

complex, and Suisun Marsh. The primary objectives to which ESA-listed salmonids and SDPS green sturgeon may be taken by Dr. Moyle are to determine the extent that native fishes use intertidal and subtidal shallow water and marsh (SWM) habitats in the northern arc of the SFE and to understand how fishes commonly inhabiting Suisun Marsh use the Sacramento River corridor to access SWM habitats that are not currently surveyed in Sherman Lake, Cache Slough and Lindsey Slough. Further, Dr. Moyle will model fish abundance and assembly using biophysical habitat data (including slough geomorphology, hydrology, and water quality) to guide restoration projects that will successfully support native fishes and discourage aliens.

Permit 17077 authorizes non-lethal take and low levels (not to exceed 20 percent, equivalent to one fish) of unintentional lethal take of adult and juvenile ESA-listed salmonids and both adult and juvenile SDPS green sturgeon. Permit 17077 does not authorize any intentional lethal take of ESA-listed salmonids or SDPS green sturgeon.

**Angela Somma,**

*Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2013-00139 Filed 1-7-13; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XC359**

#### Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Hydrographic Surveys

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; receipt of application for letter of authorization; request for comments and information.

**SUMMARY:** NMFS' Office of Protected Resources has received a request from the NOAA Office of Coast Survey (OCS) for authorization to take small numbers of marine mammals incidental to conducting hydrographic surveys, over the course of 5 years from the date of issuance. Pursuant to regulations implementing the Marine Mammal Protection Act (MMPA), NMFS is announcing receipt of OCS's request under the MMPA for the development and implementation of regulations

governing the incidental taking of marine mammals. We invite information, suggestions, and comments on OCS's application and request.

**DATES:** Comments and information must be received no later than February 7, 2013.

**ADDRESSES:** Comments on the application should be addressed to P. Michael Payne, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3225. The mailbox address for providing email comments is [ITP.Laws@noaa.gov](mailto:ITP.Laws@noaa.gov). We are not responsible for email comments sent to addresses other than the one provided here. Comments sent via email, including all attachments, must not exceed a 10-megabyte file size.

**FOR FURTHER INFORMATION CONTACT:** Ben Laws, Office of Protected Resources, NMFS, (301) 427-8401.

#### SUPPLEMENTARY INFORMATION:

##### Availability

An electronic copy of OCS's application may be obtained by visiting the Internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications>.

The OCS released a draft Environmental Assessment, prepared pursuant to requirements of the National Environmental Policy Act, for the conduct of their hydrographic surveys on June 20, 2012. A copy of the draft EA which would also support our proposed rulemaking under the MMPA, is also available at <http://www.nauticalcharts.noaa.gov/Legal/>.

##### Background

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce (Secretary) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) if certain findings are made and regulations are issued.

Incidental taking shall be allowed if NMFS finds that the taking will have a negligible impact on the species or stock(s) affected and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses, and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such taking are set forth.

NMFS has defined "negligible impact" in 50 CFR 216.103 as "an impact resulting from the specified

activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival." Except with respect to certain activities not pertinent here, the MMPA defines "harassment" as: "any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment]."

#### Summary of Request

On December 27, 2012, we received a complete and adequate application from OCS requesting authorization for take of marine mammals incidental to hydrographic surveys conducted by OCS. The requested governing regulations would be valid for 5 years from the date of issuance. OCS operates active acoustic devices that have the potential to disturb marine mammals, and operates throughout coastal waters of the U.S. Exclusive Economic Zone. During 2013-18, OCS plans to conduct surveys in all coastal waters of the U.S. except for those in the Caribbean and in Hawaii and other Pacific islands. Because the specified activities have the potential to take marine mammals present within the action areas, OCS requests authorization to take small numbers of multiple species or stocks of marine mammal.

#### Specified Activities

Hydrographic survey projects support OCS's mandated mission to provide reliable nautical charts and other products necessary for safe navigation, economic security, and environmental sustainability in U.S. coastal waters. OCS surveys approximately 3,000 square nautical miles of coastal waters each year, and proposes to continue the same level of activity. In order to conduct these surveys, OCS uses active acoustic devices, including some that may result in behavioral harassment of marine mammals. These include high-frequency single-beam and multibeam echosounders and side-scan sonars mounted on or towed behind vessels traveling at a slow speed.

A more detailed description of the hydrographic surveys conducted by OCS may be found in their application, which is available at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm>.

**Information Solicited**

Interested persons may submit information, suggestions, and comments concerning OCS's request (see **ADDRESSES**). We will consider all information, suggestions, and comments related to the request during the development of proposed regulations governing the incidental taking of marine mammals by OCS, if appropriate.

**Helen M. Golde,**

*Acting Director, Office of Protected Resources,  
National Marine Fisheries Service.*

[FR Doc. 2013-00135 Filed 1-7-13; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF DEFENSE****Department of the Navy****Notice of Availability of Government-Owned Inventions; Available for Licensing**

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Notice.

**SUMMARY:** The inventions listed below are assigned to the United States Government as represented by the Secretary of the Navy and are available for licensing by the Department of the Navy.

The following patents are available for licensing: Patent application 12/650,413: Finite State Machine Architecture for Software Development (a system for developing an application program having functionality that corresponds to a finite state machine model)//U.S. Patent No. 8,238,924: Real-Time Optimization of Allocation of Resources//U.S. Patent No. 7,685,207: Adaptive Web-Based Asset Control System.

**ADDRESSES:** Requests for copies of the patents cited should be directed to Office of Counsel, Naval Surface Warfare Center, Crane Div, Code OOL, Bldg 2, 300 Highway 361, Crane, IN 47522-5001.

**FOR FURTHER INFORMATION CONTACT:** Mr. Christopher Monsey, Naval Surface Warfare Center, Crane Div, Code OOL, Bldg 2, 300 Highway 361, Crane, IN 47522-5001, telephone (812) 854-4100.

**Authority:** 35 U.S.C. 207, 37 CFR part 404.

Dated: December 31, 2012.

**C. K. Chiappetta,**

*Lieutenant Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.*

[FR Doc. 2013-00066 Filed 1-7-13; 8:45 am]

**BILLING CODE 3810-FF-P**

**DEPARTMENT OF DEFENSE****Department of the Navy****Notice of Intent To Grant Exclusive Patent License; Allied Communications, LLC**

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Notice.

**SUMMARY:** The Department of the Navy hereby gives notice of its intent to grant to Allied Communications, LLC., a revocable, nonassignable, exclusive license to practice in the United States, the Government-owned inventions described in U.S. Patent No. 7,685,207: Adaptive Web-Based Asset Control System, Navy Case No. 83634, issued March 23, 2010//U.S. Patent application No. 12/650,413: Finite State Machine Architecture For Software Development, Navy Case No. 99,766, filed December 30, 2009//U.S. Patent No. 8,238,924: Real-Time Optimization of Allocation of Resources, Navy Case No. 99956, issued August 7, 2012.

**DATES:** Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than January 23, 2013.

**ADDRESSES:** Written objections are to be filed with Naval Surface Warfare Center, Crane Div, Code OOL, Bldg 2, 300 Highway 361, Crane, IN 47522-5001.

**FOR FURTHER INFORMATION CONTACT:** Mr. Christopher Monsey, Naval Surface Warfare Center, Crane Div, Code OOL, Bldg 2, 300 Highway 361, Crane, IN 47522-5001, telephone 812-854-4100.

**Authority:** 35 U.S.C. 207, 37 CFR part 404.

Dated: December 31, 2012.

**C. K. Chiappetta,**

*Lieutenant Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.*

[FR Doc. 2013-00068 Filed 1-7-13; 8:45 am]

**BILLING CODE 3810-FF-P**

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD****Second Extension of Hearing Record Closure Date**

**AGENCY:** Defense Nuclear Facilities Safety Board.

**ACTION:** Second extension of hearing record closure date.

**SUMMARY:** The Defense Nuclear Facilities Safety Board (Board) published a document in the **Federal Register** on August 15, 2012, (77 FR 48970), as amended, September 7, 2012,

(77 FR 55196). The publication concerned notice of a hearing and meeting on October 2, 2012, regarding safety-related aspects of the design and factors that could affect the timely execution of the Uranium Processing Facility (UPF) project at the Y-12 National Security Complex. The Board stated in the August 15, 2012, hearing notice that the hearing record would remain open until November 2, 2012, for the receipt of additional materials. The Board subsequently extended the hearing record closure date to January 2, 2013 (77 FR 65871).

**Extension of Time:** The Board now extends the period of time for which the hearing record will remain open to January 16, 2013, to further accommodate submission of answers to questions taken for the record during the course of the public hearing.

**Contact Person for Further Information:** Debra H. Richardson, Deputy General Manager, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW., Suite 700, Washington, DC 20004-2901, (800) 788-4016. This is a toll-free number.

Dated: January 2, 2013.

**Peter S. Winokur,**

*Chairman.*

[FR Doc. 2013-00096 Filed 1-7-13; 8:45 am]

**BILLING CODE 3670-01-P**

**DEPARTMENT OF EDUCATION****Privacy Act of 1974; System of Records—Evaluation of the Pell Grant Experiments Under the Experimental Sites Initiative—2012**

**AGENCY:** Institute of Education Sciences, Department of Education.

**ACTION:** Notice of a new system of records.

**SUMMARY:** In accordance with the Privacy Act of 1974, as amended (Privacy Act), the Department of Education (Department) publishes this notice of a new system of records entitled "Evaluation of the Pell Grant Experiments Under the Experimental Sites Initiative—2012" (18-13-31).

**DATES:** Submit your comments on this proposed new system of records on or before February 7, 2013.

The Department filed a report describing the new system of records covered by this notice with the Chair of the Senate Committee on Homeland Security and Governmental Affairs, the Chair of the House Committee on Oversight and Government Reform, and the Administrator of the Office of Information and Regulatory Affairs,