on 14 parcels of land, of which 13 parcels are located along the northern shore of the GIWW and are generally bounded to the north by Baldwin County Road 4. The only other parcel of land proposed for development is located on Oyster Bay to the south of the GIWW. The portions of the properties fronting the GIWW are expected to be used for water based developments and include marinas, ship stores, and associated infrastructure. The remaining portions of the properties are expected to accommodate mixed-use development and include condominium units, amenities such as pools, boardwalks, and restroom facilities, and light commercial outlets. Construction of the proposed projects will require excavation of or placement of fill in approximately 12.6 acres of adjacent wetlands, bulkheads for shore protection, and dredging of waterbottoms.

2. The "Foley Land Cut" (FLC) of the GIWW in Alabama extends from Wolf Bay in the east to Oyster Bay in the west. The authorization for the construction of this part of the GIWW was enacted in the Rivers and Harbors Act of July 3, 1930, as part of the Pensacola Bay to Mobile Bay segment of the GIWW. Easements for construction of the channel (9' x 100' at that time) were acquired in the 1932 time frame, and the FLC part of the Pensacola Bay to Mobile Bay GIWW segment was completed (constructed) in 1934. The FLC is approximately 10 miles long with the Corps holding easements fronting the majority of the FLC and maintains disposal areas for Federal channel maintenance dredging. The property fronting the FLC historically has been developed for light industrial use to support the commercial waterways users. However, the western end of the land cut near Oyster Bay supports single family residences on the southern shore and a condominium marina complex (100 wet boat slips) located on the north shoreline. The

majority of the FLC is now rezoned to marina resort from single residential family and/or light industrial use.

3. Alternatives to the applicants' proposals may exist which would reduce impacts to the GIWW and surrounding aquatic environment. These could include reducing the number of boat slips associated with each development, restricting the number of boat slips in particular areas along the GIWW, pursuing alternate site layouts that may have less impacts on the aquatic environment.

4. *Scoping:* a. The Corps invites full public participation to promote open communication on the issues surrounding the proposal. All Federal, State, and local agencies, and other persons or organizations that have an interest are urged to participate in the NEPA scoping process. Public meetings will be held to help identify significant issues and to receive public input and comment.

b. The DEIS will analyze the potential social, economic, and environmental impacts to the local area resulting from the proposed project and alternatives. Specifically, the following major issues will be analyzed in the DEIS: Hydrologic and hydraulic regimes, threatened and endangered species, essential fish habitat and other marine habitat, air quality, cultural resources, wastewater treatment capacities and discharges, drainage discharges, transportation systems, alternatives, secondary and cumulative impacts, socioeconomic impacts, environmental justice (effect on minorities and low-income groups) (Executive Order 12898), and protection of children (Executive Order 13045).

c. The Corps will serve as the lead Federal agency in the preparation of the DEIS. It is anticipated that the following agencies will be invited and will accept cooperating agency status for the preparation of the DEIS: U.S. Environmental Protection agency, U.S. Department of the Interior—Fish and Wildlife Service, U.S. Department of Commerce—National Marine Fisheries Service, U.S. Coast Guard, U.S. Department of Transportation, Federal Highway Administration, Alabama Department of Environmental Management, Alabama Department of Conservation and Natural Resources, Alabama Department of Transportation, and Alabama State Historic Preservation Officer, City of Gulf Shores, and the City of Orange Beach.

5. The first scoping meeting will be held in mid-June in Gulf Shores or Orange Beach, Alabama.