

**FOR FURTHER INFORMATION CONTACT:** Ben Laws, Office of Protected Resources, NMFS, (301) 427-8401.

**SUPPLEMENTARY INFORMATION:**

**Availability**

An electronic copy of SWFSC's application may be obtained by visiting the Internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications>.

The SWFSC is concurrently releasing a draft Environmental Assessment, prepared pursuant to requirements of the National Environmental Policy Act, for the conduct of their fisheries research. A copy of the draft EA, which would also support our proposed rulemaking under the MMPA, is also available at: <http://swfsc.noaa.gov/dpea.aspx>.

**Background**

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce (Secretary) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) if certain findings are made and regulations are issued.

Incidental taking shall be allowed if NMFS finds that the taking will have a negligible impact on the species or stock(s) affected and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses, and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such taking are set forth.

NMFS has defined "negligible impact" in 50 CFR 216.103 as "an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival."

Except with respect to certain activities not pertinent here, the MMPA defines "harassment" as: "any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment]."

**Summary of Request**

On April 25, 2013, we received a complete and adequate application from

SWFSC requesting authorization for take of marine mammals incidental to fisheries research conducted by SWFSC. The requested regulations would be valid for five years from the date of issuance. The SWFSC plans to conduct fisheries research surveys in the California Current Research Area (off the U.S. west coast), the Eastern Tropical Pacific Research Area, and the Antarctic Research Area (in the Antarctic Scotia Sea). It is possible that marine mammals may interact with fishing gear (*e.g.*, trawl nets, longlines) used in SWFSC's research, resulting in injury, serious injury, or mortality. In addition, the SWFSC operates active acoustic devices that have the potential to disturb marine mammals. Because the specified activities have the potential to take marine mammals present within these action areas, SWFSC requests authorization to take multiple species of marine mammal that may occur in these areas.

**Specified Activities**

The Federal Government has a responsibility to conserve and protect living marine resources in U.S. federal waters and has also entered into a number of international agreements and treaties related to the management of living marine resources in international waters outside the United States. NOAA has the primary responsibility for managing marine fin and shellfish species and their habitats, with that responsibility delegated within NOAA to NMFS.

In order to direct and coordinate the collection of scientific information needed to make informed management decisions, Congress created six Regional Fisheries Science Centers, each a distinct organizational entity and the scientific focal point within NMFS for region-based federal fisheries-related research. This research is aimed at monitoring fish stock recruitment, abundance, survival and biological rates, geographic distribution of species and stocks, ecosystem process changes, and marine ecological research. The SWFSC is the research arm of NMFS in the Southwest Region. The SWFSC conducts research and provides scientific advice to manage fisheries and conserve protected species in three geographic research areas: the California Current Research Area (along the U.S. West Coast), the Eastern Tropical Pacific Research Area (throughout the Eastern Tropical Pacific Ocean), and the Antarctic Research Area (in the Scotia Sea area off Antarctica). The SWFSC provides scientific information to support the Pacific Fishery Management Council and numerous other domestic

and international fisheries management organizations.

The SWFSC collects a wide array of information necessary to evaluate the status of exploited fishery resources and the marine environment. SWFSC scientists conduct fishery-independent research onboard NOAA-owned and operated vessels or on chartered vessels. A few surveys are conducted onboard commercial fishing vessels, but the SWFSC designs and executes the studies and funds vessel time. The SWFSC proposes to administer and conduct approximately 14 survey programs over the five-year period. The gear types used fall into several categories: pelagic trawl gear used at various levels in the water column, pelagic longlines with multiple hooks, bottom-contact trawls, and other gear. Only pelagic trawl and longline gears are likely to interact with marine mammals. The majority of these surveys also use active acoustic devices.

A more detailed description of the fisheries research conducted by SWFSC may be found in their application, which is available at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm>.

**Information Solicited**

Interested persons may submit information, suggestions, and comments concerning SWFSC's request (see **ADDRESSES**). We will consider all information, suggestions, and comments related to the request during the development of proposed regulations governing the incidental taking of marine mammals by SWFSC, if appropriate.

Dated: April 29, 2013.

**Helen M. Golde,**

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

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**DEPARTMENT OF DEFENSE**

**Office of the Secretary**

[Docket ID: DoD-2013-OS-0083]

**Proposed Collection; Comment Request**

**AGENCY:** Office of the Assistant Secretary of Defense for Research and Engineering, DoD.

**ACTION:** Notice.

**SUMMARY:** In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995*, the Office of the Assistant Secretary of Defense for

Research and Engineering announces a proposed extension of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the information collection on respondents, including through use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by July 1, 2013.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350-3100.

*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.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, write to Department of Defense Basic Research Office, ATTN: Dr. Mark Herbst, 4800 Mark Center Drive, Suite 17C-08, Alexandria, VA, or call Dr. Herbst at 571-372-6547.

*Title, Associated Form, and OMB Number:* Representations to Implement Appropriation Act Provisions on Felony Convictions and Unpaid Federal Tax Liabilities, OMB Control Number 0704-0494.

*Needs and Uses:* The information collection will enable DoD awarding officials to exercise due diligence and continue to comply with provisions of three Fiscal Year (FY) 2012 appropriations acts that make funds available to DoD Components for obligation, as well as similar provisions that future years' appropriations acts

may include. The details of the provisions in the three FY 2012 acts vary somewhat but they generally require DoD to consider suspension or debarment before using appropriated funding to enter into a grant or cooperative agreement with a corporation if the awarding official is aware that the corporation has an unpaid federal tax liability or was convicted of a felony criminal violation within the preceding 24 months. The FY 2012 provisions are in:

- Sections 8124 and 8125 of the Department of Defense Appropriations Act, 2012 (Division A of Pub. L. 112-74, the Consolidated Appropriations Act, 2012);
- Section 514 of the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2012 (Division H of Pub. L. 112-74); and
- Sections 504 and 505 of the Energy and Water Development Appropriations Act, 2012 (Division B of Pub. L. 112-74).

*Affected Public:* Primary affected public is comprised of Not-For-Profit institutions, but may also include any other entity that submits an application or proposal to a DoD Component that may result in the award of a grant or cooperative agreement using funds subject to a relevant appropriation act provision.

*Annual Burden Hours:* 1,250 hours.  
*Number of Respondents:* Estimated 2,500.

*Responses per Respondent:* 6 on average with a wide variation across entities.

*Annual Responses:* Estimated 15,000.  
*Average Burden Per Response:* 5 minutes.

*Frequency:* On occasion.

#### **SUPPLEMENTARY INFORMATION:**

#### **Summary of Information Collection**

Respondents are entities submitting applications or proposals to Department of Defense Components that may result in the award of grants or cooperative agreements. Each entity under a competitive program will be required to submit representations with its application or proposal to disclose whether it is a corporation that has an outstanding tax liability or has been convicted of a felony criminal violation within the past 24 months. Most applicants for DoD awards submit electronic applications through Grants.gov and the representations would be electronically attached to the applicant's SF 424 (OMB Control Number 4040-0004).

A memorandum to DoD Components from the Assistant Secretary of Defense for Research and Engineering specifies

wording of the representations to be used for continuing obligations of FY 2012 appropriations and provides guidance on tailoring of the wording, if needed, to conform to provisions of future appropriations acts. The memorandum may be viewed at the DoD Basic Research Office Web site ([http://www.acq.osd.mil/rd/basic\\_research/funding/documents/appropriations\\_act\\_provisions.pdf](http://www.acq.osd.mil/rd/basic_research/funding/documents/appropriations_act_provisions.pdf)).

An awarding official prior to making a grant or cooperative agreement award will use the information provided by the representations in judging whether the entity recommended to receive the award is eligible to do so—i.e., to decide whether the agency must first consider suspension or debarment of the entity and determine that further action is not necessary to protect the interests of the Government. An entity that fails to submit a required representation therefore will be ineligible to receive a grant or cooperative agreement from the agency.

Dated: April 25, 2013.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

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**BILLING CODE 5001-06-P**

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## **DEPARTMENT OF EDUCATION**

### **Applications for New Awards; Fulbright-Hays Doctoral Dissertation Research Abroad (DDRA) Fellowship Program**

**AGENCY:** Office of Postsecondary Education, Department of Education.

**ACTION:** Notice.

*Overview Information:* Fulbright-Hays Doctoral Dissertation Research Abroad (DDRA) Fellowship Program Notice inviting applications for new awards for fiscal year (FY) 2013.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.022A.

*DATES: Applications Available:* May 2, 2013.

*Deadline for Transmittal of Applications:* June 3, 2013.

#### **Full Text of Announcement**

##### **I. Funding Opportunity Description**

*Purpose of Program:* The Fulbright-Hays DDRA Fellowship Program provides opportunities to doctoral candidates to engage in full-time dissertation research abroad in modern foreign languages and area studies. The program is designed to contribute to the development and improvement of the