

Dated: March 6, 2009.

**Emily H. Menashes,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. E9-5170 Filed 3-6-09; 4:15 pm]

BILLING CODE 3510-22-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XN74

#### Incidental Take of Marine Mammals; Taking of Marine Mammals Incidental to Conducting Precision Strike Weapons Testing and Training by Eglin Air Force Base in the Gulf of Mexico

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

**ACTION:** Notice of issuance of a letter of authorization.

**SUMMARY:** In accordance with provisions of the Marine Mammal Protection Act (MMPA), as amended, notification is hereby given that a letter of authorization (LOA) to take four species of marine mammals, by harassment, incidental to testing and training during Precision Strike Weapons (PSW) tests in the Gulf of Mexico (GOM), a military readiness activity, has been issued to Eglin Air Force Base (AFB).

**DATES:** This authorization is effective from March 19, 2009, through March 18, 2010.

**ADDRESSES:** The application and LOA are available for review in the Permits, Conservation, and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 or by contacting the individual mentioned below.

**FOR FURTHER INFORMATION CONTACT:** Candace Nachman, NMFS, (301) 713-2289.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs NMFS 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) within a specified geographical region, if certain findings are made by NMFS and regulations are issued. Under the MMPA, the term “taking” means to harass, hunt, capture, or kill or to attempt to harass, hunt, capture or kill

marine mammals. The National Defense Authorization Act of 2004 (Public Law 108-136) removed the “small numbers” and “specified geographical region” limitations and amended the definition of “harassment” as it applies to a “military readiness activity” to read as follows (Section 3(18)(B) of the MMPA):

(i) any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild [Level A Harassment]; or (ii) any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered [Level B Harassment].

Authorization, in the form of annual LOAs, may be granted for periods up to five years if NMFS finds, after notification and opportunity for public comment, that the taking will have a negligible impact on the species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses. In addition, NMFS must prescribe regulations that include permissible methods of taking and other means effecting the least practicable adverse impact on the species and its habitat, and on the availability of the species for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance. The regulations must include requirements pertaining to the monitoring and reporting of such taking. Regulations governing the taking of marine mammals incidental to PSW testing and training within the Eglin Gulf Test and Training Range (EGTTR) in the GOM, were published on November 24, 2006 (71 FR 67810), and remain in effect from December 26, 2006, through December 27, 2011. The species that Eglin AFB may take during PSW testing and training are Atlantic bottlenose (*Tursiops truncatus*) and Atlantic spotted dolphins (*Stenella frontalis*) and dwarf (*Kogia simus*) and pygmy sperm whales (*Kogia breviceps*).

Issuance of the annual LOA to Eglin AFB is based on findings made in the preamble to the final rule that the total takings by this project would result in no more than a negligible impact on the affected marine mammal stocks or habitats and would not have an unmitigable adverse impact on subsistence uses of marine mammals. NMFS also finds that the applicant will meet the requirements contained in the implementing regulations and LOA, including monitoring and reporting requirements. Without any mitigation

measures, a small possibility exists for one bottlenose dolphin and one spotted dolphin to be exposed to blast levels from the PSW testing sufficient to cause mortality. Additionally, less than two cetaceans might be exposed to noise levels sufficient to induce Level A harassment (injury) annually, and as few as 31 or as many as 52 cetaceans (depending on the season and water depth) could potentially be exposed (annually) to noise levels sufficient to induce Level B harassment in the form of temporary (auditory) threshold shift (TTS).

While none of these impact estimates consider the proposed mitigation measures that will be employed by Eglin AFB to minimize potential impacts to protected species, NMFS has authorized Eglin AFB a total of one mortality, two takes by Level A harassment, and 53 takes by Level B harassment (TTS) annually. However, the proposed mitigation measures described in the final rule (71 FR 67810, November 24, 2006) and the LOA are anticipated to reduce potential impacts to marine mammals in both numbers and degree of severity. These measures include a conservative safety range for marine mammal exclusion; incorporation of aerial and shipboard survey monitoring efforts in the program both prior to and after detonation of explosives; and a prohibition on detonations whenever marine mammals are detected within the safety zone, may enter the safety zone at the time of detonation, or if weather and sea conditions preclude adequate aerial surveillance. This LOA may be renewed annually based on a review of the activity, completion of monitoring requirements, and receipt of reports required by the LOA.

#### Summary of Request

On December 12, 2008, NMFS received a request for an LOA renewal pursuant to the aforementioned regulations that would authorize, for a period not to exceed 1 year, take of marine mammals, by harassment, incidental to PSW testing and training in the GOM.

#### Summary of Activity and Monitoring Conducted During 2008

In 2008, two Joint Air-to-Surface Stand-Off Missile Jettison Test Vehicles (JTVs) were released into the GOM on April 3, 2008, and May 30, 2008. The JTVs were inert with no control surface deployment or engine start. Seek Eagle uses these items to test release aerodynamic performance of the weapon, launcher, and aircraft before permitting the release of the other two test vehicle configurations. The JTVs

were released approximately 20 mi off the coast of Cape Sand Blas. No marine mammals were seen during the boat sweep or at release. No evidence of injury or death to marine mammals was noted.

The Small Diameter Bomb (SDB) releases over the GOM for 2008 were as follows: two Guided Test Vehicle (GTV) releases on February 2, 2008, and March 21, 2008 and three Separation Test Vehicle (STV) releases on November 20, 2008, November 25, 2008, and December 8, 2008. The GTVs have an inert fuse. The warhead is filled with telemetry hardware and has no explosives. The STVs were also completely inert. For all SDB releases, no marine mammals were seen during the boat sweep or at release. No evidence of injury or death to marine mammals was noted.

#### Authorization

The U.S. Air Force complied with the requirements of the 2008 LOA, and NMFS has determined that there was no take of marine mammals by the U.S. Air Force in 2008. Accordingly, NMFS has issued an LOA to Eglin AFB authorizing the take by harassment of marine mammals incidental to PSW testing and training in the EGTTR in the GOM. Issuance of this LOA is based on findings described in the preamble to the final rule (71 FR 67810, November 24, 2006) and supported by information contained in Eglin's December, 2008 request for a new LOA that the activities described under this LOA will not result in more than the incidental harassment of certain marine mammal species and will have a negligible impact on the affected species or stocks. The provision requiring that the activity not have an unmitigable adverse impact on the availability of the affected species or stock for subsistence uses does not apply for this action.

Dated: March 4, 2009.

**Helen M. Golde,**

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

[FR Doc. E9-5079 Filed 3-9-09; 8:45 am]

**BILLING CODE 3510-22-S**

#### DEPARTMENT OF COMMERCE

##### Patent and Trademark Office

##### Submission for OMB Review; Comment Request

The United States Patent and Trademark Office (USPTO) will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information

under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Agency:* United States Patent and Trademark Office (USPTO).

*Title:* Public User ID Badging.

*Form Number(s):* PTO-2030, PTO-2224.

*Agency Approval Number:* 0651-0041.

*Type of Request:* Revision of a currently approved collection.

*Burden:* 1,045 hours annually.

*Number of Respondents:* 10,500 responses per year.

*Avg. Hours per Response:* The USPTO estimates that it will take the public approximately five to ten minutes (0.08 to 0.17 hours) to complete the information in this collection, including gathering the necessary information, preparing the appropriate form, and submitting the completed request.

*Needs and Uses:* The USPTO is required by 35 U.S.C. 41(I)(1) to maintain a Public Search Facility to provide patent and trademark collections for searching and retrieval of information. In order to manage the patent and trademark collections that are available to the public, the USPTO issues online access cards to customers who wish to use the electronic search systems at the Public Search Facility. Under the authority provided in 41 CFR part 102-81, the USPTO also issues security identification badges to members of the public who wish to use the facilities at the USPTO. The public uses this information collection to request an online access card or a security identification badge and to register for user training classes.

*Affected Public:* Individuals or households; businesses or other for-profits; and not-for-profit institutions.

*Frequency:* On occasion with annual renewals for online access cards and security identification badges.

*Respondent's Obligation:* Required to obtain or retain benefits.

*OMB Desk Officer:* Nicholas A. Fraser, e-mail:

*Nicholas\_A\_Fraser@omb.eop.gov.*

Once submitted, the request will be publicly available in electronic format through the Information Collection Review page at <http://www.reginfo.gov>. Paper copies can be obtained by:

- *E-mail:* [Susan.Fawcett@uspto.gov](mailto:Susan.Fawcett@uspto.gov).

Include "0651-0041 Public User ID Badging copy request" in the subject line of the message.

- *Fax:* 571-273-0112, marked to the attention of Susan K. Fawcett.

- *Mail:* Susan K. Fawcett, Records Officer, Office of the Chief Information Officer, Customer Information Services Group, Public Information Services Division, United States Patent and

Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Written comments and recommendations for the proposed information collection should be sent on or before April 9, 2009 to Nicholas A. Fraser, OMB Desk Officer, via e-mail at [Nicholas\\_A\\_Fraser@omb.eop.gov](mailto:Nicholas_A_Fraser@omb.eop.gov), or by fax to 202-395-5167, marked to the attention of Nicholas A. Fraser.

Dated: March 3, 2009.

**Susan K. Fawcett,**

*Records Officer, USPTO, Office of the Chief Information Officer, Customer Information Services Group, Public Information Services Division.*

[FR Doc. E9-5060 Filed 3-9-09; 8:45 am]

**BILLING CODE 3510-16-P**

#### DEPARTMENT OF DEFENSE

##### Department of the Navy

##### Notice of Intent to Grant Exclusive Patent License; Camtek Construction Products Corporation

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

**ACTION:** Notice.

**SUMMARY:** The Department of the Navy hereby gives notice of its intent to grant to Camtek Construction Products Corporation, a revocable, nonassignable, exclusive license to practice in the field of use of cleaning storm water for industrial markets in the United States and certain foreign countries, for the Government-owned invention described in U.S. Patent No. 7,160,465 and 7,025,887 and any continuations, divisionals or re-issues thereof.

**DATES:** Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than March 25, 2009.

**ADDRESSES:** Written objections are to be filed with the NAVFACESC, EV423, 1100 23rd Avenue, Port Hueneme, CA 93043-4370.

**FOR FURTHER INFORMATION CONTACT:** Kurt Buehler, Head, Technology Transfer Office, NAVFACESC, EV423, 1100 23rd Avenue, Port Hueneme, CA 93043-4370, *telephone:* 805-982-4897. Due to U.S. Postal delays, please *fax:* 805-982-4832, *e-mail:* [kurt.buehler@navy.mil](mailto:kurt.buehler@navy.mil) or use courier delivery to expedite response.

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