

standards, and (2) develop usability test protocols for conformance testing of such standards. NIST may also examine relevant instructions, documentation and error messages, without doing any direct usability studies thereon.

Interested manufacturers should contact NIST at the address given above. NIST will supply a Letter of Understanding, which the manufacturer must execute and send back to NIST. NIST will then provide the manufacturer with shipping instructions for the manufacturer's equipment.

The equipment provided will be returned to the manufacturer after the NIST experiments, approximately one year from commencement of the experiments. Manufacturers should be aware that some of the testing could damage or destroy the equipment, although NIST expects only normal wear and tear associated with approximately 100 to 1,000 votes cast on the equipment by simulated voters. At the conclusion of the experiments, the equipment will be returned to the manufacturer in its post-testing condition. Neither NIST, nor the Election Assistance Commission, nor the Technical Guidelines Development Committee, will be responsible for the condition of the equipment when returned to the manufacturer. As a condition for participating in this program, each manufacturer must agree in advance to hold harmless all of these parties for the condition of the equipment.

Information acquired during the tests regarding potential usability problems will be reported to the respective manufacturer. Results for identifiable vendor equipment will not be released. Comparative information may be released in a blind manner. Performance standards benchmarks and conformance test procedures will be made publicly available.

Participating manufacturers should include or provide a technical tutorial on the setup and deployment of the equipment. NIST will pay all shipping costs, and there is no cost to the manufacturer for the testing. No modification to the equipment is permitted during the testing process.

Voting equipment used in the 2004 elections that will be accepted for the experiments includes Direct Recording Electronic, and Optical Scan systems used to cast and count votes as well as software used for ballot design and creation.

Dated: March 24, 2005.

**Hratch G. Semerjian,**

*Acting Director.*

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**BILLING CODE 3510-13-P**

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

#### Notice of Government Owned Inventions Available for Licensing

**AGENCY:** National Institute of Standards and Technology, Commerce.

**ACTION:** Notice of Government owned inventions available for licensing.

**SUMMARY:** The inventions listed below are owned in whole or in part by the U.S. Government, as represented by the Department of Commerce. The inventions are available for licensing in accordance with 35 U.S.C. 207 and 37 CFR part 404 to achieve expeditious commercialization of results of federally funded research and development.

**FOR FURTHER INFORMATION CONTACT:** Technical and licensing information on these inventions may be obtained by writing to: National Institute of Standards and Technology, Office of Technology Partnerships, Attn: Mary Clague, Building 820, Room 213, Gaithersburg, MD 20899. Information is also available via telephone: 301-975-4188, fax 301-869-2751, or e-mail: [mary.clague@nist.gov](mailto:mary.clague@nist.gov). Any request for information should include the NIST Docket number and title for the invention as indicated below.

**SUPPLEMENTARY INFORMATION:** NIST may enter into a Cooperative Research and Development Agreement ("CRADA") with the licensee to perform further research on the invention for purposes of commercialization. The inventions available for licensing are:

#### [NIST Docket Number: 01-022US]

*Title:* Miniature Frequency Standard Based on All-Optical Excitation and a Micromachined Containment Vessel.

*Abstract:* This invention is jointly owned by NIST and the University of Colorado. A microwave frequency standard is provided which allows for miniaturization down to length scales of order one micron, comprising a modulated light field originating from a laser that illuminates a collection of quantum absorbers contained in a micro-machined cell. The frequency standard of the present invention can be based on all-optical excitation techniques such as coherent population trapping (CPT) and stimulated Raman

scattering or on conventional microwave-excited designs. In a CPT-based embodiment, a photodetector detects a change in transmitted power through the cell and that is used to stabilize an external oscillator to correspond to the absorber's transition frequency by locking the laser modulation frequency to the transition frequency. In a stimulated Raman scattering (SRS) embodiment, a high-speed photodetector detects a laser field transmitted through the cell beating with a second field originating in the cell. Both the locked laser modulation frequency and the beat frequency are very stable as they are referenced directly to the atomic transition.

#### [NIST Docket Number: 02-002US]

*Title:* Low Cost Portable Refreshable Tactile Graphic Display.

*Abstract:* Pressure-based refreshable scanning tactile graphic display apparatus and methods are disclosed for localized sensory stimulation. The apparatus include a display array having stimulus points embedded in a matrix, an energy source applied at the stimulus points through a modulator, a control unit, and a position sensing and feedback unit or units (such as a mouse-type device or data glove, for example). The energy source is preferably stored and pressurized fluid with application to selected stimulus points (pins, for example) preferably directed at a microvalve array under the control of a computer-based control unit.

#### [NIST Docket Number: 03-006US]

*Title:* Optical Probes for Chemical and Biochemical Detection in Liquids.

*Abstract:* A class of optical sensors is provided for chemical and biochemical detection in liquids in which the sensing element is a low-loss optical resonator that requires or benefits from precision optical contacting in the fabrication process. Novel resonator designs can be created by contacting multiple components to form integral sensing elements with low-loss mechanically strong bonds between components. Stigmatic, weakly stigmatic and astigmatic Gaussian mode resonators and whispering gallery mode resonators are described which can be immersed in a liquid to detect chemical species through a change in optical properties. High-reflectivity coated surfaces are used to permit direct excitation of resonator modes by a propagating optical beam, while total internal reflection surfaces provide an evanescent wave for sampling the optical properties of the ambient medium. Resonators are described with vicinal input and output ports, which

facilitate the construction of compact, distal probes where input and output beams are introduced and accessed in close proximity.

**[NIST Docket Number: 03-009US]**

*Title:* Spectrally Tunable Solid-state Light Source.

*Abstract:* A radiometrically stable, spectrally tunable, solid-state source has been developed. The radiometric outputs of individually controlled, narrow bandwidth, solid-state sources with different spectral distributions are combined in an integrating sphere to approximate any desired spectral distribution. Utilizing a sufficient number of independent solid-state source channels, the source can be tuned to approximate the spectral distribution of any desired source distribution. A stable reference spectroradiometer that is integrated into the solid-state light source measures the spectral radiance and is used to adjust the output of the individual channels.

**[NIST Docket Number: 04-003US]**

*Title:* Controlled Vesicle Self-Assembly in Continuous Two Phase Flow Microfluidic Channels.

*Abstract:* It shows the formation of liposomes that encapsulate reagents in a continuous 2-phase flow planar microfluidic network with precision control of size, over the range of 100 nanometers to 300 nanometers, by control of liquid flow rates. By creating a solvent-aqueous interfacial region in a microfluidic format that is homogenous and controllable on the length scale of a liposome, the fine control of liposome size and polydispersity is facilitated.

Dated: March 25, 2005.

**Hratch G. Semerjian,**

*Acting Director.*

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**BILLING CODE 3510-13-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[I.D.032405D]

**Receipt of an Application for Incidental Take Permit (1528)**

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

**ACTION:** Notice of availability.

**SUMMARY:** NMFS has received an application for an incidental take permit (Permit) from the North Carolina Division of Marine Fisheries (NCDMF)

pursuant to the Endangered Species Act of 1973, as amended (ESA). As required by the ESA, NCDMF's application includes a conservation plan designed to minimize and mitigate any such take of endangered or threatened species. The Permit application is for the incidental take of ESA-listed adult and juvenile sea turtles associated with otherwise lawful commercial fall gill net fisheries for flounder operating in Pamlico Sound, NC. The duration of the proposed Permit is for 6 years. NMFS is furnishing this notice in order to allow other agencies and the public an opportunity to review and comment on this document. All comments received will become part of the public record and will be available for review.

**DATES:** Written comments from interested parties on the Permit application and Plan must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Eastern daylight time on May 2, 2005.

**ADDRESSES:** Written comments on this action should be addressed to Therese Conant, Marine Mammal and Turtle Division, NMFS Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD, 20910; or by fax (301) 427-2522, or by e-mail at: [NMFS.1528@noaa.gov](mailto:NMFS.1528@noaa.gov). The application is available for download and review at [http://www.nmfs.noaa.gov/prot\\_res/PR3/Permits/ESAPermit.html](http://www.nmfs.noaa.gov/prot_res/PR3/Permits/ESAPermit.html).

**FOR FURTHER INFORMATION CONTACT:**

Therese Conant (ph. 301-713-1401, fax 301-427-2522, e-mail [Therese.Conant@noaa.gov](mailto:Therese.Conant@noaa.gov)); Dennis Klemm (ph. 727-824-5312, fax 727-824-5309, e-mail [Dennis.Klemm@noaa.gov](mailto:Dennis.Klemm@noaa.gov)). Comments received will also be available for public inspection, by appointment, during normal business hours by calling 301-713-1401.

**SUPPLEMENTARY INFORMATION:** Section 9 of the ESA and Federal regulations prohibit the "taking" of a species listed as endangered or threatened. The term "take" is defined under the ESA to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. NMFS may issue permits, under limited circumstances, to take listed species incidental to, and not the purpose of, otherwise lawful activities. Section 10(a)(1)(B) of the ESA provides for authorizing incidental take of listed species. NMFS regulations governing permits for threatened and endangered species are promulgated at 50 CFR 222.307.

**Species Covered in this Notice**

The following species are included in the conservation plan and Permit application: Loggerhead (*Caretta caretta*), green (*Chelonia mydas*), leatherback (*Dermochelys coriacea*), hawksbill (*Eretmochelys imbricata*), and Kemp's ridley (*Lepidochelys kempii*) sea turtles.

**Background**

NMFS issued Permit #1259 to NCDMF (65 FR 65840, November 2, 2000), Permit #1348 (66 FR 51023, October 5, 2001), and Permit #1398 (67 FR 67150, November 4, 2002) for managing the sea turtle interactions in certain factions of the commercial fall gill net fisheries for flounder in the southeastern portion of Pamlico Sound. On March 22, 2005, NCDMF submitted an application to NMFS for a Permit (#1528) authorizing incidental take of ESA-listed sea turtles associated with the shallow water fishery for the 2005 through 2010 fall fishing seasons. This application includes endangered Kemp's ridley, leatherback, and hawksbill sea turtles and the threatened green and loggerhead sea turtles. This fishery targets flounder. The proposed implementation of this fishery will allow for the continued commercial harvest of this species. This fishery is estimated to have a value of over one million dollars per year. This fishery supports fishermen and the local economy.

**Conservation Plan**

The conservation plan prepared by NCDMF describes measures designed to monitor, minimize, and mitigate the incidental takes of ESA-listed sea turtles. The conservation plan includes managing the shallow water large and small mesh gill net fishery which operates from April through December in areas adjacent to the Outer Banks and mainland in Pamlico Sound. Seven gill net restricted areas (GNRAs) will be designated for the eastern Pamlico Sound and one GNRA in the western Pamlico Sound along the mainland in Hyde and Pamlico Counties.

The seven eastern GNRA's consist of waters extending out from the barrier islands to a depth of less than 20 feet (6.1 m). The seven GNRA's from south to north are as follows: (1) the area from Wainwright Island bound by Core Banks; (2) the area surrounding Ocracoke Inlet; (3) the area north of Ocracoke Inlet to just south of Hatteras Inlet; (4) the area surrounding Hatteras Inlet; (5) the area north of Hatteras inlet to Avon; (6) the area north of Avon to south of Oregon Inlet; and (7) the area surrounding Oregon Inlet.