

work is not likely to affect seals at both haul-outs simultaneously, based on location of the crew and barge. Further, although seals may initially flush into the water, based on previous disturbance studies and maintenance activity at the haul-outs, the DNR expects seals will quickly habituate to piling and structure removal operations. For these reasons no long term or permanent abandonment of the haul-out is anticipated. The proposed action is not anticipated to result in injury, serious injury, or mortality to any harbor seal. The DNR would not conduct habitat restoration operations during the pupping and molting season; therefore, no pups would be affected by the proposed action and no impacts to any seals would occur as a result of the specified activity during these sensitive time periods.

Based on the foregoing analysis, behavioral disturbance to pinnipeds in Woodard Bay would be of low intensity and limited duration. To ensure minimal disturbance, DNR would implement the mitigation measures described previously, which NMFS has preliminarily determined will serve as the means for effecting the least practicable adverse effect on marine mammal stocks or populations and their habitat. NMFS preliminarily finds that DNR's restoration activities would result in the incidental take of small numbers of marine mammals, and that the requested number of takes will have no more than a negligible impact on the affected species and stocks.

Impact on Availability of Affected Species for Taking for Subsistence Uses

There are no relevant subsistence uses of marine mammals implicated by this action Endangered Species Act (ESA).

There are no ESA-listed marine mammals found in the action area; therefore, no consultation under the ESA is required.

National Environmental Policy Act (NEPA)

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), as implemented by the regulations published by the Council on Environmental Quality (40 CFR parts 1500–1508), and NOAA Administrative Order 216–6, NMFS prepared an Environmental Assessment (EA) to consider the direct, indirect and cumulative effects to the human environment resulting from issuance of an IHA to DNR. NMFS signed a Finding of No Significant Impact on October 27, 2010. NMFS has reviewed the proposed application and preliminarily determined that there are no substantial changes to the proposed action or new environmental impacts or concerns. Therefore, NMFS has determined that a new or supplemental EA or Environmental Impact Statement is likely unnecessary. Before making a final determination in this regard, NMFS will review public comments and information submitted by the public and others in response to this notice. The EA referenced above is available for review at <http://www.nmfs.noaa.gov/pr/permits/incidental.htm>.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to

authorize the take of marine mammals incidental to DNR's restoration activities, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: September 2, 2011.

Helen M. Golde,

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

[FR Doc. 2011–23164 Filed 9–9–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 11–14]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 11–14 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: September 6, 2011.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.



DEFENSE SECURITY COOPERATION AGENCY
 201 12TH STREET SOUTH, STE 203
 ARLINGTON, VA 22202-5408

The Honorable John A. Boehner
 Speaker of the House
 U.S. House of Representatives
 Washington, DC 20515

AUG 14 2011

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 11-14, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Peru for defense articles and services estimated to cost \$50 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

William E. Landay III
 Vice Admiral, USN
 Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Statement of Technology



Transmittal No. 11-14

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

- (i) *Prospective Purchaser:* Peru
- (ii) *Total Estimated Value:*

Major Defense Equipment *	\$ 0 million
Other	\$ 50 million

TOTAL \$ 50 million

* as defined in Section 47(6) of the Arms Export Control Act.

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* 4 each MK57 MOD 10 NATO SEASPARROW Surface Missile Systems (NSSMS) without RIM-7 missiles, MK57 Installation and Check Out (INCO) kits, spare and repair parts, support and test equipment, publications and technical documentation, personnel training, U.S. Government and contractor engineering, technical and logistics support services, and other related elements of logistical and program support.
 (iv) *Military Department:* Navy (LBC)
 (v) *Prior Related Cases, if any:* None.

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None.
 (vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Annex attached.
 (viii) *Date Report Delivered to Congress:* August 24, 2011.

POLICY JUSTIFICATION

Peru—NATO SEASPARROW Surface Missile Systems

The Government of Peru has requested a possible sale of four (4) each MK57 MOD 10

NATO SEASPARROW Surface Missile Systems (NSSMS) without RIM-7 missiles, MK57 Installation and Check Out (INCO) Kits, spare and repair parts, support and test equipment, publications and technical documentation, personnel training, U.S. Government (USG) and contractor engineering, technical and logistics support services, and other related elements of logistical and program support. The estimated cost is \$50 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of Peru which has been, and continues to be, an important force for political stability and economic progress in South America.

The proposed sale will improve Peru's capability to meet current and future threats of enemy anti-ship weapons. Peru will use the enhanced capability of the MK57 MOD 10 NSSMS on its four LUPO class (aka Aguirre) Class frigates purchased from Italy in 2004. The frigates have MK57 MOD 2 NATO SEASPARROW Systems modified to fire the ASPIDE air defense missile. The systems retain the ability to fire the RIM-7 SEASPARROW missile, and Peru intends to move from the ASPIDE missile to the RIM-7 SEASPARROW in a future purchase. Peru, which already has MK 57 Missile Systems, will have no difficulty absorbing these additional systems into its inventory.

The proposed sale of this equipment will not alter the basic military balance in the region.

The prime contractors will be Raytheon Technical Service Company in Norfolk, VA and Raytheon Integrated Defense Systems in Portsmouth, RI. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Peru.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 11-14

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The sale of the MK 57 Mod 10 NSSMS under this proposed sale will result in the transfer of sensitive technological information to Peru. Both classified and unclassified defense equipment will be involved. Specifically, the MK 73 Mod 3 Solid State Transmitter is Secret and contains sensitive technology.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the

development of a system with similar or advanced capabilities.

[FR Doc. 2011-23181 Filed 9-9-11; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF EDUCATION

RIN 1894-AA01

[Docket ID ED-2011-OS-0008]

Race to the Top Fund Phase 3

AGENCY: Department of Education.

ACTION: Notice of proposed requirements.

SUMMARY: The Secretary of Education (Secretary) proposes requirements for Phase 3 of the Race to the Top program. In this phase the Department would make awards to States that were finalists but did not receive funding under the Race to the Top Fund Phase 2 competition held in fiscal year (FY) 2010. We take this action to specify the information and assurances that applicants must provide in order to receive funding under the Race to the Top Fund Phase 3 award process.

DATES: We must receive your comments on or before October 12, 2011.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments by fax or by e-mail. Please submit your comments only one time in order to ensure that we do not receive duplicate copies. In addition, please include the Docket ID and the term "Race to the Top Fund Phase 3 Awards" at the top of your comments.

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> to submit your comments electronically. Information on using Regulations.gov, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under "How To Use This Site."

- *Postal Mail, Commercial Delivery, or Hand Delivery.* If you mail or deliver your comments about these proposed requirements, address them to the Implementation and Support Unit (*Attention:* Race to the Top Fund Phase 3 Comments), U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202-6200.

- *Privacy Note:* The Department's policy for comments received from members of the public (including those comments submitted by mail, commercial delivery, or hand delivery) is to make these submissions available for public viewing in their entirety on

the Federal eRulemaking Portal at <http://www.regulations.gov>. Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available on the Internet.

FOR FURTHER INFORMATION CONTACT:

Meredith Farace, Implementation and Support Unit, 400 Maryland Avenue, SW., Washington, DC 20202-6200. Telephone: (202) 401-8368 or by e-mail: phase3comments@ed.gov.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

SUPPLEMENTARY INFORMATION:

Invitation to Comment: We invite you to submit comments regarding this notice. To ensure that your comments have maximum effect in developing the notice of final requirements, we urge you to identify clearly the specific proposed requirement that each comment addresses.

We invite you also to assist us in complying with the specific requirements of Executive Order 12866 and Executive Order 13563 and their overall direction to Federal agencies to reduce regulatory burden where possible. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of this program.

During and after the comment period, you may inspect all public comments about this notice by accessing Regulations.gov. You may also inspect the public comments in person in room 7E208, 400 Maryland Avenue, SW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Washington, DC time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

Purpose of Program: The Race to the Top program, the largest competitive education grant program in U.S. history, is designed to provide incentives to States to implement system-changing reforms that result in improved student achievement, narrowed achievement