

Transfer experiments over a range of objective lens magnifications. Furthermore, it is the only instrument that can rapidly interchange custom dichroic mirrors, which is essential for experiments relying on new fluorescent proteins. *Justification for Duty-Free Entry:* There are no instruments of the same general category manufactured in the United States. *Application accepted by Commissioner of Customs:* September 20, 2013.

*Docket Number:* 13–043. *Applicant:* University of Colorado at Boulder, 1111 Engineering Drive 428 UCB, ECOT 514, University of Colorado at Boulder, Boulder, CO 80309. *Instrument:* Cyclic Triaxial Testing Device. *Manufacturer:* Wille Geotechnik, Germany. *Intended Use:* The instrument will be used to study the response of soils under monotonic static loading compared to 1-D and 2-D cyclic loading, evaluate the influence of load amplitude and frequency content on the response of soils in terms of shear modulus and damping versus strain, and evaluate the influence of soil-content on its dynamic properties. It is critical to have the capability to simulate realistic static and dynamic stress conditions to the soil samples, which is facilitated by the instrument. The key specification in the research that was satisfied by the instrument is the ability to apply cyclic loading at high frequencies (up to about 30Hz) to simulate earthquake loading. The instrument is also capable of testing soil samples larger than 70mm, the pressure system/pressure controller has a resolution of 0.1 KPa which provides greater accuracy, and the load frame capacity for both static and dynamic loading is 25 KN. *Justification for Duty-Free Entry:* There are no instruments of the same general category manufactured in the United States. *Application accepted by Commissioner of Customs:* September 26, 2013.

Dated: November 19, 2013.

**Gregory W. Campbell,**  
*Director of Subsidies Enforcement,*  
*Enforcement and Compliance.*

[FR Doc. 2013–28357 Filed 11–25–13; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### **University of California, Berkeley, et al.; Notice of Decision on Application for Duty-Free Entry of Scientific Instruments**

This is a decision pursuant to Section 6(c) of the Educational, Scientific, and

Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 3720, U.S. Department of Commerce, 14th and Constitution Ave. NW., Washington, DC.

*Docket Number:* 13–002. *Applicant:* University of California, Berkeley, Berkeley, CA 94720. *Instrument:* High Speed Atomic Force Microscope (HSAFM). *Manufacturer:* Research Institute of Biomolecule Metrology (RIBM), Japan. *Intended Use:* See notice at 78 FR 7399–7400, February 1, 2013. *Comments:* None received. *Decision:* Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order. *Reasons:* The instrument will be used for a number of experiments including tracking the enzymatic activity of an RNA II polymerase along its template, a DNA gene, while synthesizing the messenger RNA. Having access to higher scan rates in an aqueous environment will provide an unprecedented view of transcription through nucleosomal DNA. By visualizing transcription steps, it is possible to precisely follow in real time the dynamics of events that accompany transcription by RNAP II through the nucleosome including spontaneous DNA unwrapping from the core particle, histone transfer, and histone dissociation under different conditions while determining the main factors that regulate nucleosome stability/instability during transcription. In addition to this capability, the instrument will have the time and spatial resolution to visualize individual tubulin subunits as they arrive at the microtubule end and will complement cryo-EM studies at near nanometer resolution on stabilized intermediates in the assembly process. The unique characteristics of this instrument are the ability to capture images at a rate of up to 15–20 frames per second, reading scan rates as high as 25 frames per second, resonant frequencies of 3.5 MHz in air and 1.2 MHz in water, spring constants of 0.2 N m<sup>–1</sup>, a quality factor in water of ~2, and a response time in water of ~0.5 microseconds.

Dated: November 19, 2013.

**Gregory W. Campbell,**  
*Director, Subsidies Enforcement Office,*  
*Enforcement and Compliance.*

[FR Doc. 2013–28354 Filed 11–25–13; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### **National Oceanic and Atmospheric Administration**

**RIN 0648–BD80**

#### **Takes of Marine Mammals Incidental to Specified Activities; Target and Missile Launch Activities at San Nicolas Island, California**

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

**ACTION:** Notice; receipt of application for letter of authorization; request for comments and information.

**SUMMARY:** NMFS has received a request from the U.S. Navy (Navy), Naval Air Warfare Center Weapons Division (NAWCWD) for authorization to take marine mammals incidental to missile launches from San Nicolas Island (SNI) from June 2014 through January 2019. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is announcing our receipt of the Navy's request for the development and implementation of regulations governing the incidental taking of marine mammals and inviting information, suggestions, and comments on the Navy's application and request.

**DATES:** Comments and information must be received no later than December 26, 2013.

**ADDRESSES:** Comments on the application should be addressed to Michael Payne, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3225. The mailbox address for providing email comments is [ITP.Magliocca@noaa.gov](mailto:ITP.Magliocca@noaa.gov). NMFS is not responsible for email comments sent to addresses other than the one provided here. Comments sent via email, including all attachments, must not exceed a 10-megabyte file size.

*Instructions:* All comments received are a part of the public record and will generally be posted to <http://www.nmfs.noaa.gov/pr/permits/incidental.htm> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

A copy of the Navy's application may be obtained by visiting the internet at: <http://www.nmfs.noaa.gov/pr/permits/>

*incidental.htm#applications*.

Documents cited in this notice may also be viewed, by appointment, during regular business hours, at the aforementioned address.

**FOR FURTHER INFORMATION CONTACT:**

Michelle Magliocca, Office of Protected Resources, NMFS, (301) 427-8401.

**SUPPLEMENTARY INFORMATION:**

**Background**

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by United States citizens who engage in a specified activity (other than commercial fishing) within a specific geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings 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."

With respect to military readiness activities, the MMPA defines "harassment" as: "(i) any act that injures or has the significant potential to injure a marine mammal stock in the wild [Level A Harassment]; or (ii) any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered [Level B Harassment]."

**Summary of Request**

On July 24, 2013, NMFS received an application from the Navy requesting regulations governing a Letter of Authorization (LOA) for the take of three species of marine mammals incidental to NAWCWD's missile launches from SNI over 5 years:

northern elephant seal (*Mirounga angustirostris*), Pacific harbor seal (*Phoca vitulina*), and California sea lion (*Zalophus californianus*). The Navy is requesting a 5-year LOA proposed to be conducted from 2014 through 2019.

These activities are classified as military readiness activities. The Navy states that these activities may expose some of the marine mammals present around SNI to elevated sound levels from up to 40 missile launches per year. The Navy is requesting authorization to take three marine mammal species by Level B harassment.

**Description of the Specified Activity**

In the application submitted to NMFS, the Navy requests authorization to take marine mammals incidental to conducting up to 40 missile launches a year from SNI. A detailed description of the proposed activity, including duration, location, and missiles involved, are provided in the Navy's application (pages 5-14). In summary, NAWCWD plans to continue a launch program for missiles and targets from several launch sites on SNI. Some launches are used for practicing defensive drills and some launches may be conducted for testing new types of targets. Missiles vary from tactical and developmental weapons to target missiles used to test defensive strategies and other weapons systems. Up to 200 missiles may be launched over a 5-year period, but the number and type of launch varies depending on operational needs.

**Information Solicited**

Interested persons may submit information, suggestions, and comments concerning the Navy's request (see **ADDRESSES**). All input related to the Navy's request and NMFS' role in governing the incidental taking of marine mammals will be considered by NMFS when developing, if appropriate, the most effective regulations governing the issuance of LOAs.

Dated: November 21, 2013.

**Donna S. Wieting,**

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

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648-XA832**

**Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Missile Launch Operations From San Nicolas Island, CA**

**AGENCY:** National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of 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, notification is hereby given that a letter of authorization (LOA) has been issued to the Naval Air Warfare Center Weapons Division, U.S. Navy (Navy), to take three species of seals and sea lions incidental to missile launch operations from San Nicolas Island (SNI), California, a military readiness activity.

**DATES:** Effective December 1, 2013, through June 2, 2014.

**ADDRESSES:** The LOA and supporting documentation are available for review on the Internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications>.

Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address and at the Southwest Regional Office, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802.

**FOR FURTHER INFORMATION CONTACT:** Michelle Magliocca, Office of Protected Resources, NMFS, 301-427-8401, or Monica DeAngelis, NMFS, 562-980-3232.

**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, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and regulations are issued. However, for military readiness activities, the National Defense Authorization Act (Pub. L. 108-136) removed the "small numbers" and "specified geographical region" limitations. Under the MMPA, the term