

unlikely to result in any significant realized decrease in viability for California coastal bottlenose dolphins, and thus would not result in any adverse impact to the stock as a whole. The potential for multiple exposures of a small portion of the overall stock to levels associated with Level B harassment in this area is expected to have a negligible impact on the stock.

We have preliminarily determined that the impact of the first phase of the previously described wharf construction project, to be conducted under this proposed one-year IHA, may result, at worst, in a temporary modification in behavior (Level B harassment) of small numbers of marine mammals. No injuries, serious injuries, or mortalities are anticipated as a result of the specified activity, and none are proposed to be authorized.

Additionally, animals in the area are not expected to incur hearing impairment (i.e., TTS or PTS) or non-auditory physiological effects. For pinnipeds, the absence of any major rookeries and only a few isolated and opportunistic haul-out areas near or adjacent to the project site means that potential takes by disturbance would have an insignificant short-term effect on individuals and would not result in population-level impacts. Similarly, for cetacean species the absence of any known regular occurrence adjacent to the project site means that potential takes by disturbance would have an insignificant short-term effect on individuals and would not result in population-level impacts. Due to the nature, degree, and context of behavioral harassment anticipated, the activity is not expected to impact rates of recruitment or survival.

For reasons stated previously in this document, the negligible impact determination is also supported by the likelihood that, given sufficient "notice" through mitigation measures including soft start, marine mammals are expected to move away from a sound source that is annoying prior to its becoming potentially injurious, and the likelihood that marine mammal detection ability by trained observers is high under the environmental conditions described for San Diego Bay, enabling the implementation of shutdowns to avoid injury, serious injury, or mortality. As a result, no take by injury, serious injury or death is anticipated, and the potential for temporary or permanent hearing impairment is very low and would be avoided through the incorporation of the proposed mitigation measures.

While the number of marine mammals potentially incidentally harassed would depend on the

distribution and abundance of marine mammals in the vicinity of the survey activity, the number of potential harassment takings is estimated to be small, and has been mitigated to the lowest level practicable through incorporation of the proposed mitigation and monitoring measures mentioned previously in this document. This activity is expected to result in a negligible impact on the affected species or stocks. No species for which take authorization is requested are either ESA-listed or considered depleted under the MMPA.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the mitigation and monitoring measures, we preliminarily find that the first year of construction associated with the proposed pier replacement project would result in the incidental take of small numbers of marine mammal, by Level B harassment only, and that the total taking from the activity would have a negligible impact on the affected species or 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)

The Navy initiated informal consultation under section 7 of the ESA with NMFS Southwest Regional Office on March 5, 2013. NMFS concluded on May 16, 2013, that the proposed action may affect, but is not likely to adversely affect, WNP gray whales. The Navy has not requested authorization of the incidental take of WNP gray whales and no such authorization is proposed, and there are no other ESA-listed marine mammals found in the action area. Therefore, no consultation under the ESA is required.

National Environmental Policy Act (NEPA)

In September 2012, the Navy prepared a Draft Environmental Assessment (*Naval Base Point Loma Fuel Pier Replacement and Dredging (P-151/DESC1306) Environmental Assessment*) in accordance with the National Environmental Policy Act (NEPA) and the regulations published by the Council on Environmental Quality. We have posted it on the NMFS Web site (see **ADDRESSES**) concurrently with the publication of this proposed IHA. NMFS will independently evaluate the EA and determine whether or not to adopt it.

We may prepare a separate NEPA analysis and incorporate relevant portions of the Navy's EA by reference. Information in the Navy's application, EA and this notice collectively provide the environmental information related to proposed issuance of the IHA for public review and comment. We will review all comments submitted in response to this notice as we complete the NEPA process, including a decision of whether to sign a Finding of No Significant Impact (FONSI), prior to a final decision on the IHA request.

Proposed Authorization

As a result of these preliminary determinations, we propose to authorize the take of marine mammals incidental to the Navy's pier replacement project, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: May 17, 2013.

Helen M. Golde,

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

[FR Doc. 2013-12251 Filed 5-22-13; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XC640

Taking and Importing Marine Mammals; U.S. Navy Training in the Gulf of Alaska Temporary Maritime Activities Area

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 the Marine Mammal Protection Act (MMPA), as amended, and implementing regulations, notice is hereby given that NMFS has issued a 3-year Letter of Authorization (LOA) to the U.S. Navy (Navy) to take marine mammals incidental to Navy training and research activities to be conducted within the Gulf of Alaska Temporary Maritime Activities Area (GOA TMAA). These activities are considered military readiness activities pursuant to the Marine Mammal Protection Act (MMPA), as amended by the National Defense Authorization Act of 2004 (NDA).

DATES: This Authorization is effective from May 16, 2013, through May 4, 2016.

ADDRESSES: An electronic copy of the LOA and supporting documentation may be obtained by writing to P. Michael Payne, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910, or by telephoning one of the contacts listed here.

FOR FURTHER INFORMATION CONTACT: Brian D. Hopper, Office of Protected Resources, NMFS, (301) 427-8401.

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 taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing), if certain findings are made by NMFS and regulations are issued. Under the MMPA, the term "take" means to harass, hunt, capture, or kill or to attempt to harass, hunt, capture, or kill marine mammals.

Regulations governing the taking of marine mammals by the Navy incidental to training and research activities in the GOA TMAA became effective on May 4, 2011 (76 FR 25505), and remain in effect through May 4, 2016. For detailed information on this action, please refer to that document. These regulations include mitigation, monitoring, and reporting requirements and establish a framework to authorize incidental take through the issuance of LOAs. On February 1, 2012, NMFS amended the regulations for 12 Navy Range Complexes, including GOA TMAA, to allow for multi-year LOAs (77 FR 4917).

Summary of Request

On December 15, 2012, NMFS received a request from the Navy for an LOA for the taking of marine mammals incidental to training activities conducted within the GOA TMAA under regulations issued on May 4, 2011 (76 FR 25505). The Navy has complied with the measures required in 50 CFR 218.124 and 218.125, as well as the LOA issued on May 17, 2011, and submitted the reports and other documentation required in the final rule and the 2011 LOA.

Summary of Activity Under the 2011 LOA

As described in the Navy's exercise reports (both classified and unclassified), from May 2011 to October 2012, the training activities conducted by the Navy were within the scope and

amounts indicated in the 2011 LOA and the levels of take remain within the scope and amounts contemplated by the final rule.

Planned Activities and Estimated Take for 2013 Through 2016

Between 2013 and 2016, the Navy expects to conduct the same type and amount of training identified in the 2011 LOA; however, the Navy does not plan to conduct any Sinking Exercises (SINKEXs). While the Navy requested the same amount of take that was authorized in the 2011 LOA, NMFS has slightly adjusted those numbers to account for the exposure analysis contained in the Biological Opinion. However, the authorized take remains within the annual estimates analyzed in the final rule.

Summary of Monitoring, Reporting, and Other Requirements Under the 2011 LOA Annual Exercise Reports

The Navy submitted their classified and unclassified exercise reports within the required timeframes and the unclassified report is posted on NMFS Web site: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm>. NMFS has reviewed both reports and they contain the information required by the 2011 LOA. The reports indicate the amounts of different types of training that occurred from May 2011, to October 2012. The Navy conducted zero SINKEXs and all other exercise types conducted (classified data) fell within the amount indicated in the LOA.

2011-2012 Monitoring

The Navy conducted the monitoring required by the 2011 LOA and described in the Monitoring Plan, which included passive acoustic monitoring utilizing high-frequency acoustic recording packages (HARPs). The Navy submitted their Monitoring Reports, which are posted on NMFS' Web site (<http://www.nmfs.noaa.gov/pr/permits/incidental.htm>), within the required timeframe. Because data is gathered through May 1 and the report is due in July, some of the data analysis will occur in the subsequent year's report. Navy-funded marine mammal monitoring accomplishments within GOA TMAA for the past year consisted of the following:

Passive Acoustic Monitoring

Two high-frequency acoustic monitoring packages (HARP) have been deployed by Scripps Institute of Oceanography (SIO) within the GOA TMAA. Both HARPs were bottom-deployed in July 2011. One is located on the shelf (203 m) and the other is

located on the slope (900 m) of the north central Gulf of Alaska. Both HARPs were field serviced in early May 2012. In addition to these two HARPs, in September 2012, a third HARP was deployed to obtain passive acoustic data along the side of the Pratt Seamount (930 m). Over 5,756 hours of passive acoustic data have been recorded. Subsequent analysis confirmed detection of the following marine mammals: blue whale, fin whale, gray whale, humpback whale, six toothed whale species, and sounds dominated by shipping noise.

Vessel-Based Survey

In the summer of 2013, a Navy-funded visual line transect survey will be conducted in the offshore waters of the Gulf of Alaska (GOALS 2013). The primary objectives for GOALS 2013 are to acquire baseline data to increase understanding of the likely occurrence (i.e., presence, abundance, distribution and/or density of species) of beaked whales and other ESA-listed marine mammals in the Gulf of Alaska.

Other Monitoring Activities

Pacific Northwest Cetacean Tagging

An ongoing Navy-funded effort in the Pacific Northwest will attach long-term satellite tracking tags to migrating gray whales off the coasts of Oregon and northern California. This study is being conducted by the University of Oregon and may also include tagging of resident gray whales or other large whales species such as humpback and fin whales, if encountered. Although this effort is not directly affiliated with the GOA TMAA monitoring program, depending on when these tags are attached, gray whale movement patterns along the Pacific Coast and through the Gulf of Alaska may be tracked. Results from this effort will be summarized and referenced in next year's 2013 GOA TMAA annual Monitoring Report if animals are found to be passing through or adjacent to the GOA TMAA.

In conclusion, the Navy successfully implemented the monitoring requirements for the GOA TMAA by the end of the second monitoring period. Over the next three years, the Navy will continue to maintain the HARPs that are currently in the water, while analyzing and presenting results from previously recorded data. Furthermore, the Navy will continue to report tagging results from the Pacific Northwest Cetacean Tagging study.

New Studies

Recent Navy applications, Draft Environmental Impact Statements, and

proposed MMPA regulations for testing and training activities contain proposed acoustic criteria and thresholds that would, if adopted, represent changes from the criteria and thresholds currently employed by NMFS in incidental take authorizations and associated biological opinions for Navy military readiness activities. The revised thresholds are based on evaluations of recent scientific studies (see Finneran *et al.* (2010), Finneran and Schlundt (2010), and Tyack *et al.* (2011)).

The proposed new criteria and thresholds based on the Finneran and Tyack studies have recently been made available for public comment, (AFTT: 78 FR 7050, January 31, 2013; and HSTT: 78 FR 6978, January 31, 2013), and the public comments are still being evaluated. Until that process is complete, it is not appropriate to apply the new criteria and thresholds in any take authorization or associated biological opinion.

Adaptive Management

The Navy's adaptive management of the GOA TMAA monitoring program involves close coordination with NMFS to align marine mammal monitoring with the overall objectives of the monitoring plan. Monitoring under the 2011 LOA only represents the two years of a planned five-year effort. At this point, it would be premature to draw detailed conclusions or initiate comprehensive monitoring changes because the analysis of monitoring and other data is not complete. In addition, at the annual adaptive management meeting, NMFS and the Navy took into consideration, among other things, the study by Tyack *et al.* (2011) evaluating the documented responses of marine mammals to sonar to determine if it warranted additional mitigation or monitoring for beaked whales. During their October 2011 meeting, NMFS and the Navy determined that the study by Tyack *et al.* (2011) did not provide a basis for prescribing any additional mitigation or monitoring for beaked whales. The study itself makes no recommendations regarding potential additional mitigation or monitoring, and NMFS, the Navy, and the Marine Mammal Commission did not think that the new information included in the study lent itself to the incorporation of new mitigation measures.

Authorization

The Navy complied with the requirements of the 2011 LOA. Based on our review of the record, NMFS has determined that the marine mammal take resulting from the 2011 military readiness training and research

activities falls within the levels previously anticipated, analyzed, and authorized. Further, the level of taking authorized from 2013 to 2016 for the Navy's GOA TMAA activities is consistent with our previous findings made for the total taking allowed under the GOA TMAA regulations. Finally, the record supports NMFS' conclusion that the total number of marine mammals taken by the 2013 to 2016 activities in the GOA TMAA will have no more than a negligible impact on the affected species or stocks of marine mammals and will not have an unmitigable adverse impact on the availability of these species or stocks for taking for subsistence uses. Accordingly, NMFS has issued an LOA for Navy training and research activities conducted in the GOA TMAA from May 16, 2013, through May 4, 2016.

Dated: May 20, 2013.

Helen M. Golde,

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

[FR Doc. 2013-12343 Filed 5-22-13; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2013-OS-0026]

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Consideration will be given to all comments received by June 24, 2013.

Title, Associated Form and OMB Number: Interactive Customer Evaluation (ICE)/Enterprise Voice of the Customer (EVoC) System; OMB Control Number 0704-0420.

Type of Request: Revision to a Currently Approved Collection.

Number of Respondents: 51,000.

Responses per Respondent: 1.

Annual Responses: 51,000.

Average Burden per Response: 3 minutes.

Annual Burden Hours: 2,550.

Needs and Uses: The Interactive Customer Evaluation (ICE)/Enterprise Voice of the Customer (EVoC) System automates and minimizes the use of the current manual paper comment cards and other customer satisfaction collection media, which exists at various

customer service locations, throughout the DoD. Members of the public have the opportunity to give automated feedback to the service provider on the quality of their experience and their satisfaction level. This is a management tool for improving customer services.

Affected Public: Individuals or households; business or other for-profit.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

Written comments and recommendations on the proposed information collection should be sent to Ms. Seehra at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

You may also submit comments, identified by docket number and title, by the following method:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

DoD Clearance Officer: Ms. Patricia Toppings.

Written requests for copies of the information collection proposal should be sent to Ms. Toppings at WHS/ESD Information Management Division, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350-3100.

Dated: May 20, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013-12317 Filed 5-22-13; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 13-08]

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