

Level B behavioral harassment only, *i.e.*, the exposure of received levels for impulse noise between 160 and 180 dB (rms) re 1  $\mu$ Pa (from impact pile driving) and for non-impulse noise between 120 and 180 dB (rms) re 1  $\mu$ Pa (from vibratory pile driving). In addition, the potential behavioral responses from exposed animals are expected to be localized and short in duration.

These low intensity, localized, and short-term noise exposures (*i.e.*, 160 dB re 1  $\mu$ Pa (rms) from impulse sources and 120 dB re 1  $\mu$ Pa (rms) from non-impulse sources), are expected to cause brief startle reactions or short-term behavioral modification by the animals. These brief reactions and behavioral changes are expected to disappear when the exposures cease. Therefore, these levels of received underwater construction noise from the proposed SF-OBB construction project are not expected to affect marine mammal annual rates of recruitment or survival. The average measured 160 dB isopleths from impact pile driving is 1,000 m from the pile, and the estimated 120 dB isopleths from vibratory pile driving is approximately 1,900 m from the pile.

For the reasons discussed in this document, NMFS has preliminarily determined that the impact of in-water pile driving associated with construction of the SF-OBB would result, at worst, in the Level B harassment of small numbers of California sea lions, Pacific harbor seals, harbor porpoises, and potentially gray whales that inhabit or visit SFB in general and the vicinity of the SF-OBB in particular. While behavioral modifications, including temporarily vacating the area around the construction site, may be made by these species to avoid the resultant visual and acoustic disturbance, the availability of alternate areas within SFB and haul-out sites (including pupping sites) and feeding areas within the Bay has led NMFS to preliminarily determine that this action will have a negligible impact on California sea lion, Pacific harbor seal, harbor porpoise, and gray whale populations along the California coast.

In addition, no take by Level A harassment (injury) or death is anticipated and harassment takes should be at the lowest level practicable due to incorporation of the mitigation measures mentioned previously in this document. The activity will not have an unmitigable adverse impact on subsistence uses of marine mammals described in MMPA section 101(a)(5)(D)(i)(II).

### Impact on Availability of Affected Species for Taking for Subsistence Uses

There are no relevant subsistence uses of marine mammals implicated by this action.

### National Environmental Policy Act (NEPA)

NMFS' prepared an Environmental Assessment (EA) for the take of marine mammals incidental to construction of the East Span of the SF-OBB and made a Finding of No Significant Impact (FONSI) on November 4, 2003. Due to the modification of part of the construction project and the mitigation measures, NMFS reviewed additional information from CALTRANS regarding empirical measurements of pile driving noises for the smaller temporary piles without an air bubble curtain system and the use of vibratory pile driving. NMFS prepared a Supplemental Environmental Assessment (SEA) and analyzed the potential impacts to marine mammals that would result from the modification of the action. A Finding of No Significant Impact (FONSI) was signed on August 5, 2009. A copy of the SEA and FONSI is available upon request (*see ADDRESSES*).

### Endangered Species Act (ESA)

On October 30, 2001, NMFS completed consultation under section 7 of the ESA with the Federal Highway Administration (FHWA) on the CALTRANS' construction of a replacement bridge for the East Span of the SF-OBB in California. Anadromous salmonids are the only listed species which may be affected by the project. The finding contained in the Biological Opinion was that the proposed action at the East Span of the SF-OBB is not likely to jeopardize the continued existence of listed anadromous salmonids, or result in the destruction or adverse modification of designated critical habitat for these species. Listed marine mammals are not expected to be in the area of the action and thus would not be affected.

NMFS proposed issuance of an IHA to CALTRANS constitutes an agency action that authorizes an activity that may affect ESA-listed species and, therefore, is subject to section 7 of the ESA. There is no ESA-listed marine mammal species in the proposed action area, therefore, NMFS has determined that issuance of an IHA for this activity will have no effect on any listed marine mammal species.

### Proposed Authorization

NMFS proposes to issue an IHA to CALTRANS for the potential harassment of small numbers of harbor

seals, California sea lions, harbor porpoises, and gray whales incidental to construction of a replacement bridge for the East Span of the San Francisco-Oakland Bay Bridge in California, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. NMFS has preliminarily determined that the proposed activity would result in the harassment of only small numbers of harbor seals, California sea lions, harbor porpoises, and possibly gray whales and will have no more than a negligible impact on these marine mammal stocks.

Dated: December 7, 2010.

**James H. Lecky,**

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

[FR Doc. 2010-31214 Filed 12-10-10; 8:45 am]

**BILLING CODE 3510-22-P**

## CONSUMER PRODUCT SAFETY COMMISSION

### Sunshine Act Meeting Notice

**TIME AND DATE:** Wednesday, December 15, 2010, 10 a.m.–12 Noon.

**PLACE:** Hearing Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, Maryland.

**STATUS:** Commission Meeting—Open to the Public

### Matter To Be Considered

*Decisional Matter:* Full-Sized and Non-Full-Sized Cribs—Final Rules.

A live webcast of the Meeting can be viewed at <http://www.cpsc.gov/webcast>. For a recorded message containing the latest agenda information, call (301) 504-7948.

### CONTACT PERSON FOR MORE INFORMATION:

Todd A. Stevenson, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504-7923.

Dated: December 7, 2010.

**Todd A. Stevenson,**

*Secretary.*

[FR Doc. 2010-31350 Filed 12-9-10; 4:15 pm]

**BILLING CODE 6355-01-P**

## CONSUMER PRODUCT SAFETY COMMISSION

### Sunshine Act Meeting Notice

**TIME AND DATE:** Wednesday, December 15, 2010; 2 p.m.—3 p.m.

**PLACE:** Hearing Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, Maryland.

**STATUS:** Closed to the Public.

### Matter To Be Considered

#### Compliance Status Report

The Commission staff will brief the Commission on the status of compliance matters. For a recorded message containing the latest agenda information, call (301) 504-7948.

#### CONTACT PERSON FOR MORE INFORMATION:

Todd A. Stevenson, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504-7923.

Dated: December 7, 2010.

**Todd A. Stevenson,**

Secretary.

[FR Doc. 2010-31351 Filed 12-9-10; 4:15 pm]

**BILLING CODE 6355-01-P**

## DEPARTMENT OF DEFENSE

### Department of the Army

#### Intent To Grant an Exclusive License for U.S. Army Owned Inventions to Polymer Processing Institute

**AGENCY:** Department of the Army, DoD.

**ACTION:** Notice.

**SUMMARY:** The Department of the Army announces that, unless there is an objection, after 15 days it contemplates granting an exclusive license to Polymer Processing Institute, a not-for-profit corporation having a place of business in the New Jersey Institute of Technology Campus in Newark, New Jersey, to produce the following inventions:

- ARDEC Reference 2006-043, and U.S. patent application 12/483420—"Foamed Celluloid Mortar Propellant Increment Containers"—Inventors Ming-Wan Young, Costas G. Gogos; Niloufar Faridi; Linjie Zhu; Peter Bonnett; Howard Shimm; Elbert Caravaca; Joseph Palk.
- ARDEC Reference 2006-043 continuation (disclosure)—"Foamed Celluloid and Applications Therefor".
- ARDEC Reference 2009-014 (disclosure)—"Prepare Foamed Energetic Material at a High Production Rate"—Inventors Linjie Zhu; Fei Shen; Ming-wan Young; Costas G. Gogos; Chong Peng; Mohamed Elalem; Joseph Palk; Howard (Howie) Shimm, Dale Conti; Elbert Caravaca; Peter Bonnett.
- ARDEC Reference 2009-015 (disclosure)—"Prepare Foamed Energetic Material by Expandable Bead Methodology"—Inventors Niloufar Faridi; Linjie Zhu; Ming-wan Young; Costas G. Gogos; Kuanyin Lin; Mohamed Elalem; Joseph Palk; Elbert Caravaca; Dale Conti.

Any license granted shall comply with 35 U.S.C. 209 and 37 CFR part 404.

**DATES:** File written objections by December 28, 2010.

**FOR FURTHER INFORMATION CONTACT:** Mr. Timothy S. Ryan, Technology Transfer Program Manager, RDAR-EIB, U.S. Army ARDEC, Picatinny Arsenal, NJ 07806-5000, e-mail: [timothy.s.ryan@us.army.mil](mailto:timothy.s.ryan@us.army.mil); (973) 724-7953.

**SUPPLEMENTARY INFORMATION:** Written objections must be filed within 15 days from publication date of this notice in the **Federal Register**. Any license granted shall comply with 35 U.S.C. 209 and 37 CFR part 404.

**Brenda S. Bowen,**

Army Federal Register Liaison Officer.

[FR Doc. 2010-31174 Filed 12-10-10; 8:45 am]

**BILLING CODE 3710-08-P**

## DEPARTMENT OF EDUCATION

#### Office of Special Education and Rehabilitative Services Overview Information; National Institute on Disability and Rehabilitation Research (NIDRR)—Small Business Innovation Research Program (SBIR)—Phase I; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2011

Catalog of Federal Domestic Assistance (CFDA) Number: 84.133S-1.

#### Dates:

*Applications Available:* December 13, 2010.

*Deadline for Transmittal of Applications:* February 11, 2011.

#### Full Text of Announcement

##### I. Funding Opportunity Description

**Purpose of Program:** The purpose of this program is to stimulate technological innovation in the private sector, strengthen the role of small business in meeting Federal research or research and development (R/R&D) needs, increase the commercial application of the U.S. Department of Education (Department) supported research results, and improve the return on investment from Federally funded research for economic and social benefits to the Nation.

**Note:** This program is in concert with NIDRR's currently approved long range plan (the Plan). The Plan is comprehensive and integrates many issues relating to disability and rehabilitation research topics. The Plan, which was published in the **Federal Register** on February 15, 2006 (71 FR 8165), can be accessed on the Internet at the following site: <http://www.ed.gov/about/offices/list/osers/nidrr/policy.html>.

Through the implementation of the Plan, NIDRR seeks to: (1) Improve the quality and utility of disability and rehabilitation research; (2) foster an exchange of expertise, information, and training to facilitate the advancement of knowledge and understanding of the unique needs of individuals with disabilities from traditionally underserved populations; (3) determine best strategies and programs to improve rehabilitation outcomes for individuals with disabilities from underserved populations; (4) identify research gaps; (5) identify mechanisms of integrating research and practice; and (6) disseminate findings.

#### NIDRR Supports Manufacturing-Related Innovation (Executive Order 13329)

Executive Order 13329 states that continued technological innovation is critical to a strong manufacturing sector in the United States economy and ensures that Federal agencies assist the private sector in its manufacturing innovation efforts. The Department's SBIR program encourages innovative research and development (R&D) projects that are manufacturing-related, as defined by Executive Order 13329. Manufacturing-related R&D encompasses improvements in existing methods or processes, or wholly new processes, machines, or systems. The projects supported under the Department's SBIR program encompass a range of manufacturing-related R&D, including projects leading to the manufacture of such items as artificial intelligence or information technology devices, software, and systems. For more information on Executive Order 13329, please visit the following Web site: <http://www.sba.gov/sbir/execorder.html> or contact Lynn Medley at: [lynn.medley@ed.gov](mailto:lynn.medley@ed.gov).

#### Background

The Small Business Reauthorization Act of 2000 (Act) was enacted on December 21, 2000. The Act requires certain agencies, including the Department, to establish SBIR programs by reserving a statutory percentage of their extramural R&D budgets to be awarded to small business concerns through a uniform, highly competitive three-phase process.

The three phases of the SBIR program are:

**Phase I:** Phase I projects determine, insofar as possible, the scientific or technical merit and feasibility of ideas submitted under the SBIR program. An application for Phase I should concentrate on research that will contribute significantly to proving the scientific or technical feasibility of the