York District, 26 Federal Plaza, Room 2146, New York, NY 10278–0090

FOR FURTHER INFORMATION CONTACT: Bonnie Hulkower, Planning Division—Environmental Branch, at (212) 264–5798 or *bonnie.hulkower@usace.army.mil.*

SUPPLEMENTARY INFORMATION: The previous Notice of Intent, (69 FR 67711) published in the **Federal Register** on Friday, November 19, 2004, was sent out in error. This Notice of Availability officially begins a 45-day comment period. Please disregard the previous notice.

The purpose of this DEIS is to analyze significant issues and information relevant to environmental concerns regarding the proposed deepening and alternative actions at Athens, NY. The project is a modification to the Hudson River to Waterford project, authorized and directed by Section 110 of the Energy and Water Development Appropriations Act of 1997 (Pub. L. 104–206).

Deepening the Athens Navigation Channel to –24 ft MLW would allow safe and efficient passage of barges to commercial terminals along the waterfront at Athens. The plan entails deepening of the Athens Navigation Channel from its confluence with the Hudson Federal Channel north to the north dock at Union Street, Athens, NY. Currently, the barges entering the western portion of the Hudson River from the Federal Channel into the terminals at Athens cannot be fully loaded due to insufficient channel depth. The project also supports the Village of Athens Waterfront Revitalization Program.

Based upon information presently available, the USACE-New York District estimates that construction of the project to –24 ft MLW plus a 2-ft allowance for dredging tolerance would excavate approximately 935,000 cubic yards of clean unconsolidated sediments from the channel. The recommended plan is to beneficially use suitable dredge material to enhance or restore fisheries habitat and place the remaining excavated dredge material approximately 15 miles up river from Athens, on the southern portion of Houghtaling Island, the USACE maintenance dredge material placement site for projects in the Albany area.

The purpose of this DEIS is to analyze significant issues and information relevant to environmental concerns bearing on the proposed action or its anticipated impacts. The analysis indicates that short-term adverse environmental impacts, such as removal of benthic invertebrates in the dredged area, would be balanced by long-term beneficial impacts, such as contributions to the revitalization of the Athens waterfront.

Biological monitoring will be coordinated with the U.S. Fish and Wildlife, the National Marine Fisheries Service, and the New York State Department of Environmental Conservation. All activity associated with the project would be undertaken in a way to minimize adverse impacts to sensitive habitats and threatened and endangered species, and adjacent shorelines, as well as to minimize cumulative impacts.

A 404(b)(1) evaluation has been prepared for the project and is included in the DEIS. The proposed action and alternatives do not represent a significant threat of degradation to the aquatic environment, and are in compliance with the 404(b)(1) Guidelines.

A Public Scoping Meeting was held in May 2002 and the results were collected in a Public Scoping Document. Results from public and agency scoping coordination are addressed in the DEIS. Copies of the DEIS are also available at the Hudson Area Associated Library, 400 State Street, Hudson, NY 12534.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 04–26140 Filed 11–24–04; 8:45 am]

BILLING CODE 3710–06–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare an Environmental Impact Statement for the Chesapeake Bay Native Oyster Recovery Project, Maryland

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

ACTION: Notice of intent.

SUMMARY: In accordance with the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers (Corps), Baltimore District, is preparing a Draft Environmental Impact Statement (DEIS) for the upper Chesapeake Bay waters. This DEIS is a part of the 10 year plan for the Chesapeake Bay native oyster recovery project in cooperation with the Maryland Department of Natural Resources as the local sponsor. The feasibility study will include the final EIS.

ADDRESSES: Questions and comments about the meetings, feasibility study, and/or EIS can be addressed to Ms. Jean Kapusnick, Baltimore District, U.S. Army Corps of Engineers, ATTN: CENAB–PL–P, P.O. Box 1715, Baltimore, Maryland, 21203–1715. E-mail address: *jean.a.kapusnick@usace.army.mil.* Please include your name and address in your message.

The U.S. Army Corps of Engineers, Norfolk District will address activities in Virginia waters. Please contact Mr. Mark Mansfield, U.S. Army Corps of Engineers, 803 Front Street, Norfolk, VA 23510–1096. E-mail: *Mark.T.Mansfield@usace.army.mil.* Phone: 757–441–7500.

FOR FURTHER INFORMATION CONTACT: Ms. Jean Kapusnick, phone: (410) 962–4417 or (800) 295–1610.

SUPPLEMENTARY INFORMATION: Previously performed oyster restoration activities by the Baltimore District include the: creation of new oyster bars and rehabilitation of existing non-productive bars; construction of seed bars for production and collection of seed oysters or ''spat''; planting of hatchery-produced and seed bar spat on new and rehabilitated bars;a nd monitoring of implemented projects. The actions considered in the forthcoming oyster recovery study and DEIS may include those actions or other actions that are considered feasible to reach the projects restoration goals.

The decision to implement actions will be based on an evaluation of the probable impact of the proposed activities on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, will be balanced against its reasonablyt foreseeable costs and impacts. The Baltimore District is preparing a DEIS, which will describe the impacts of the proposed projects on environmental and cultural resources in the study area and on the overall public interest. The DEIS will be prepared in accordance with NEPA and will document all factors that may be relevant to the proposal, including the cumulative effects therof. Among these factors are habitat restoration, channel and erosion control, improvements to water quality, storm water management, conservation, economics, energy needs, general environmental concerns, fish and wildlife values, wetlands, historic and cultural values, navigation, shoreline erosion and accretion, flood hazards, flood plain values, land use, recreation, safety, food production, and, in general, the needs and welfare of the people. the work will not be accomplished unless it

is found to be in the public interests. If applicable, the DEIS will comply with the U.S. Environmental Protection Agency's Guidelines fo the Specification of Disposal Sites for Dredged or Fill Material issued under the authority of Seciton 404(b)(1) of the Clean Water Act of 1977 (Pub. L. 95–217).

Public involvement activities for the study will include coordination with interested private individuals and organizations, as well as with concerned Federal, state and local agencies. Coordination letters and newsletters will be sent to appropriate agencies, organizations, and individuals on an extensive mailing list. Additional public information will be provided through printed media, mailings, radio and television announcements. Public scoping meetings will be held in January 2005. Further information concerning dates and locations will be distributed at a later date.

In addition to the Corps, other participants that will be involved in the study and DEIS process include the following: Maryland Department of Natural Resources, National Oceanic and Atmospheric Administration (NOAA), EPA Region III, EPA Chesapeake Bay Program, U.S. Fish and Wildlife Service, national Marine Fisheries Service, Maryland Department of the Environment, Maryland Historical Trust, the Maryland Oyster Roundtable, and the oyster Recovery Partnership. The Baltimore District invites potentially affected Federal, State, and local agencies, and other organizations and entities to participate in this study.

The DEIS will be prepared in accordance with 91) The National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), and (3) USACE regulations implementing NEPA (ER–200–2–2).

Jean Kapusnick,

Study Manager.

[FR Doc. 04–26136 Filed 11–24–04; 8:45 am]

BILLING CODE 3710–41–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Grant of Partially Exclusive Licenses

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

ACTION: Notice.

SUMMARY: The Department of the Army, U.S. Army Corps of Engineers, announces the general availability of partially exclusive licenses under the following pending patents listed under **SUPPLEMENTARY INFORMATION.** Any license granted shall comply with 35 U.S.C. 209 and 37 CFR part 404.

DATES: Applications for an exclusive or partially exclusive license may be submitted at any time from the date of this notice. However, no exclusive or partially exclusive license shall be granted until February 24, 2005.

ADDRESSES: Humphreys Engineer Center Support Activity, Office of Counsel, 7701 Telegraph Road, Alexandria, VA 22315–3860.

FOR FURTHER INFORMATION CONTACT: Patricia L. Howland (703) 428–6672.

SUPPLEMENTARY INFORMATION: 1. *Title:* Corrosion-Resistant Structure Incorporating Zinc or Zinc-Alloy Plated Lead or Lead-Alloy Wires and Methods of Making Same. Structure incorporating lead is fabricated from specially prepared components such that mobility of the lead is impeded when the structure is exposed to an unprotected environment such as weathering outdoors or saltwater. In a preferred embodiment, a bullet or bullet core is swaged from a number of bunched electroplated fine lead or lead-alloy wires placed in a die. The lead or lead-alloy wires may be fabricated from lead or lead-alloy wool. The lead alloy may comprise zinc and antimony. The electroplating process plates zinc on the fine wires and may plate a zinc alloy such as zinc-aluminum. The plated surface may be coated with a corrosion resistant coating such as molybdenum phosphate. In addition to bullets and bullet cores, fishing weights, lead shielding, counterweights, ballast, and other lead containing structure may be fabricated or treated using methods and materials of the present invention.

Serial No.: 10/462,707.

Date: 6/17/2003.

2. *Title:* Deconvolution Technique Employing Hermite Functions. A procedure generates deconvolution algorithms by first solving a general convolution integral exactly. Results are transformed, yielding a linear relationship between actual (undistorted) and captured (distorted) data. Hermite functions and the Fourier-Hermite series represent the two data classes. It circumvents the need for solving incompatible systems of linear equations derived from ''numerically discretizing'' convolution integrals, *i.e.*, the convolution integral is not evaluated. It is executed by exploiting a mathematical coincidence that the most common Point spread Function (PSF) used to characterize a device is a Gaussian function that is also a Fourier-Hermite function of zero order. By expanding the undistorted data in a Fourier-Hermiteh series, the convolution integral becomes analytically integrable. It also avoids an inherent problem of dividing by decimal ''noisy data'' values in conventional ''combined deconvolution'' in that division is by a function of the PS parameters yielding divisors generally greater than one.

Serial No.: 10/658,285.

Date: 9/10/2003.

3. *Title:* Automated Resource Management System (ARMS™). The Automated Resource Management System (ARMS™) automates collection, integration, analysis, reporting and archiving of data in a variety of applications while insuring data accuracy and reliability not attainable conventionally. Applications include: environmental, safety, security, military, educational, emergency management, land use, fish and wildlife management, construction and maintenance of highways and waterways, mining, exploration, manufacturing, recreational management, urban restoration, and archaeological preservation. ARMS™ integrates a number of portable devices, employing digital technology and specialized software in these portable devices as well as analysis devices, such as PCs and servers. ARMS™ increases efficiency and reduces cost, while accurately and timely preserving and integrating information. It is useful for both post-processing and real-time reporting, analysis, and pro-active direction of ongoing investigations.

Serial No: 10/729,269.

Date: 12/8/2003.

4. *Title:* System Employing Wireless Means for Governing Operation of an Apparatus and Methods of use Therefor. A system employing principles of the present invention governs operation of an apparatus by an operator. An embodiment of the present invention comprises means for receiving at least one signal, portable means affixed to the operator for transmitting the signal, and means for inactivating or interrupting the operation of the apparatus should the operator be beyond a pre-specified distance from the controls of the apparatus. The means for inactivating communicates with both the means for receiving and the apparatus, while the means for transmitting sends the signal to the means for receiving during normal operation of the apparatus, *e.g.*, with the operator physically present. Without the presence of the signal,