

incorporated or organized in the United States. A university, government laboratory, independent research organization, or other nonprofit organization cannot retain title to patents, although such organizations can receive mutually agreeable payments (either one-time or continuing) from the company or companies holding title to the patent. However, a for-profit corporation organized by a university can be considered a for-profit company for the purpose of retaining title to patents arising from an ATP award. In such a case, documentation of the for-profit status must be provided in the proposal. If your organization is not a for-profit company but plans to be involved in an ATP project, you will not be able to retain title to any patentable inventions arising from the ATP project. Please make sure your legal department is aware that ATP cannot waive this mandated provision (15 U.S.C. 278n(d)(11)(A) and 15 CFR 295.2 and 295.8). Title to any such invention shall not be transferred or passed, except to a for-profit company organized in the United States, until the expiration of the first patent obtained in connection with such invention.

The United States reserves a nonexclusive, nontransferable, irrevocable, paid-up license to practice or have practiced for or on behalf of the United States any patentable invention arising from an ATP award. The federal government shall not, however, in the exercise of such license, publicly disclose proprietary information related to the license. The federal government also has march-in rights in accordance with 15 CFR 295.8. Since its inception in 1990, ATP has not exercised its march-in rights nor has it used its nontransferable, irrevocable, paid-up license.

**Projects Involving Human Subjects:** Research involving human subjects must be in compliance with applicable Federal regulations and NIST policies for the protection of human subjects. Human subjects research involves interactions with live human subjects or the use of data, images, tissue, and/or cells/cell lines (including those used for control purposes) from human subjects. Research involving human subjects may include activities such as the use of image and/or audio recording of people, taking surveys or using survey data, using databases containing personal information, testing software with volunteers, and many tasks beyond those within traditional biomedical research. A Human Subjects Determination Checklist is included in the April 2007 ATP Proposal

Preparation Kit as Exhibit 2 (<http://www.atp.nist.gov/atp/helpful.htm>) to assist you in determining whether your proposal has human subjects involvement, which would require additional documents with your proposal. Detailed information regarding the use of human subjects in research projects and required documentation is available in the ATP Guidelines and Documentation Requirements for Research Involving Human & Animal Subjects located at <http://www.atp.nist.gov/atp/helpful.htm> or by calling 1-800-287-3863.

**Projects Involving Animal Subjects:** Research involving animal subjects must be in compliance with applicable federal regulations and NIST policies for the protection of animal subjects. Vertebrate animal research involves live animals that are being cared for, euthanized, or used by the project participants to accomplish research goals or for teaching or testing. The regulations do not apply to animal tissues purchased from commercial processors or tissue banks or to uses of preexisting images of animals (e.g., a wildlife documentary or pictures of animals in newscasts). The regulations do apply to any animals that are housed and cared for by a project participant and used for custom collection of biological samples or observation data of health and behavior. Detailed information regarding the use of animal subjects in research projects and required documentation is available in the ATP Guidelines and Documentation Requirements for Research Involving Human & Animal Subjects located at <http://www.atp.nist.gov/atp/helpful.htm> or by calling 1-800-287-3863.

**Administrative and National Policy Requirements:** The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements: The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the **Federal Register** notice of December 30, 2004 (69 FR 78389) is applicable to this announcement. On the form SF-424 (R&R), the applicant's 9-digit Dun and Bradstreet Data Universal Numbering System (DUNS) number must be entered in the Organizational DUNS line.

**Paperwork Reduction Act:** This notice contains collection of information requirements subject to the Paperwork Reduction Act (PRA). The use of Forms NIST-1262 and NIST-1263, SF-424 (R&R), Research and Related Other Project Information, SF-424B, SF-LLL, CD-346, and Budget Narrative form has been approved by OMB under the

respective control numbers 0693-0009, 4040-0001, 4040-0001, 4040-0007, 0348-0046, 0605-0001, and 0693-0009. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information, subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

**Executive Order 12866:** This notice has been determined to be not significant for purposes of Executive Order 12866.

**Executive Order 12372 (Intergovernmental Review of Federal Programs):** ATP does not involve the mandatory payment of any matching funds from state or local government and does not affect directly any state or local government. Accordingly, the Department of Commerce has determined that Executive Order 12372 is not applicable to this program.

**Executive Order 13132 (Federalism):** It has been determined that this notice does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

**Administrative Procedure Act/Regulatory Flexibility Act:** Notice and comment are not required under the Administrative Procedure Act (5 U.S.C. 553) or any other law, for notices relating to public property, loans, grants, benefits or contracts (5 U.S.C. 553(a)). Because notice and comment are not required under the Administrative Procedure Act, a Regulatory Flexibility Analysis is not required and has not been prepared for this notice, 5 U.S.C. 601 *et seq.*

Dated: April 3, 2007.

**William Jeffrey,**  
Director, NIST.

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BILLING CODE 3510-13-P

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## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

#### Advisory Committee on Earthquake Hazards Reduction Meeting

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

**ACTION:** Notice of open meeting.

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**SUMMARY:** The National Earthquake Hazards Reduction Program (NEHRP) Advisory Committee on Earthquake Hazards Reduction (ACEHR), will meet at the National Institute of Standards and Technology (NIST) on Thursday, May 10, 2007 from 9:30 a.m. to 5:45

p.m. and Friday, May 11, 2007, from 8:30 a.m. to 12 p.m. The primary purpose of this meeting is to discuss NEHRP program activities. The NEHRP Advisory Committee will also discuss its annual report to the NIST Director. The agenda may change to accommodate Committee business. The final agenda will be posted on the NEHRP Web site at <http://nehrrp.gov/>.

**DATES:** The meeting will convene on May 10, 2007, at 9:30 a.m. and will adjourn at 5:45 p.m. on May 10, 2007. The meeting will resume on May 11, 2007 at 8:30 a.m. and end at 12 p.m. The meeting will be open to the public.

**ADDRESSES:** The meeting will be held in the Employee Lounge, in the Administration Building at NIST, Gaithersburg, Maryland. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

**FOR FURTHER INFORMATION CONTACT:** Dr. Jack Hayes, National Earthquake Hazards Reduction Program Director, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 8600, Gaithersburg, Maryland 20899-8600. Dr. Hayes' e-mail address is [jack.hayes@nist.gov](mailto:jack.hayes@nist.gov) and his phone number is (301) 975-5640.

**SUPPLEMENTARY INFORMATION:** The Committee was established in accordance with the requirements of Section 103 of the NEHRP Reauthorization Act of 2004 (Pub. L. 108-360). The Committee is composed of 15 members appointed by the Director of NIST who were selected for their technical expertise and experience, established records of distinguished professional service, and their knowledge of issues affecting the National Earthquake Hazards Reduction Program. In addition, the Chairperson of the United States Geological Survey (USGS) Scientific Earthquake Studies Advisory Committee (SESAC) will serve in an ex officio capacity on the Committee. *The Committee will assess:*

- Trends and developments in the science and engineering of earthquake hazards reduction;
- The effectiveness of NEHRP in performing its statutory activities (improved design and construction methods and practices; land use controls and redevelopment; prediction techniques and early-warning systems; coordinated emergency preparedness plans; and public education and involvement programs);
- Any need to revise NEHRP; and
- The management, coordination, implementation, and activities of NEHRP.

Background information on NEHRP and the Advisory Committee is available at <http://nehrrp.gov/>.

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that the National Earthquake Hazards Reduction Program (NEHRP) Advisory Committee on Earthquake Hazards Reduction (ACEHR), will meet Thursday, May 10, 2007, at 9:30 a.m. and will adjourn at 5:45 p.m. on May 10, 2007. The meeting will resume on Friday, May 11, 2007 at 8:30 a.m. and end at 12 p.m. The meeting will be held at NIST headquarters in Gaithersburg, Maryland.

The primary purpose of this meeting is to discuss NEHRP program activities. The NEHRP Advisory Committee will also discuss its annual report to the NIST Director. The meeting will be open to the public. The final agenda will be posted on the NIST Web site at <http://nehrrp.gov/>.

Individuals and representatives of organizations who would like to offer comments and suggestions related to the Committee's affairs are invited to request a place on the agenda. On May 10, 2007, approximately one-half hour will be reserved for public comments, and speaking times will be assigned on a first-come, first-serve basis. The amount of time per speaker will be determined by the number of requests received, but is likely to be about 3 minutes each. Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements to the NEHRP Advisory Committee, National Institute of Standards and Technology, 100 Bureau Drive, MS 8610, Gaithersburg, Maryland 20899-8610, via fax at (301) 975-4032, or electronically by e-mail to [info@nehrrp.gov](mailto:info@nehrrp.gov).

All visitors to the NIST site are required to pre-register to be admitted. Anyone wishing to attend this meeting must register by close of business Thursday, May 3, 2007, in order to attend. Please submit your name, time of arrival, e-mail address and phone number to Amber Stillrich and she will provide you with instructions for admittance. Non-U.S. citizens must also submit their country of citizenship, title, employer/sponsor, and address. Ms. Stillrich's e-mail address is [amber.stillrich@nist.gov](mailto:amber.stillrich@nist.gov) and her phone number is (301) 975-3777.

Dated: April 4, 2007.

**William Jeffrey,**  
Director.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 030907B]

#### Taking of Marine Mammals Incidental to Specified Activities; An On-ice Marine Geophysical Research and Development Program in the Beaufort Sea

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

**ACTION:** Notice of issuance of an incidental harassment authorization.

**SUMMARY:** In accordance with provisions of the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that an Incidental Harassment Authorization (IHA) to take marine mammals, by harassment, incidental to conducting an on-ice marine geophysical research and development (R&D) program in the U.S. Beaufort Sea, has been issued to Shell Offshore, Inc. (SOI) for a period between March and May 2007.

**DATES:** This authorization is effective from March 30 until May 31, 2007.

**ADDRESSES:** A copy of the application, IHA, an Environmental Assessment (EA) on the *Proposed OCS Lease Sale 202 Beaufort Sea Planning Area* by the Mineral Management Service (MMS), and/or a list of references used in this document may be obtained by writing to P. Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3225, or by telephoning one of the contacts listed here (see **FOR FURTHER INFORMATION CONTACT**).

**FOR FURTHER INFORMATION CONTACT:** Shane Guan, Office of Protected Resources, NMFS, (301) 713-2289, ext 137 or Brad Smith, Alaska Region, NMFS, (907) 271-5006.

#### 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 marine mammals