

permitting, TVA routinely has watershed water quality initiatives underway across the Valley. Additionally, TVA often plays a major role as stakeholder in overall watershed management through its participation in numerous local and regional organizations focusing on watershed and water quality issues. TVA continues to monitor water quality in its reservoirs and streams and systematically uses these data to target its management efforts.

In other agency comments, the TNSHPO concurred that applying the existing programmatic agreement for Tennessee reservoir land management plans would address the mitigation of any adverse effects resulting from implementation of the WBRLMP. Consequently, the TNSHPO had no objection to the implementation of the alternatives in the WBRLMP. TVA will prepare a program and maintenance plan for WBRLMP within two years of its adoption. ETDD found no conflicts with its plans and programs or those of other agencies.

#### Decision

On November 19, 2009, the TVA Board decided to adopt the WBRLMP as described in Alternative B, excluding the 184 acres impacted by the December 2008 coal ash spill at Kingston, Tennessee. Additionally, changes in allocation to recognize existing deeded landrights would be subject to approval by the TVA Board or its designee, pending the completion of an appropriate environmental review.

TVA believes that implementation of Alternative B not only responds to community development and recreational development needs on Watts Bar Reservoir, but also recognizes and preserves the aesthetic and sensitive resources that make the reservoir unique. Under Alternative B, TVA would set aside parcels containing sensitive resources and habitats in the Sensitive Resource Management and Natural Resource Conservation categories. For lands where TVA proposes to consider development proposals, TVA adopts commitments that would further minimize the potential for adverse impacts to the environment. These commitments are listed below.

#### Environmentally Preferable Alternative

The preferred alternative is Modified Alternative B, which provides suitable opportunities for economic development and the conservation of natural resources. However, the environmentally preferred alternative is Alternative C, which has the least

potential adverse impact on the environment of all the alternatives.

#### Environmental Commitments

TVA is adopting the following measures to minimize environmental impacts:

- All activities would be conducted in accordance with the stipulations defined in the programmatic agreement between TVA, the TNSHPO, and the Advisory Council on Historic Preservation.
- The construction of water use facilities and shoreline alterations within the marked limits of the safety landings and harbors would be prohibited.
- Requests for water use facilities on shoreline immediately upstream and downstream of the safety landings and harbors would continue to be reviewed to ensure that barge tows would have sufficient room to maneuver in and out of the safety landings and harbors without the risk of damaging private property.
- Because caves are extremely fragile and biologically significant, TVA has placed and would continue to maintain protective buffer zones around the known caves on TVA public land on Watts Bar Reservoir.
- As necessary and as practicable, visual buffers, between 50 feet and 100 feet wide, would be provided to screen timber harvest areas and commercial development from public thoroughfares and shorelines.
- Best management practices would be used on all soil-disturbing activities.
- Landscaping activities on developed properties would not include the use of plants listed as Rank 1, "Severe Threat," Rank 2, "Significant Threat," and Rank 3, "Lesser Threat," on the Tennessee Exotic Pest Plant Council's list of Invasive Exotic Pest Plants in Tennessee (see Appendix D, Table D-7 of the FEIS).
- Revegetation and erosion-control work would utilize seed mixes comprised of native species or noninvasive nonnative species (Appendix D, Table D-8 of the FEIS).
- If TVA were to develop facilities at any Zone 5 (Industrial) or Zone 2 (Project Operations) site, the following measures would be employed to minimize the potential for effects on federally listed species:
  1. TVA will consult with U.S. Fish and Wildlife Service (USFWS) in order to determine if the proposed action could affect listed mussels present in the area.
  2. Preconstruction mussel surveys would be conducted in all areas of the Clinch River (Watts Bar Reservoir) that

would be affected by construction and use of any future terminal-associated infrastructure (e.g., barge terminal, water intakes, or water outfalls).

3. Any listed mussels found during these surveys would be dealt with according to terms and conditions imposed as a result of the USFWS consultation process. These could consist of minimization or avoidance measures implemented during construction and operation or relocation of the mussels encountered if effects are unavoidable.

With the implementation of the above environmental protection measures, TVA has determined that adverse environmental impacts of future development proposals on the reservoir would be substantially reduced. Before taking actions that could result in adverse environmental effects or allowing such actions to occur on properties it controls, TVA would perform an appropriate site-specific environmental review to determine necessary mitigative measures or precautions. These protective measures represent all of the practicable measures to avoid or minimize environmental harm associated with the alternative adopted by the TVA Board.

Dated: February 1, 2010.

**Anda A. Ray,**

*Senior Vice President, Environment & Technology.*

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**BILLING CODE 8120-08-P**

## DEPARTMENT OF VETERANS AFFAIRS

### Notice of Intent To Grant an Exclusive License

**AGENCY:** Department of Veterans Affairs, Office of Research and Development.

**ACTION:** Notice of intent.

**SUMMARY:** Notice is hereby given that the Department of Veterans Affairs, Office of Research and Development, intends to grant to PsychoGenics, Inc., 765 Old Saw Mill River Road, Tarrytown, NY 10591 USA, an exclusive license to practice the following patent application: U.S. Patent Application Serial No. 11/713,156 filed February 28, 2007, entitled "Pharmacological Treatment of Parkinson's Disease."

**DATES:** Comments must be received within fifteen (15) days from the date of this published Notice.

**ADDRESSES:** Send comments to: Amy E. Centanni, Director of Technology Transfer, Department of Veterans Affairs; Office of Research and

Development 810 Vermont Avenue, NW., Washington, DC 20420, Attn: 12TT Telephone: (202) 461-1702; Facsimile: (202) 254-0460; e-mail: [amy.centanni@va.gov](mailto:amy.centanni@va.gov).

**FOR FURTHER INFORMATION CONTACT:**

Copies of the published patent applications may be obtained from the U.S. Patent and Trademark Office at <http://www.uspto.gov>.

**SUPPLEMENTARY INFORMATION:** It is in the public interest to so license these

inventions as PsychoGenics, Inc., submitted a complete and sufficient application for a license. 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 fifteen (15) days from the date of this published Notice, the Department of Veterans Affairs Office of Research and Development receives written

evidence and argument, which 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.

Dated: January 26, 2010.

**John R. Gingrich,**

*Chief of Staff, Department of Veterans Affairs.*

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**BILLING CODE P**