

STATEMENT OF CONSIDERATIONS

REQUEST BY URS GROUP (URS) FOR THE WAIVER OF U.S. AND FOREIGN RIGHTS IN AN IDENTIFIED INVENTION DOE DOCKET NUMBER S-116,616, MADE UNDER DOE CONTRACT NO. DE-FC2604NT42314, W(I)-2009-004, CH-1507

This waiver request is for domestic and foreign rights in the above identified invention pertaining to a wet flue gas desulfurization system additive for control of mercury re-emissions and enhanced removal of elemental mercury.

The dollar amount of the contract is \$518,997 of which \$381,145 is the Government's share. URS provided an additional \$16,190 to its share of \$137,852 to develop the invention. URS will incur all the costs of patenting the invention. URS will partner with the Electric Power Research Institute (EPRI) to further develop and commercialize the invention. EPRI has funded URS \$34,900 at DCAA audited rates to investigate commercially producing a technical grade of the invention.

URS Group has been in the business of providing air pollution control process technology to the US coal-fired electric power industry since 1969. URS derives less than 10% of its annual revenues from Government funding. Since 1993, URS and team member EPRI have invested several million dollars in research and development related to mercury control co-benefits by wet flue gas desulfurization.

As more development of the invention is needed to commercialize the invention, grant of this waiver provides the incentive for URS to commit the necessary funding. URS desires exclusive rights to the subject invention in all fields for the life of any allowed U.S. patents for the subject invention. URS agrees to grant to the Government a non-exclusive, non-transferable, irrevocable, paid up license to practice the invention throughout the world by or on behalf of the Government of the United States, and 'march-in rights', periodic reporting, and such Governmental rights in an instrument transferring rights to the invention as required by the terms of the cooperative agreement.

There should be little effect on competition and market concentration if the waiver is granted. There are at least seven competing additives for enhanced mercury control. At this point none of these is in a dominate position.

Considering the foregoing, it is believed that granting the waiver will allow URS to commercialize the invention in a manner which would make the benefits available to the public in the shortest practicable time. In addition, it would appear that grant of the waiver would not result in an adverse effect on competition nor result in excessive market concentration. Granting the waiver will not inhibit ongoing DOE programs. Therefore, it is recommended that the requested waiver, as set forth above, be granted.

Mark Dvorscak
Deputy Chief Counsel
Intellectual Property Law Division

Joy Alwan
Patent Attorney
Intellectual Property Law Division

Date:

Date:

Based on the foregoing Statement of Considerations and the representations in the attached waiver petition, it is determined that the United States and the general public will be best served by a waiver of rights of the scope described above, and therefore the waiver is granted.



James F. Wood
Deputy Assistant Secretary
Office of Clean Coal

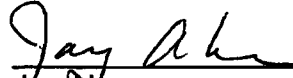



Paul A. Gottlieb
Assistant General Counsel
for Technology Transfer and
Intellectual Property

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Mark Dvorscak
Deputy Chief Counsel
Intellectual Property Law Division



Joy Swan
Patent Attorney
Intellectual Property Law
Division

Date: July 2, 2009

Date: 2 July 09

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Samuel J. Biondo
Director,
Office of Clean Coal
Energy Research
FE-22/FORS

Paul A. Gottlieb
Assistant General Counsel
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