

The observer protocol will be to scan the area around vessels with binoculars of sufficient power. Range finding equipment will be supplied to observers in order to better estimate distances. Observers would collect data on the presence, distribution, and behavior of marine mammals relative to FEX activities as well as climatic conditions at the time of marine mammal sightings. Observations would be made on a nearly 24-hour basis.

#### Reporting

All monitoring data collected will be reported to NMFS on a weekly basis. FEX must provide a final report on 2006 activities to NMFS within 90 days of the completion of the activity. This report will provide dates and locations of all barge movements and other operational activities, weather conditions, dates and locations of any activities related to monitoring the effects on marine mammals, and the methods, results, and interpretation of all monitoring activities, including numbers of each species observed, location (distance) of animals relative to the barges, direction of movement of all individuals, and description of any observed changes or modifications in behavior.

#### ESA Consultation

The effects of oil and gas exploration activities in the U.S. Beaufort Sea on listed species, which includes the proposed activity, were analyzed as part of a consultation on oil and gas leasing and exploration activities in the Beaufort Sea, Alaska, and authorization of incidental takes under the MMPA. A biological opinion on these activities was issued on May 25, 2001. The only species listed under the ESA that might be affected during these activities are bowhead whales. The effects of this IHA on bowhead whales has been compared with the analysis contained in the 2001 biological opinion. NMFS has determined that the effects of the current activity are consistent with the findings of that biological opinion, and, accordingly, NMFS has issued an Incidental Take Statement under section 7 of the ESA.

#### National Environmental Policy Act (NEPA)

On February 5, 1999 (64 FR 5789), the Environmental Protection Agency (EPA) noted the availability of a Final Environmental Impact Statement (Final EIS) prepared by the U.S. Army Corps of Engineers under NEPA on Beaufort Sea oil and gas development at Northstar. NMFS was a cooperating agency on the preparation of the Draft and Final EISs, and subsequently, on

May 18, 2000, adopted the Corps' Final EIS as its own document. That Final EIS described impacts to marine mammals from Northstar construction activities, which included vessel traffic similar to the currently proposed action by FEX. Because the barging activity discussed in the Final EIS is not substantially different from the proposed action by FEX, and because no significant new scientific information or analyses have been developed in the past several years significant enough to warrant new NEPA documentation, no additional NEPA analysis is required.

#### Conclusions

NMFS has determined that the impact of conducting a short-term barging operation between West Dock, Prudhoe Bay and Cape Simpson or Point Lonely, in the U.S. Beaufort and associated activities will result, at worst, in a temporary modification in behavior by certain species of whales and pinnipeds. While behavioral modifications may be made by these species to avoid the resultant noise or visual cues from the barging operation, this behavioral change is expected to have a negligible impact on the annual rate of survival and recruitment of marine mammal stocks.

While the number of potential incidental harassment takes will depend on the year-to-year distribution and abundance of marine mammals in the area of operations, due to the distribution and abundance of marine mammals during the projected period of activity and the location of the proposed activity, the number of potential harassment takings is estimated to be small. In addition, no take by injury and/or death is anticipated, and there is no potential for temporary or permanent hearing impairment as a result of the activities. No rookeries, mating grounds, areas of concentrated feeding, or other areas of special significance for marine mammals occur within or near the relocation route.

The principal measures undertaken to ensure that the barging operation will not have an unmitigable adverse impact on subsistence activities is a CAA between FEX, the AEWC and the Whaling Captains Association, a Plan of Cooperation, and an operation schedule that will not permit barging operations during the traditional bowhead whaling season.

#### Determinations

NMFS has issued an IHA for the harassment of marine mammals incidental to FEX conducting a barging operation from West Dock, Prudhoe Bay Alaska, through the U.S. Beaufort Sea to

Cape Simpson or Point Lonely. This IHA is contingent upon incorporation of the previously mentioned mitigation, monitoring, and reporting requirements. NMFS has determined that this activity would result in the harassment of small numbers of bowhead whales, beluga whales, ringed seals, bearded seals and spotted seals; would have a negligible impact on these marine mammal stocks; and would not have an unmitigable adverse impact on the availability of marine mammal stocks for subsistence.

#### Authorization

NMFS has issued an IHA to FEX L.P. to take small numbers of marine mammals incidental to conducting a barging operation within the U.S. Beaufort Sea, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: July 28, 2006.

**James H. Lecky,**

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

[FR Doc. E6-12476 Filed 8-1-06; 8:45 am]

**BILLING CODE 3510-22-S**

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## DEPARTMENT OF DEFENSE

### Department of the Army

#### Availability of the Record of Decision for the Construction and the Operation of a Battle Area Complex and a Combined Arms Collective Training Facility Within U.S. Army Training Lands in Alaska

**AGENCY:** Department of the Army, DoD.  
**ACTION:** Notice.

**SUMMARY:** The Army announces the availability of its Record of Decision (ROD) for the construction and operation of a Battle Area Complex (BAX) and a Combined Arms Collective Training Facility (CACTF) within U.S. Army training lands in Alaska, and the execution of routine, joint military training at these locations. On June 14, 2006, the Army published a notice of availability of its Final Environmental Impact Statement (EIS) that considered the environmental consequences of the proposed action and alternatives. The ROD was signed in July 2006 and was prepared pursuant to the National Environmental Policy Act (NEPA). The ROD explains and finalizes the Army's decision to proceed with construction and operation of the BAX and CACTF at Eddy Drop Zone. This decision was based on the analysis described in the Final EIS, supporting studies, and comments provided during formal comment and review periods.

The decision also affirms the Army's commitment to implementing a series of mitigation and monitoring measures to offset potential adverse environmental impacts associated with the selected action, as identified in the Final EIS.

**FOR FURTHER INFORMATION CONTACT:** Major Kirk Gohlke, Public Affairs Officer, U.S. Army, Alaska, telephone: (907) 384-1542; facsimile: (907) 384-2060; e-mail: [kirk.gohle@richardson.army.mil](mailto:kirk.gohle@richardson.army.mil).

**SUPPLEMENTARY INFORMATION:** U.S. Army, Alaska (USARAK) will construct and operate two state-of-the-art, fully automated and instrumented combat training facilities. This involves the construction and operation of a BAX (rural environment) and CACTF (urban environment) at Eddy Drop Zone. The BAX will encompass approximately 2,872 acres and the CACTF will encompass 1,184 acres of land suitable for the construction and operation of these ranges. In addition, surface danger zones are required for both the BAX and CACTF.

The purpose of the action is to provide year-round, fully automated, comprehensive, and realistic training and range facilities, which, in combination, will support company (200 Soldiers) through battalion (800 Soldiers) combat team training events. The construction and operation of a BAX and CACTF at Eddy Drop Zone will support required higher levels of realistic combat in both urban and rural environments. Automated facilities will be used to provide timely feedback that is critical to effective training.

The BAX and CACTF will fully train Soldiers for war by maintaining unit readiness and availability in recognition of the threats facing our nation and the world today. The BAX will support company combat team live-fire operations on a fully automated rural maneuver range and will provide for joint combined arms team training with other Department of Defense organizations. The CACTF will support battalion combat team training and joint operations in an urban environment.

The ROD includes a description of environmental and cultural resource management, monitoring and mitigation programs.

The ROD and Final EIS are available at the following Web site: <http://www.usarak.army.mil/conservation>, or may be requested by contacting Major Kirk Gohlke (listed above).

**John M. Brown III,**

*Lieutenant General, USA, Commanding General, U.S. Army, Pacific.*

[FR Doc. 06-6639 Filed 8-1-06; 8:45 am]

**BILLING CODE 3710-08-M**

## DEPARTMENT OF DEFENSE

### Department of the Army

#### Intent To Grant an Exclusive License of a U.S. Government-Owned Patent

**AGENCY:** Department of the Army, DoD  
**ACTION:** Notice.

**SUMMARY:** In accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i), announcement is made of the intent to grant an exclusive, royalty-bearing, revocable license to U.S. provisional patent number 60/723,442 filed October 5, 2005 entitled "Small Molecule Inhibitors of Botulinum Neurotoxins," to Microbiotix, Inc. with its principal place of business at 1 Innovation Drive, STE 15, Worcester, Massachusetts 01605-4332.

**ADDRESSES:** Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR-JA, 504 Scott Street, Fort Detrick, Frederick, MD 21702-5012.

**FOR FURTHER INFORMATION CONTACT:** For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619-7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619-6664, both at telefax (301) 619-5034.

**SUPPLEMENTARY INFORMATION:** Anyone wishing to object to the grant of this license can file written objections along with supporting evidence, if any, 15 days from the date of this publication. Written objections are to be filed with the Command Judge Advocate, U.S. Army Medical Research and Materiel Command, 504 Scott Street, Fort Detrick, Frederick, MD 21702-5012.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. 06-6638 Filed 8-1-06; 8:45 am]

**BILLING CODE 3710-08-M**

## DEPARTMENT OF DEFENSE

### Department of the Army

#### Intent To Grant an Exclusive License for a U.S. Army Owned Invention to MadahCom, Inc.

**AGENCY:** Department of the Army, DoD.  
**ACTION:** Notice

**SUMMARY:** The Department of the Army announces that, unless there is an objection, after 15 days it will grant an exclusive license to MadahCom, Inc., a corporation having a place of business in Sarasota Florida, on "System And Method For Tactical Centralized Event

Warning/Notification For Individual Entities", by Paul Manz of PM Battle Command, disclosure docket number—CECOM 5531; "System And Method For Semi-Distributed Event Warning/Notification For Individual Entities" by Paul Manz of PM Battle Command, disclosure docket number—CECOM 5530; "System And Method For Tactical Distributed Event Warning/Notification For Individual Entities" by Paul Manz of PM Battle Command and Fernando Maymi of the U.S. Military Academy (USMA), disclosure docket number—CECOM 5532; and "System For Event Warning/Notification And Reporting For Individual Entities" by Paul Manz of PM Battle Command and Fernando Maymi of USMA disclosure docket number—CECOM 5533.

Any license granted shall comply with 35 U.S.C. 209 and 37 CFR Part 404.  
**DATES:** File written objections by August 17, 2006.

**FOR FURTHER INFORMATION CONTACT:** Mr. Timothy S. Ryan, Technology Transfer Program Manager, AMSRD-AAR-EMB, U.S. Army ARDEC, Picatinny Arsenal, NJ 07806-5000, e-mail: [tryan@pica.army.mil](mailto:tryan@pica.army.mil); (973) 724-7953.

**SUPPLEMENTARY INFORMATION:** Written objections must be filed within 15 days from publication date of this notice in the **Federal Register**. Any license granted shall comply with 35 U.S.C. 209 and 37 CFR Part 404.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. 06-6646 Filed 8-1-06; 8:45am]

**BILLING CODE 3710-08-M**

## DEPARTMENT OF EDUCATION

### Submission for OMB Review; Comment Request

**AGENCY:** Department of Education.  
**SUMMARY:** The IC Clearance Official, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before September 1, 2006.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Rachel Potter, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503 or faxed to (202) 395-6974.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of