

whether the applicant has demonstrated that the proposed activity is humane and does not represent any unnecessary risks to the health and welfare of marine mammals; that the proposed activity by itself, or in combination with other activities, will not likely have a significant adverse impact on the species or stock; and that the applicant's expertise, facilities and resources are adequate to accomplish successfully the objectives and activities stated in the application.

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 this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: May 14, 2008.

P. Michael Payne,

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

[FR Doc. E8-11300 Filed 5-19-08; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XG74

Permits; Foreign Fishing

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

ACTION: Notice; denial of permit.

SUMMARY: Notice is hereby given that a request for five transshipment permits regarding a foreign fishing application submitted under provisions of the Magnuson-Stevens Fishery Conservation and Management Act has been denied.

ADDRESSES: The application and related documents are available for review upon written request or by appointment in the following office:

Office of International Affairs, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT:

Jennifer Olson, Office of International Affairs, (301) 713-2276.

SUPPLEMENTARY INFORMATION: NMFS received an application requesting authorization for five Mexican vessels to receive, within the Pacific waters of the U.S. EEZ south of 34000'N. lat. and east of 121000'W.long., transfers of live tuna from U.S. purse seiners for the purpose of transporting the tuna alive to an aquaculture facility located in Baja California, Mexico. On April 1, 2008 (73 FR 11327), NMFS published a notice of

receipt for the application. Because the transshipment of purse seine-caught tuna is prohibited in the Eastern Pacific Ocean under 50 CFR 300.24(d) and 50 CFR 300.25(d), the application has been denied.

Dated: May 15, 2008.

Jean-Pierre Ple,

Acting Director, Office of International Affairs, National Marine Fisheries Service.

[FR Doc. E8-11251 Filed 5-19-08; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket No. [Transmittal Nos. 08-31]]

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 requirements of section 155 of Public Law 104-164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601-3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 08-31 with attached transmittal, policy justification, and Sensitivity of Technology.

BILLING CODE 5001-06-M



DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

MAY 05 2008

In reply refer to:
USP001113-08

The Honorable Nancy Pelosi
Speaker of the House of Representatives
Washington, DC 20515-6501

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 08-31, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Australia for defense articles and services estimated to cost \$450 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. J. Millies", is located below the "Sincerely," text.

Richard J. Millies
Deputy Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Same ltr to:

House

Committee on Foreign Affairs
Committee on Armed Services
Committee on Appropriations

Senate

Committee on Foreign Relations
Committee on Armed Services
Committee on Appropriations

Transmittal No. 08-31

**Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended**

- (i) **Prospective Purchaser:** Australia
- (ii) **Total Estimated Value:**
- | | |
|--------------------------|-----------------------|
| Major Defense Equipment* | \$ 100 million |
| Other | \$ <u>350 million</u> |
| TOTAL | \$ 450 million |
- (iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:** AEGIS Combat System and select combat system and communication components consisting of 3 AN/SPQ-9B Horizon Search Radars, 3 Cooperative Engagement Capability Systems, 3 Naval Fire Control Systems, 3 Multi-Functional Information Distribution Systems, AN/SLQ-25A Nixie Countermeasure Suite, MK160 Gun Computer System, AIMS MK XII Identification Friend or Foe (IFF) system for the Air Warfare Destroyer platform, communication and information distribution systems, U.S. Government and contractor engineering and logistics personnel services, personnel training and training equipment, support and test equipment, spare and repair parts, publications and technical documentation, and other related elements of logistics support.
- (iv) **Military Department:** Navy (LCQ, Amendment 3)
- (v) **Prior Related Cases, if any:**
- | |
|--|
| FMS case LCQ - \$489 million - 31Oct05 |
| FMS case LCQ(A01) - \$196 million - 04Apr06 |
| FMS case LCQ(A02) - \$ 489 million - 31Jul06 |
- (vi) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:** none
- (vii) **Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold:** See Annex attached
- (viii) **Date Report Delivered to Congress:** MAY 05 2008

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Australia – AEGIS Combat System Components for Air Warfare Destroyer Program

The Government of Australia requested a possible sale of the AEGIS Combat System and select combat system and communication components consisting of 3 AN/SPQ-9B Horizon Search Radars, 3 Cooperative Engagement Capability Systems, 3 Naval Fire Control Systems, 3 Multi-Functional Information Distribution Systems, AN/SLQ-25A Nixie Countermeasure Suite, MK160 Gun Computer System, AIMS MK XII Identification Friend or Foe (IFF) for the Air Warfare Destroyer platform, communication and information distribution systems, U.S. Government and contractor engineering and logistics personnel services, personnel training and training equipment, support and test equipment, spare and repair parts, publications and technical documentation, and other related elements of logistics support. The estimated cost is \$450 million.

Australia is one of our most important allies in the Western Pacific. The strategic location of this political and economic power contributes significantly to ensuring peace and economic stability in the region. Australia's efforts in peacekeeping and humanitarian operations in Iraq and in Afghanistan have had a significant impact on regional political and economic stability and have served U.S. national security interests. This proposed sale is consistent with those objectives and facilitates burden sharing with our allies.

The proposed sale of the AEGIS Combat System and components to Australia will contribute to U.S. security objectives by providing a coalition partner with significantly improved Air Warfare capability. This will improve the Royal Australian Navy's ability to participate in coalition operations, will enhance the lethality of its Air Warfare Destroyer platform, and will provide common logistical support with the U.S. Navy. The Royal Australian Navy can easily integrate the capabilities of the AEGIS Weapons Systems into its concept of operations. Australia will have no difficulty absorbing these systems into its armed forces.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The principal contractors will be:

Lockheed Martin Maritime Systems and Sensors	Moorestown, New Jersey
(two locations)	Eagan, Minnesota
Raytheon Systems Company	St. Petersburg, Florida
Northrop Grumman Corporation	Melville, New York

There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the assignment of three contractor representatives in Australia for approximately 3 months during the preparation, equipment installations, and equipment test and checkout of Cooperative Engagement Capability systems and the AN/SPQ-9B radar.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 08-31**Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act****Annex
Item No. vii****(vii) Sensitivity of Technology:**

1. The Cooperative Engagement Capability (CEC) is a system that fuses tracking data from shipboard sensors and distributes radar measurement data to other platforms with CEC capability. This data is filtered and combined to create a common tactical picture, based on available sensor data from all platforms netted through the CEC system. The hardware is Unclassified with the exception of a Communications Security (COMSEC) card which is classified Secret. The software and documentation is classified Secret.

2. The Multi-Functional Information Distribution System (MIDS) Terminal is a secure data and voice communication network using the Link 16 architecture. The system provides enhanced situational awareness, positive identification of participants within the network, secure connectivity and secure voice capability. The MIDS Terminal is classified Confidential. The MIDS software and documentation are Unclassified. MIDS has been previously purchased by Australia and the appropriate safeguards are in place to accept delivery and integrate it into the Air Warfare Destroyer.

3. The AN/SPQ-9B radar is a high resolution, three dimensional, rotating phased array, X-band narrow beam radar, providing both air and surface tracking data. The radar will become a component of the AEGIS Combat System on the Australia Air Warfare Destroyer, to serve as a complement to the Aegis SPY-1D (V) radar, providing additional capability to detect and engage surface and low altitude air targets. The AN/SPQ-9B Radar hardware and documentation is Unclassified. The software is classified Secret.

4. The Naval Fire Control System (NFCS) is an automated mission planning system for Naval surface fire support, designed to coordinate and execute fire support weapons engagements. NFCS receives targeting data, generates a coordinated land tactical picture, and prepares fire plans. The NFCS hardware, software, and documentation are Unclassified.

5. All manuals and technical documentation disclosure will be limited to those necessary for operational use and organizational maintenance. No special tooling and/or manufacturing equipment will be sold in connection with this sale.

6. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

Dated: May 7, 2008.

Patricia L. Toppings,

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

[FR Doc. E8-11142 Filed 5-19-08; 8:45 am]

BILLING CODE 5001-06-C

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0153]

Federal Acquisition Regulation; Submission for OMB Review; OMB Circular A-119

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance (9000-0153).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning OMB Circular A-119. A request for public comments was published at 73 FR 4188, January 24, 2008. No comments were received.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before June 19, 2008.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR

Secretariat (VPR), 1800 F Streets, NW, Room 4035, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT Ms. Cecelia Davis, Contract Policy Division, GSA (202) 219-0202.

SUPPLEMENTARY INFORMATION:

A. Purpose

On February 19, 1998, a revised OMB Circular A-119, "Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities," was published in the *Federal Register* at 63 FR 8545, February 19, 1998. FAR Subparts 11.1 and 11.2 were revised and a solicitation provision was added at 52.211-7, Alternatives to Government-Unique Standards, to implement the requirements of the revised OMB circular. If an alternative standard is proposed, the offeror must furnish data and/or information regarding the alternative in sufficient detail for the Government to determine if it meets the Government's requirements.

B. Annual Reporting Burden

Respondents: 100.

Responses Per Respondent: 1.

Total Responses: 100.

Hours Per Response: 1.

Total Burden Hours: 100.

OBTAINING COPIES OF

PROPOSALS: Requesters may obtain a copy of the information collection documents from the General Services Administration, FAR Secretariat (VPR), Room 4035, 1800 F Street, NW, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 9000-0153, OMB Circular A-119, in all correspondence.

Dated: May 13, 2008.

Al Matera,

Director, Office of Acquisition Policy.

[FR Doc. E8-11233 Filed 5-19-08; 8:45 am]

BILLING CODE 6820-EP-S

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent to Grant Exclusive Patent License; Vytral Systems Co. Ltd, LLC

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Vytral Systems Co. Ltd, LLC a revocable, nonassignable, partially exclusive license to practice throughout the United States the Government-owned inventions described in U.S. Patent No. 7,281,482: SIDE THRUSTER

PERFORMANCE IMPROVEMENT WITH POWER OPTIMIZATION CONTROLLER; U.S. Patent No. 7,277,573: ENHANCED RANDOMNESS ASSESSMENT METHOD FOR THREE-DIMENSIONS; U.S. Patent No. 7,272,072: METHOD OF CONVERTING RECEIVED DATA TO A TWO-DIMENSIONAL COLOR MAP; U.S. Patent No. 7,269,538: METHOD FOR SPARSE DATA TWO-STAGE STOCHASTIC MENSURATION; U.S. Patent No. 7,259,637: DELAY LOOP CORRECTION FOR A PROCESSOR; U.S. Patent No. 7,251,605: SPEECH TO TOUCH TRANSLATOR ASSEMBLY AND METHOD; U.S. Patent No. 7,236,252: SYSTEM AND APPARATUS FOR MEASURING DISPLACEMENTS IN ELECTRO-ACTIVE MATERIALS; U.S. Patent No. 7,212,652: METHOD FOR TRACKING TARGETS WITH HYPER-SPECTRAL DATA; U.S. Patent No. 7,209,240: SYSTEM AND APPARATUS FOR MEASURING DISPLACEMENTS IN ELECTRO-ACTIVE MATERIALS; U.S. Patent No. 7,180,416: TIME KEYED INFORMATION TRANSMISSION; U.S. Patent No. 7,177,232: WIRELESS RADIO FREQUENCY HYDROPHONE SYSTEM; U.S. Patent No. 7,155,389: DISCRIMINATING SPEECH TO TOUCH TRANSLATOR ASSEMBLY AND METHOD; U.S. Patent No. 7,143,033: AUTOMATIC MULTI-LANGUAGE PHONETIC TRANSCRIBING SYSTEM; U.S. Patent No. 7,120,089: SELF-CONTAINED AMBIENT NOISE RECORDER; U.S. Patent No. 7,111,577: ELECTROMAGNETIC WAVE PROPAGATION SCHEME; U.S. Patent No. 7,110,946: SPEECH TO VISUAL AID TRANSLATOR ASSEMBLY AND METHOD; U.S. Patent No. 7,106,658: NAVIGATION SYSTEM AND METHOD USING DIRECTIONAL SENSOR; U.S. Patent No. 7,106,269: OMNI-AZIMUTHAL PATTERN GENERATOR FOR VLF AND LF COMMUNICATION; U.S. Patent No. 7,103,502: ENHANCED SYSTEM FOR DETECTION OF RANDOMNESS IN SPARSE TIME SERIES DISTRIBUTIONS; U.S. Patent No. 7,062,386: METHOD TO ESTIMATE THE MECHANICAL PROPERTIES OF A SOLID MATERIAL SUBJECTED TO INSONIFICATION; U.S. Patent No. 7,061,431: SEGMENTED MICROSTRIP PATCH ANTENNA WITH EXPONENTIAL CAPACITIVE LOADING; U.S. patent No. 7,032,456: ISOSTATIC PIEZORESISTIVE PRESSURE TRANSDUCER WITH TEMPERATURE OUTPUT; U.S. Patent No. 7,027,211: FIBER OPTIC SWITCH EMPLOYING OPTICAL AMPLIFIERS; U.S Patent No. 7,020,046: SYSTEM