

Dated: August 7, 2009.

**Lisa J. Lierheimer,**

Senior Permit Biologist, Branch of Permits,  
Division of Management Authority.

[FR Doc. E9-19579 Filed 8-14-09; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Modified Consent Decree Pursuant to the Clean Air Act

Notice is hereby given that on August 11, 2009, a proposed modified Consent Decree in *United States et al. v. Ohio Edison Co., et al.*, (S.D. Ohio), No. C2-99-1181, was lodged with the United States District Court for the Southern District of Ohio. The proposed modified Decree is incorporated within a Joint Motion to Modify Consent Decree with Order Modifying Consent Decree, filed the same day in the same court.

Under the proposed modified Consent Decree, Ohio Edison agrees to repower one of its coal-fired power plants—the R.E. Burger Generating Station Units 4 and 5 (“Burger”) near Shadyside, Ohio—using primarily renewable biomass fuel. The agreement, joined by the States of New York, Connecticut and New Jersey, modifies a 2005 consent decree requiring reductions in Ohio Edison’s emissions of sulfur dioxide (“SO<sub>2</sub>”) and nitrogen oxide (“NO<sub>x</sub>”). The modified decree will substantially reduce emissions of SO<sub>2</sub> and NO<sub>x</sub> from Burger’s current levels and significantly reduce net carbon dioxide emissions from current levels.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the modified Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States et al. v. Ohio Edison, et al.*, (S.D. Ohio), No. C2-99-1181, D.J. Ref. 90-5-2-1-06894. The modified Consent Decree may be examined at the Office of the United States Attorney, Southern District of Ohio, 280 North High Street, Fourth Floor, Columbus, Ohio 43215. During the public comment period, the modified Consent Decree may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/>

*Consent Decrees.html*. A copy of the modified Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S.

Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$2.50 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Maureen Katz,**

Deputy Chief, Environmental Enforcement Section.

[FR Doc. E9-19564 Filed 8-14-09; 8:45 am]

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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (09-072)]

### Notice of Intent To Grant Partially Exclusive License

**AGENCY:** National Aeronautics and Space Administration.

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

**SUMMARY:** This notice is issued in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i). NASA hereby gives notice of its intent to grant an exclusive license worldwide to practice the invention described and claimed in U.S. Patent No. 7,094,045, entitled “Microencapsulation System and Method”, U.S. Patent No. 7,295,309, entitled “Microparticle Analysis System and Method” to NuVue Therapeutics, Inc. (formerly known as Critical Care Innovations, Inc.), having its principal place of business in Fairfax, Virginia. The fields of use are for both clinical and veterinary applications in the production and applications of microcapsules and microencapsulation of all cyto-toxic anti-cancer drugs. Also included are externally-triggered microcapsules including the use of ultrasound and magnetic flux triggering technologies, in situ activation inside microcapsules, cell encapsulation, and urokinase and DNA measurement of metastasis for diagnostic testing. The patent rights in these inventions have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective partially exclusive license will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7.

**DATES:** The prospective partially exclusive license may be granted unless, within fifteen (15) days from the date of this published notice, NASA receives

written objections including evidence and argument that establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7. Competing applications completed and received by NASA within fifteen (15) days of the date of this published notice will also be treated as objections to the grant of the contemplated exclusive license.

Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

**ADDRESSES:** Objections relating to the prospective license may be submitted to Patent Counsel, Office of Chief Counsel, Mail Code AL, 2101 NASA Parkway, Houston, TX 77058, (281) 483-4871; (281) 483-6936 [Facsimile].

**FOR FURTHER INFORMATION CONTACT:** Theodore U. Ro, Patent Attorney, Office of Chief Counsel, Johnson Space Center, Mail Code AL, 2101 NASA Parkway, Houston, TX 77058, (281)244-7148; (281)483-6936 [Facsimile]. Information about other NASA inventions available for licensing can be found online at <http://technology.nasa.gov/>.

Dated: August 7, 2009.

**Richard W. Sherman,**

Deputy General Counsel.

[FR Doc. E9-19487 Filed 8-14-09; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No.: 70-1151; NRC-2009-0355; EA-08-244; License No.: SNM-1107]

### In the Matter of Westinghouse Electric Company LLC; Confirmatory Order (Effective Immediately)

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Westinghouse Electric Company LLC (WEC or Licensee) is the holder of Operating License No. SNM-1107 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR part 70. The license in effect at the time of the matters described below was most recently amended via Amendment 5, issued on April 10, 2009. The license authorizes the operation of WEC in accordance with the conditions specified therein. The facility is located on the Licensee’s site in Columbia, South Carolina.

This Confirmatory Order is the result of an agreement reached during an Alternative Dispute Resolution (ADR)