

*Western New York Nuclear Service Center EIS*; in accordance with the Stipulation, Class B/C waste cannot be shipped off site until the entire closure EIS process has been completed; and DOE has acknowledged that additional NEPA documentation would be needed before West Valley waste could be shipped to Hanford. The Coalition also stated that it objects to the "counterfeit" version of the Stipulation DOE included in Appendix A of the WVDP WM EIS, as that version is not identical to the original version.

**DOE Response:** DOE has reviewed all comments received on the Draft WVDP WM EIS, including those from the Coalition and its members, and has addressed the comments in Appendix E of the Final WVDP WM EIS. DOE understands that it is the Coalition's position that the Stipulation does not allow disposal of Class B or C LLW until the *Decommissioning and/or Long-Term Stewardship at the WVDP and the Western New York Nuclear Service Center EIS* is completed. DOE agrees with the Coalition that a decision to dispose of WVDP LLW *on site* would be precluded by the Stipulation prior to completion of the Decommissioning EIS; however, DOE does not believe that the Stipulation was intended to preclude a decision to dispose of WVDP LLW *off site* prior to completion of that EIS. Moreover, DOE's waste management activities described in the WVDP WM EIS will not affect the range of reasonable alternatives available for decommissioning or LTS. Therefore, DOE concludes that its NEPA strategy does not constitute impermissible segmentation, and that the shipment of stored wastes off site for disposal has independent utility.

Chapter 5 of the WVDP WM EIS states that impacts at receiving sites, including the potential inventory of wastes to be shipped from WVDP, were analyzed in the WM Programmatic EIS (*Final Waste Management Programmatic Environmental Impact Statement for Managing, Treatment, Storage, and Disposal of Radioactive and Hazardous Waste*, DOE/EIS-0200-F). In addition, DOE added a statement to Chapter 5 in the Final WVDP WM EIS that future wastes generated by decommissioning and LTS are not known at this time and would be addressed under the *Decommissioning and/or Long-Term Stewardship at the WVDP and the Western New York Nuclear Service Center EIS*. DOE's responses to comments also stated that additional site-specific review as called for in the WM Programmatic EIS was in progress at Hanford. The Final Hanford Solid and Radioactive Waste EIS has since been

issued (January 2004) and analyzes waste from off-site generators, including WVDP.

DOE agrees with the Coalition that DOE should have identified the version of the Stipulation in Appendix A of the WVDP WM EIS as a reprint. However, the differences between that version and the original Stipulation are minor (such as spacing and punctuation) and did not change or affect the content of the text.

**State of Nevada Comment Summary:** The State's Division of Water Resources stated that applications for the use of the waters of the State pertaining to the proposed geologic repository at Yucca Mountain, Nevada, have been denied by the State Engineer, a ruling which has been appealed to the Federal District Court in Nevada.

**DOE Response:** The Final WVDP WM EIS stated, and DOE further states in this decision, that the WVDP immobilized HLW planned for disposal at Yucca Mountain will be stored onsite until a repository becomes available.

#### Decision

The WVDP Act (Pub. L. 96-368) mandates that DOE dispose of LLW and TRU waste generated by the HLW solidification project. To make progress in meeting its obligations under the Act, DOE has decided to implement partially Alternative A, the preferred alternative, for the management of WVDP LLW and MLLW that is currently in storage at the site or that will be generated at the site over the next ten years. Of the two action alternatives evaluated, Alternative A is the environmentally preferable action alternative, has the fewest transportation impacts, and the least radiological risk to workers and the public.

In accordance with all applicable regulatory requirements, including WVDP permit requirements, WAC and applicable agreements, and DOE Orders, DOE will ship LLW and MLLW off site for disposal at commercial sites (such as Envirocare, a commercial radioactive waste disposal site in Clive, Utah); at one or both of two DOE sites, the NTS in Mercury, Nevada, or the Hanford Site in Richland, Washington; or a combination of commercial and DOE sites, consistent with DOE's February 2000 decision regarding LLW and MLLW disposal.<sup>1</sup> This decision includes wastes DOE may determine in the future to be LLW or MLLW pursuant to a waste incidental to reprocessing by evaluation process. Disposal at Hanford would be subject to any of the WVDP LLW and MLLW (as well as all other off-site DOE waste) limits DOE has imposed upon non-Hanford waste receipts in its June 2004 decision regarding waste

management at the Hanford Site,<sup>2</sup> and contingent upon the resolution of ongoing Hanford litigation in which a preliminary injunction has been entered against shipping offsite LLW and MLLW to Hanford. During packaging, shipping, and managing WVDP waste at receiving facilities, DOE will continue to follow all practicable means to avoid or minimize environmental harm.

DOE will store the canisters of vitrified HLW at the WVDP site until they can be shipped to a geologic repository for the disposal of HLW. As stated in the Waste Management Programmatic Environmental Impact Statement Record of Decision, DOE plans to transfer the canisters to the geologic repository when the repository becomes available, which is contingent upon issuance of a license by the NRC to construct and operate the repository, and subject to the execution of a disposal contract between the DOE and the State of New York. DOE is deferring a decision on the disposal of WVDP TRU waste, pending a determination by the DOE that the waste meets all statutory and regulatory requirements for disposal at the WIPP.

Issued at Washington, DC, June 9, 2005.

**Charles E. Anderson,**

*Principal Deputy Assistant Secretary for Environmental Management.*

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#### DEPARTMENT OF ENERGY

##### Innovative American Technology, Inc.

**AGENCY:** Department of Energy, Office of the General Counsel.

**ACTION:** Notice of intent to grant exclusive patent license.

**SUMMARY:** Notice is hereby given to an intent to grant to Innovative American Technology, Inc. (IAT), of Boca Raton, Florida, an exclusive license to practice the inventions described in U.S. Patent No. 6,545,281, entitled "Pocked Surface Neutron Detector" and U.S. Patent No. 6,479,826 entitled "Coated Semiconductor for Neutron Detection". The inventions are owned by the United States of America, as represented by the U.S. Department of Energy (DOE).

**DATES:** Written comments or nonexclusive license applications are to be received at the address listed below no later than July 18, 2005.

**ADDRESSES:** Office of the Assistant General Counsel for Technology Transfer and Intellectual Property, U.S. Department of Energy, 1000 Independence Ave., SW., Washington, DC 20585.

**FOR FURTHER INFORMATION CONTACT:** John T. Lucas, Office of the Assistant General Counsel for Technology Transfer and Intellectual Property, U.S. Department of Energy, Forrestal Building, Room 6F-067, 1000 Independence Ave., SW., Washington, DC 20585; telephone (202) 586-2939.

**SUPPLEMENTARY INFORMATION:** 35 U.S.C. 209 provides federal agencies with authority to grant exclusive licenses in federally-owned inventions, if, among other things, the agency finds that the public will be served by the granting of the license. The statute requires that no exclusive license may be granted unless public notice of the intent to grant the license has been provided, and the agency has considered all comments received in response to that public notice, before the end of the comment period.

IAT, of Boca Raton, Florida has applied for an exclusive license to practice the inventions embodied in U.S. Patents Nos. 6,545,281 and 6,479,826 and has plans for commercialization of the inventions.

The exclusive license will be subject to a license and other rights retained by the U.S. Government, and other terms and conditions to be negotiated. DOE intends to negotiate to grant the license, unless, within 30 days of this notice, the Assistant General Counsel for Technology Transfer and Intellectual Property, Department of Energy, Washington, DC 20585, receives in writing any of the following, together with supporting documents:

(i) A statement from any person setting forth reason why it would not be in the best interests of the United States to grant the proposed license; or

(ii) An application for a nonexclusive license to the invention in which applicant states that if already has brought the invention to practical application or is likely to bring the invention to practical application expeditiously.

The Department will review all timely written responses to this notice, and will proceed with negotiating the license if, after consideration of written responses to this notice, a finding is made that the license is in the public interest.

Issued in Washington, DC on June 10, 2005.

**Paul A. Gottlieb,**

*Assistant General Counsel for Technology Transfer and Intellectual Property.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**Docket Nos. RP00-327-007 and RP00-604-007]**

### Columbia Gas Transmission Corporation; Notice Of Segmentation Report

June 9, 2005.

Take notice that on June 1, 2005, Columbia Gas Transmission Corporation (Columbia) tendered for filing its segmentation report reflecting all segmentation activity that transpired on its system during the first year the program was in place. Columbia states that it filed the segmentation report in compliance with an order issued July 19, 2002 (100 FERC ¶ 61,084 (2002), *order on reh'g and clarification*, 104 FERC ¶ 61,168 (2003)) in its Order No. 637 proceeding. Columbia further indicates that it is also providing a first-year report on its experience administering the secondary point priority allocation methodology.

Columbia states that it is considering the merger of the segmentation pool into the Rate Schedule IPP (Interruptible Paper Pool) in order to create one virtual pool on its system that will exist along with the physical pooling points provided under Rate Schedule AS (Aggregation Service). Columbia described the option for the merger and requested comment by all interested parties. Columbia further states that it is willing to hold a customer meeting to further explore the merger concept, to the extent adequate customer support exists to make such discussions worthwhile. Columbia also requests that the Commission accept its first-year report on segmentation and secondary point priority allocation.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed on or before the date as indicated below. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory

Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

*Protest Date:* 5 p.m. eastern time on June 21, 2005.

**Magalie R. Salas,**  
*Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket Nos. RP05-367-000 and CP00-6-013]**

### Gulfstream Natural Gas System, L.L.C.; Notice of Submission of Cost and Revenue Study

June 9, 2005.

Take notice that on May 27, 2005, Gulfstream Natural Gas System, L.L.C. (Gulfstream) tendered for filing a cost and revenue study for Phase I and Phase II of the Gulfstream project, pursuant to the Commission's April 28, 2000, and October 8, 2003, orders in Docket No. CP00-6-000, *et al.*

Gulfstream states that copies of the cost and revenue study were served on Gulfstream's customers and interested state commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene