

communities. Inedible parts of the whale provide Native artisans with materials for cultural handicrafts, and the hunting itself perpetuates Native traditions by transmitting traditional skills and knowledge to younger generations (NOAA 2007). However, due to dramatic declines in the Cook Inlet beluga whale population, on May 21, 1999, a temporary moratorium on beluga whale harvest was established (Pub. L. 106–31, section 3022, 113 Statute (Stat.) 57,100) from 1999 until October 1, 2000. This moratorium was extended indefinitely on December 21, 2000 (Pub. L. 106–553, section 1(a)(2), 114 Stat. 2762). NMFS has entered into a co-management agreement for beluga whale subsistence harvest. Pursuant to that agreement, no hunt has been conducted since 2005 and on October 15, 2008, NMFS published a final rule establishing long-term limits on the maximum number of Cook Inlet beluga whales that may be taken by Alaska Natives for subsistence and handicraft purposes (73 FR 60976). These rules effectively state that no harvest will be conducted until 2012, at which time the possibility of a harvest will be re-evaluated based on beluga whale population trends.

With respect to the proposed action, Apache met with the Cook Inlet Marine Mammal Council (CIMMC)—a group of Native Alaskans with traditional subsistence hunting rights—on March 29, 2011, to discuss the proposed activities and discuss any subsistence concerns. In addition, Apache met with the Tyonek Native Corporation on November 9, 2010 and the Salamatof Native Corporation on November 22, 2010. During these meetings, no concerns were raised regarding potential conflict with subsistence harvest of marine mammals. Apache has identified the following features that are intended to reduce impacts to subsistence users:

- In-water seismic activities will follow mitigation procedures to minimize effects on the behavior of marine mammals and, therefore, opportunities for harvest by Alaska Native communities;
- Regional subsistence representatives may support recording marine mammal observations along with marine mammal biologists during the monitoring programs and will be provided with annual reports; and
- The size of the affected area, mitigation measures, and input from the CIMMC should result in the proposed action having no effect on the availability of marine mammals for subsistence uses.

NMFS anticipates that any harassment to marine mammals,

including Cook Inlet beluga whales, would be short-term, site specific, and limited to inconsequential changes in behavior and mild stress responses. NMFS does not anticipate that the authorized taking of affected species or stocks will result in changes in reproduction, survival, or longevity rates, impact population levels, or result in changes in distribution. Therefore, NMFS has preliminarily determined that the proposed regulations will not have an unmitigable adverse impact on the availability of marine mammal stocks for subsistence uses.

Endangered Species Act (ESA)

There are two marine mammal species listed as endangered under the ESA with confirmed or possible occurrence in the proposed project area: the Cook Inlet beluga whale and Steller sea lion. NMFS' Permits, Conservation and Education Division has initiated consultation with NMFS' Protected Resources Division under section 7 of the ESA on the issuance of an IHA to Apache under section 101(a)(5)(D) of the MMPA for this activity. Consultation will be concluded prior to a determination on the issuance of an IHA.

National Environmental Policy Act (NEPA)

NMFS is currently preparing an Environmental Assessment, pursuant to NEPA, to determine whether or not this proposed activity may have a significant effect on the human environment. This analysis will be completed prior to the issuance or denial of the IHA.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to authorize the take of marine mammals incidental to Apache's seismic survey in Cook Inlet, Alaska, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: September 15, 2011.

James H. Lecky,

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

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DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Government-Owned Invention; Available for Licensing

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The following invention is assigned to the United States Government as represented by the Secretary of the Navy and is made available for licensing by the Department of the Navy. U.S. Patent Application Serial Number 13/137521: Bulk HME Precursor Detection Kit.

ADDRESSES: Requests for copies of the Patent Application cited should be directed to the Naval Surface Warfare Center, Code CAB, 3824 Strauss Avenue, Indian Head, MD 20640–5152.

FOR FURTHER INFORMATION CONTACT: Dr. J. Scott Deiter, Head, Technology Transfer Office, Naval Surface Warfare Center Indian Head Division, Code CAB, 3824 Strauss Avenue, Indian Head, MD 20640–5152, telephone 301–744–6111.

Dated: September 13, 2011.

J. M. Beal,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2011–24182 Filed 9–20–11; 8:45 am]

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DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Partially Exclusive License; American Innovations, Inc.

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant American Innovations, Inc. a revocable, nonassignable, partially exclusive license, with exclusive fields of use in entry control points, route clearance, patrolling, site exploitation, cache finds, area surveillance, joint security stations/ combat outposts, raids, SPECOPS, K–9 support, training, in the United States to practice the Government-owned invention, U.S. Patent Application Serial Number 13/137521, filed August 24, 2011, entitled “Bulk Homemade Explosives (HME) Precursor Detection Kit.”

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than October 6, 2011.

ADDRESSES: Written objections are to be filed with the Indian Head Division, Naval Surface Warfare Center, Code OC4, Bldg. D–31, 3824 Strauss Avenue, Indian Head, MD 20640–5152.

FOR FURTHER INFORMATION CONTACT: Dr. J. Scott Deiter, Head, Technology