

maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States.” 2 CFR 176.60. However, section 1605(b)(1) and (2) of the Recovery Act also allow the head of a Federal department or agency to issue a “determination of inapplicability” of these provisions to any procurement of the listed items if the restrictions would be inconsistent with the public interest; if the iron, steel, or relevant manufactured good is only available at an unreasonable cost; or if it is not produced or manufactured in the United States in sufficient and reasonably available quantities and of a satisfactory quality (“non-availability”). Pursuant to sections 1605(b)(1) and (2), NIST has determined that the required heat recovery ventilator is not available in the United States.

In September 2010, NIST awarded an American Recovery and Reinvestment Act of 2009 (ARRA or Recovery Act) contract in the amount of \$2,580,110 to Therrien Waddell for the construction of a NETZERO Energy Residential Test Facility (NZERTF) at NIST in Gaithersburg, MD. The objective of the NZERTF is to demonstrate that a home, similar in aesthetics to a home in surrounding communities, can produce as much energy on an annual basis as it uses in on-site renewable resources.

The contract required that the contractor purchase and install one Venmar EKO 1.5 heat recovery ventilator (HRV), which was estimated to cost \$1,600. The specified HRV is manufactured in Germany. An HRV is a piece of mechanical equipment that provides mechanical (as opposed to natural) ventilation for facilities like the NZERTF and allows the building to be sealed tight against air leakage.

The specified HRV is essential to meet the project objective, as it reduces the energy required to heat and cool the home while providing acceptable indoor air quality. Without the specified residential-sized HRV, the annual energy required for the home exceeds the amount that can be produced by the solar panels and thus the facility would not meet its design objective of net zero energy on an annual basis.

Based on NIST’s and the contractor’s review of the market place and various vendors’ product availability, NIST determined there were no HRVs manufactured in the United States that met the contract specifications or NIST’s requirements. Pursuant to section 1605, NIST has determined that the required heat recovery ventilator is “not available.”

**Authority:** Pub. L. 111–5, section 1605.

Dated: February 13, 2012.

**Willie E. May,**

*Associate Director for Laboratory Programs.*

[FR Doc. 2012–3837 Filed 2–16–12; 8:45 am]

**BILLING CODE 3510–13–P**

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

[Docket Number: 110524296–2097–03]

#### Recommendations for Establishing an Identity Ecosystem Governance Structure for the National Strategy for Trusted Identities in Cyberspace

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

**ACTION:** Notice.

**SUMMARY:** The National Institute of Standards and Technology announces the release of a paper entitled Recommendations for Establishing an Identity Ecosystem Governance Structure on Tuesday, February 7, 2012. This paper supports the implementation of the National Strategy for Trusted Identities in Cyberspace and responds to comments received in response to the related Notice of Inquiry published in the *Federal Register* on June 14, 2011.

**DATES:** The Recommendations for Establishing an Identity Ecosystem Governance Structure paper was made available on February 7, 2012.

**ADDRESSES:** The Recommendations for Establishing an Identity Ecosystem Governance Structure paper is available at [www.nist.gov/nstic/2012-nstic-governance-recs.pdf](http://www.nist.gov/nstic/2012-nstic-governance-recs.pdf). The NIST Web site for the NSTIC and its implementation is [www.nstic.gov](http://www.nstic.gov).

**FOR FURTHER INFORMATION CONTACT:** For questions about this request contact: Annie Sokol, Information Technology Laboratory, National Institute of Standards and Technology, U.S. Department of Commerce, 100 Bureau Drive, Mailstop 8930, Gaithersburg, MD 20899, telephone (301) 975–2006; email [nsticgovernance@nist.gov](mailto:nsticgovernance@nist.gov). Please direct media inquiries to the Director of NIST’s Office of Public Affairs, [gail.porter@nist.gov](mailto:gail.porter@nist.gov).

**SUPPLEMENTARY INFORMATION:** The paper entitled Recommendations for Establishing an Identity Ecosystem Governance Structure was written in support of the implementation of the National Strategy for Trusted Identities in Cyberspace (NSTIC). On June 14, 2011, NIST published a Notice of Inquiry in the *Federal Register* (76 FR

34650), requesting input from the public regarding Models for a Governance Structure for the National Strategy for Trusted Identities in Cyberspace. On August 16, 2011, NIST published a Notice in the *Federal Register* (76 FR 50719), extending the deadline for comments. The paper summarizes the comments received in response to the NOI and provides recommendations and intended government actions to serve as a catalyst for establishing such a governance structure. The recommendations result from comments and suggestions received from the NOI respondents as well as best practices and lessons learned from similarly scoped governance efforts. To accelerate the launch of the Steering Group, the paper integrates the recommendations into a proposed Steering Group charter.

Dated: February 13, 2012.

**Patrick Gallagher,**

*Under Secretary of Commerce for Standards and Technology.*

[FR Doc. 2012–3835 Filed 2–16–12; 8:45 am]

**BILLING CODE 3510–13–P**

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

#### Presentation of Final Conventional Conformance Test Criteria and Common Air Interface (CAI) Features/Functionalities Under Test in the Project 25 Compliance Assessment Program and Meeting To Seek Comment on Conventional Conformance Tests for Inclusion in the Program

**AGENCY:** National Institute of Standards and Technology (NIST), Department of Commerce.

**ACTION:** Notice of Public Meeting and Request for Comments.

**SUMMARY:** The U.S. Department of Commerce’s (DOC) National Institute of Standards and Technology (NIST), Law Enforcement Standards Office (OLEs), in partnership with the U.S. Department of Homeland Security (DHS) Office for Interoperability and Compatibility (OIC), will hold a public meeting on Thursday, March 15, 2012 at 1 p.m. Mountain Time, via teleconference. The purpose of the meeting is to present the final criteria for assessing the suitability of P25 Compliance Assessment Program (CAP) conventional conformance tests, as well as the final, prioritized list of features and functionalities that will require conformance testing in the P25 CAP.

**DATES:** The meeting will be held via teleconference from 1 p.m.–3 p.m. Mountain Time on Thursday, March 15, 2012. Members of the public wishing to attend the meeting must register by 5 p.m. Mountain Time on Monday, March 12, 2012. Please see registration instructions in the **ADDRESSES** section below. In addition, comments regarding the topics and material covered during the meeting will be accepted until 5 p.m. Mountain Time on Monday, April 30, 2012.

**ADDRESSES:** Members of the public wishing to attend the meeting must register by 5 p.m. Mountain Time on Monday, March 12, 2012 by sending an email request to Dereck Orr at [dereck.orr@nist.gov](mailto:dereck.orr@nist.gov) or via phone at 303–497–5400. To present comments orally at the meeting and to submit written comments, please see instructions in the **SUPPLEMENTARY INFORMATION SECTION** below. The draft conformance tests to be discussed at the meeting may be found at: [http://www.pscr.gov/outreach/safecom/p25\\_cap/downloads/downloads.php](http://www.pscr.gov/outreach/safecom/p25_cap/downloads/downloads.php).

**FOR FURTHER INFORMATION CONTACT:** Dereck Orr, Department of Commerce, NIST, 300 Broadway St., Boulder, CO 80305. Telephone: (303) 497–5400. Email: [dereck.orr@nist.gov](mailto:dereck.orr@nist.gov). More information about DHS/OIC can be found at <http://www.safecomprogram.gov>.

**SUPPLEMENTARY INFORMATION:** Emergency responders—emergency medical technicians, fire personnel, and law enforcement officers—need to seamlessly exchange communications across disciplines and jurisdictions in order to successfully respond to day-to-day incidents and large-scale emergencies. P25 focuses on developing standards that allow radios and other components to interoperate, regardless of the manufacturer. In turn, these standards enable emergency responders to seamlessly exchange critical communications with other disciplines and jurisdictions.

An initial goal of P25 is to specify formal standards for interfaces between the components of a land mobile radio (LMR) system. LMR systems are commonly used by emergency responders in portable handheld and mobile vehicle-mounted devices. Although formal standards are being developed, no process is currently in place to confirm that LMR equipment advertised as P25-compliant meets all aspects of P25 standards.

To address discrepancies between P25 standards and industry equipment, DHS and NIST established the P25 CAP. The P25 CAP is a partnership between the

DHS/OIC, NIST, industry, and the emergency response community.

The P25 CAP provides an independent process for evaluating P25 equipment for standards compliance and interoperability across manufacturers. By providing manufacturers with a method to consistently test their equipment for compliance with P25 standards and consistently report the results of such testing, the P25 CAP provides emergency response officials with increased confidence that their land mobile radio equipment adheres to the P25 standards.

The P25 CAP requires test laboratories to demonstrate their competence through a rigorous and objective assessment process. Such a process promotes the user community's confidence in, and acceptance of, test results from DHS-recognized laboratories. All equipment suppliers that participate in the P25 CAP must use recognized laboratories to conduct performance, conformance, and interoperability tests on their products. P25 equipment suppliers voluntarily participating in the P25 CAP will release Summary Test Reports and Suppliers' Declarations of Compliance based on testing from laboratories recognized by DHS.

Created by DHS/OIC, Compliance Assessment Bulletins (CABs) describe how the P25 CAP operates and address issues related to the program. The scope of a CAB can range from policy to guidance, covering issues such as specific test standards to be used for a particular P25 interface, or P25 LMR Request for Proposal guidance.

The purpose of this notice and related meeting is to present the final requirements for CAI conventional conformance tests for inclusion in the P25 CAP.

The final list of criteria to be used for assessing a CAI conventional conformance test's suitability for inclusion in the P25 CAP is below:

- Conformance tests should limit devices in the test environment to the device under test and appropriate, validated test equipment (*i.e.*, non-products);
- All packet types should be tested that are relevant to the functionality under test;
- All call/message types tested should be relevant to the functionality under test;
- Packet/message order should be checked relevant to the functionality under test;
- All information and reserved fields should be tested within message packets relevant to the functionality under test;

- For all information fields relevant to the feature under test, there should be a linearly independent set of values used across the entire allowable range including special meaning or reserved values;

- Where behavior of a product is specified for parameter values outside of the normal or permissible range, those values should be tested. Where behavior is not specified, explicit pass/fail criteria should be included;

- Timing between subsequent packets should be identified in cases where, if not within defined parameters, the test or the anticipated response would result in inconsistent or erroneous test results;

- All of the different combinations of status bits should be tested where relevant to a feature under test;

- The test should define the detailed procedural steps and expected results necessary for a test operator to perform the test consistently across multiple laboratories;

- The test procedure should accommodate evaluation of a test article's behavior where multiple defined responses are possible;

- If capable, each unit under test

- should perform the roles of both transmitter and receiver during the test;

- The test should provide definitive predictive outcomes (behaviors) for all articles under test.

Through this notice, NIST is also presenting this prioritized list of features and functionalities that will require testing conformance in the P25 CAP:

1. Conventional Squelch\*
2. Emergency alarm
3. Emergency group voice call
4. Group voice call
5. Radio unit monitoring
6. Transport of Talking Party Identification\*
7. Late Entry
8. Location Services
9. Radio unit inhibit/uninhibit
10. Unaddressed voice call
11. Encryption
12. Over The Air Rekeying (OTAR)
13. Emergency Cancel
14. All Call

\* Note that Conventional Squelch and Transport of Talking Party Identification tests, included in the original list of features and functionalities, have been rolled into other tests as appropriate.

At the meeting on Thursday, March 15, 2012, NIST will solicit input on the two draft conformance tests it has developed for inclusion in the P25 CAP. NIST has developed tests for Group Voice Call and Radio Unit Monitoring. These tests can be found at: <http://www.pscr.gov/outreach/safecom/>

[p25\\_cap/downloads/downloads.php](http://p25_cap/downloads/downloads.php). NIST will hear comment on these tests at the March 15 meeting and will continue to receive written comments until 5 p.m. Mountain Time on Monday, April 30, 2012.

In addition to the two tests already developed, NIST is in the process of developing conformance tests for the following features and functionalities:

- Emergency Alarm
- Emergency Group Voice Call
- Unaddressed Voice Call
- Emergency Cancel
- All Call

NIST is also seeking comments, suggestions, example tests that can be leveraged or new tests for the following list of features:

- Late Entry
- Location Services
- Radio Unit Inhibit/Uninhibit
- Encryption
- Over the Air Rekeying (OTAR)

More information about the P25 CAP is available at <http://www.safecomprogram.gov>. More information about NIST/OLES can be found at <http://www.nist.gov/oles/>.

**Registration:** Members of the public wishing to attend the meeting must register by 5 p.m. Mountain Time on Monday, March 12, 2012 by sending an email request to Dereck Orr at [dereck.orr@nist.gov](mailto:dereck.orr@nist.gov) or via phone at 303-497-5400.

**Oral Comments:** There will be 40 minutes set aside for public comment. Members of the public wishing to provide oral comments during the meeting on Thursday, March 15, 2012 will be provided up to a total of 8 minutes each (dependent on the number of commenters), and the order of commenters will be based on the order in which the request to provide comments was received. Requests to make oral comments should be submitted to Dereck Orr by 5 p.m. Mountain Time on Monday, March 12, 2012 via email at [dereck.orr@nist.gov](mailto:dereck.orr@nist.gov) or via phone at 303-497-5400.

**Written Comments:** Comments also will be accepted electronically and may be emailed to [dereck.orr@nist.gov](mailto:dereck.orr@nist.gov). Hard copies of comments may be mailed to Dereck Orr, Department of Commerce, NIST, Building 1, Room 2209, 300 Broadway St., Boulder, CO 80305.

Dated: February 13, 2012.

**Willie E. May,**

*Associate Director for Laboratory Programs.*

[FR Doc. 2012-3839 Filed 2-16-12; 8:45 am]

**BILLING CODE 3510-13-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[File No. 17086]

RIN 0648-XB005

#### Marine Mammals

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

**ACTION:** Notice; receipt of application.

**SUMMARY:** Notice is hereby given that Robin Baird, Ph.D., Cascadia Research, 218½ W. 4th Avenue, Olympia, WA 98501, has applied in due form for a permit to take marine mammals in the Atlantic Ocean for the purposes of scientific research.

**DATES:** Written, telefaxed, or email comments must be received on or before March 19, 2012.

**ADDRESSES:** The application and related documents are available for review by selecting "Records Open for Public Comment" from the *Features* box on the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 17086 from the list of available applications.

These documents are also available upon written request or by appointment in the following offices:

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427-8401; fax (301) 713-0376;

Northeast Region, NMFS, 55 Great Republic Drive, Gloucester, MA 01930; phone (978) 281-9328; fax (978) 281-9394; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, FL 33701; phone (727) 824-5312; fax (727) 824-5309.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713-0376, or by email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

**FOR FURTHER INFORMATION CONTACT:** Laura Morse or Carrie Hubard, (301) 427-8401.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

Dr. Baird proposes to conduct research on 27 species of cetaceans including unidentified beaked whales in U.S. and international waters of the Atlantic Ocean from Virginia to Southern Florida. None of the species are listed as threatened or endangered under the Endangered Species Act. The purposes of the proposed research are to study: (1) Population size and structure, (2) range and movement patterns, (3) diving and night-time behavior, (4) social organization, (5) feeding ecology, and (6) disease monitoring of the targeted species. Harassment of all species may occur during vessel approach for dart and suction-cup tagging, sighting surveys, photographic identification, behavioral research, passive acoustic recording, underwater observation with a pole cam, and opportunistic sampling (sloughed skin and fecal material). Import and export of sloughed skin, prey remains, and fecal samples obtained is requested for research purposes. Research would occur over a five-year period.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: February 10, 2012.

**Tammy C. Adams,**

*Acting Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2012-3705 Filed 2-16-12; 8:45 am]

**BILLING CODE 3510-22-P**