Del Norte County, California,'' evaluated the impacts on the human environment of our authorization of incidental Level B harassment resulting from the specified activity in the specified geographic region. At that time, we concluded that issuance of an IHA November 1 through April 30, annually would not significantly affect the quality of the human environment and issued a Finding of No Significant Impact (FONSI) for the 2010 EA regarding the Society's activities. In conjunction with the Society's 2012 application, we have again reviewed the 2010 EA and determined that there are no new direct, indirect or cumulative impacts to the human and natural environment associated with the IHA requiring evaluation in a supplemental EA and we, therefore, intend to preliminarily reaffirm the 2010 FONSI. An electronic copy of the EA and the FONSI for this activity is available upon request (see **ADDRESSES**).

**Helen M. Golde,**

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

[FR Doc. 2013–00202 Filed 1–8–13; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF DEFENSE

### Department of the Army

### Intent To Grant an Exclusive License of a U.S. Government-Owned Invention

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

**ACTION:** Notice.

**SUMMARY:** In accordance with 35 U.S.C. 209(e), and 37 CFR 404.7(a)(1)(i) and 37 CFR 404.7(b)(1)(i), announcement is made of the intent to grant an exclusive, revocable license to the invention claimed in U.S. Patent No. 6,316,197, entitled ''Method of Diagnosing of Exposure to Toxic Agents by Measuring Distinct Pattern in the Levels of Expression of Specific Genes,'' issued on November 13, 2001, and foreign rights to Cascade Biotherapeutics, Inc., with its principal place of business at 4938 Hampden Lane #319, Bethesda, Maryland 20814–2914.

**ADDRESSES:** Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, MD 21702–5012.

**FOR FURTHER INFORMATION CONTACT:** For licensing issues, Dr. Paul Mele, Office of Research & Technology Applications, (301) 619–6664. For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808; both at telefax (301) 619–5034.

**SUPPLEMENTARY INFORMATION:** Anyone wishing to object to grant of this license can file written objections along with supporting evidence, if any, within 15 days from the date of this publication. Written objections are to be filed with the Command Judge Advocate (see **ADDRESSES**).

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. 2013–00226 Filed 1–8–13; 8:45 am]

**BILLING CODE 3710–08–P**

## DEPARTMENT OF ENERGY

### Plutonium-238 Production for Radioisotope Power Systems for National Aeronautics and Space Administration and National Security Missions

**AGENCY:** Department of Energy.

**ACTION:** Notice of Intent to Prepare a Supplement Analysis; Notice of Cancellation of an Environmental Impact Statement.

**SUMMARY:** The Department of Energy (DOE) issued the *Programmatic Environmental Impact Statement for Accomplishing Expanded Civilian Nuclear Energy Research and Development and Isotope Production Missions in the United States, Including the Role of the Fast Flux Test Facility* (Nuclear Infrastructure or NI PEIS) in December 2000 to evaluate alternatives for enhancement of DOE's nuclear infrastructure. After considering the analysis in the NI PEIS and other relevant factors, DOE decided to reestablish domestic production of plutonium-238 (Pu-238) for radioisotope power systems (RPSs) to support the National Aeronautics and Space Administration (NASA) and national security missions. Although a Record of Decision (ROD) for the NI PEIS was published in January 2001, DOE has not implemented the decision to date. That decision included using the Advanced Test Reactor at the Idaho National Laboratory (INL) and the High Flux Isotope Reactor at the Oak Ridge National Laboratory (ORNL) in Tennessee to irradiate neptunium-237 (Np-237) targets; using the Radiochemical Engineering Development Center at ORNL to fabricate Np-237 targets and isolate Pu-238; utilizing TA-55 at Los Alamos National Laboratory in New Mexico to purify and encapsulate Pu-238; and, using existing facilities at INL to assemble and test the RPSs. Subsequent to the decision, DOE issued the draft *Environmental Impact Statement for the Proposed Consolidation of Nuclear Operations Related to Production of Radioisotope Power Systems* (Draft Consolidation EIS) in 2005 to consolidate the nuclear operations related to RPSs at a single site. DOE is now proposing to implement that earlier decision based on the NI PEIS and cancel the Consolidation EIS. Prior to proceeding with implementation of that earlier decision, DOE will prepare a Supplement Analysis (SA) in accordance with DOE's National Environmental Policy Act (NEPA) Implementing Procedures to determine whether a supplement to the NI PEIS or a new EIS should be prepared, or that no additional NEPA review is warranted.

**FOR FURTHER INFORMATION CONTACT:** For further information on the Pu–238 Production Program, please contact: Ms. Alice Caponiti, Program Director for Infrastructure Capabilities, Office of Space and Defense Power Systems (NE–75), Office of Nuclear Energy, U.S. Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585, Phone 301–903–6062, *alice.caponiti@nuclear.energy.gov.*

For information on NEPA analysis for Pu-238 production, please contact: Dr. Rajendra Sharma, NEPA Compliance Officer, Office of Nuclear Energy (NE–31), U.S. Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585, Phone 301–903–2899, *rajendra.sharma@nuclear.energy.gov.*

For general information on the DOE NEPA process, please contact: Ms. Carol Borgstrom, Director, Office of NEPA Policy and Compliance (GC–54), U.S. Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585, Phone 202–586–4600; leave a message at 1–800–472–2756; facsimile 202–586–7031; or send email to: *asknepa@hq.doe.gov.*

**SUPPLEMENTARY INFORMATION:**

#### Background

Under the authority of the Atomic Energy Act of 1954, DOE's missions include: (1) Producing isotopes for research and applications in medicine and industry; (2) meeting nuclear material needs of other Federal agencies; and (3) conducting research and development activities for civilian use of nuclear power. As part of these responsibilities, DOE and its predecessor agencies have supplied Pu-238 for U.S. space programs and national security missions for more than five decades. NASA uses RPSs, which are fueled by Pu-238, as the source of

electric power and heat for deep space missions. Nuclear reactors and chemical processing facilities at DOE's Savannah River Site (SRS) historically produced Pu-238. However, the relevant nuclear reactors and the chemical processing facilities and capabilities in F-Canyon and H-Canyon at SRS have been shut down or are no longer available. Lacking any source of domestic production of Pu-238, DOE signed a 5-year contract in 1992 to purchase up to 10 kilograms (22 pounds) of Pu-238 per year from Russia, not to exceed 40 kilograms (88 pounds) total. This purchase agreement was executed through a series of contracts and extensions. Purchases were suspended in 2009 due to a restructuring of the Russian nuclear industry and a need to establish a new contracting arrangement. Although DOE plans to pursue a new agreement under new terms with Russia, this process could delay any delivery of Pu-238 by three or more years, and such an arrangement will always be a risk to NASA missions. As discussed in detail in Section 1.2.2 of the NI PEIS, updated mission guidance from NASA at the time the NI PEIS was prepared indicated that the U.S. inventory of Pu-238 reserved for U.S. space missions was likely to be depleted by 2005. Therefore, DOE needed to review the adequacy of its nuclear infrastructure to meet NASA's demands for Pu-238-fueled RPSs.

Partially in response to this on-going need for Pu-238, DOE evaluated potential enhancements to its nuclear infrastructure that would allow it to meet its responsibilities under the Atomic Energy Act of 1954 for the foreseeable future in the NI PEIS (DOE/EIS–0310), which was issued on December 15, 2000 (65 FR 78484). The NI PEIS evaluated the potential environmental impacts that could result from implementation of reasonable alternatives and options that were considered for enhancement of DOE's nuclear infrastructure. After considering the potential environmental impacts, costs, public comments, nonproliferation issues, and programmatic factors, DOE selected the Preferred Alternative identified in the Final NI PEIS (Alternative 2, Option 7) to reestablish domestic production of Pu-238 to support U.S. space exploration and national security missions. For this purpose, the Advanced Test Reactor (ATR) in Idaho and the High Flux Isotope Reactor (HFIR) at ORNL in Tennessee were to be used to irradiate neptunium-237 (Np-237) targets; this use would not interfere with the primary missions of ATR and HFIR. The Radiochemical Engineering Development Center (REDC) at ORNL was selected for fabricating targets and isolating Pu-238 from the irradiated targets to produce up to five kilograms of Pu-238 per year. The decision also allowed for continued purchase of Pu-238 from Russia to meet near-term space mission requirements while reestablishing domestic production capabilities. The NI PEIS ROD was published on January 26, 2001 (66 FR 7877).

In the ROD, DOE had decided to transport Np-237, after conversion to neptunium oxide ($NpO_2$), from SRS to REDC at ORNL for target fabrication. After the September 11, 2001, terrorist attack, DOE required additional security and safeguards for special nuclear materials (SNMs). Np-237 is considered an SNM. REDC did not meet requirements for storage of SNMs and it would have required costly upgrades to qualify for safe, secure storage of $NpO_2$. Two alternative locations which met the requirements for safe storage of $NpO_2$ were identified, one at each of the DOE's Oak Ridge and Idaho sites. DOE prepared an SA (DOE/EIS–0310–SA–01) for the proposed change of storage location of $NpO_2$ from REDC to the Y–12 National Security Complex at the Oak Ridge site and/or Argonne National Laboratory-West (renamed Materials and Fuels Complex [MFC]) at the INL site in Idaho to determine whether a supplement to the NI PEIS would be necessary. DOE determined that no additional NEPA documentation was necessary and amended its ROD (69 FR 50180, August 13, 2004) to change the $NpO_2$ storage location from REDC to the MFC at INL. Consistent with this decision, $NpO_2$ for use as target material for production of Pu-238 has been transported from SRS to INL and is now stored at MFC.

**Proposed Consolidation**

By the end of fiscal year 2004, DOE had taken no other action or incurred any expenses to implement the NI PEIS ROD related to production of Pu-238. On November 16, 2004, DOE published a *Notice of Intent to Prepare Environmental Impact Statement for the Proposed Consolidation of Nuclear Operations Related to Production of Radioisotope Power Systems* (69 FR 67139). At the time, DOE's ongoing and planned-to-be-established RPS-related production operations were located at three DOE sites in Idaho, New Mexico, and Tennessee, requiring the transport of radioactive material that could be avoided by consolidation of these activities at a single, highly secure DOE site. The proposed consolidation of these operations, which included production, purification, and encapsulation of Pu-238, would be consistent with DOE's approach on consolidating nuclear materials to enhance security of nuclear materials and reduce risks associated with their transport. The existing and planned operations related to RPS production in November 2004 were as follows: Np-237, used in preparation of targets as the feed material for Pu-238 production, was to be transported from SRS to INL for storage per amendment to the NI PEIS ROD (the shipment is now complete and Np-237 is currently stored at INL); the production capability was planned to be established at ORNL according to the NI PEIS ROD where the targets would be fabricated in REDC, irradiated at ATR in Idaho (supplemented by HFIR in Oak Ridge) and then processed in REDC to recover Pu-238; Pu-238 was then to have been transported to LANL; Pu-238 was to be purified and encapsulated at LANL and transported to INL; and RPS assembly and test operations were to be conducted as ongoing operations at INL in existing facilities.

Under the preferred alternative identified in the Draft Consolidation EIS (DOE/EIS–0373), DOE proposed to consolidate all activities related to RPS production within the secure area at INL. New construction for the Pu-238 production, purification, and encapsulation part of the infrastructure was proposed due to the very limited capability of existing facilities in the secure area. No new construction was required for the assembly and test operations that were already being located in the secure area at INL. The consolidation of the RPS production infrastructure would have included the following activities: (1) Np-237 would be stored at the INL as already decided; (2) Pu-238 production capability (including Np-237 target fabrication and processing) would be established at INL with ATR serving as the primary irradiation facility, and HFIR would be used only as a back-up facility if necessary; (3) Pu-238 operations carried out at LANL would be transferred to INL and (4) the existing facility, the Space and Security Power Systems Facility, at INL would continue to be established and maintained for RPS assembly and test operations as already planned. DOE proposed to use existing facilities for the production of Pu-238 during the time period required for the new facilities at INL to become operational. This period between 2007 and 2011 was referred to in the Consolidation EIS as the ''bridge'' period. The Notice of Availability for

the Draft Consolidation EIS was published on July 1, 2005 (70 FR 38132).

In response to public comments, DOE explored other locations and facilities for the ''bridge'' alternative, in addition to those analyzed in the Draft Consolidation EIS. While review of other reasonable alternatives at DOE sites was in progress, it became evident that refurbishment of existing facilities to make them suitable for the bridge period would not be cost effective. In addition, the escalating cost estimate of proposed new construction at INL did not favor the proposed consolidation. Therefore, DOE postponed issuance of the Final Consolidation EIS while the program reanalyzed its approach to Pu–238 production, with or without consolidation. On the basis of this reanalysis, DOE now believes that consolidation is no longer a reasonable alternative due to very high cost of refurbishment of facilities for the bridge period and for proposed new construction at the consolidation site. Therefore, the Consolidation EIS is hereby cancelled.

**Next Steps**

In order to restart Pu-238 production, implementation of the decision made in the NI PEIS ROD offers the optimum approach. Since the NI PEIS ROD was issued nearly 12 years ago, DOE will prepare an SA in accordance with DOE's NEPA Implementing Procedures at 10 CFR 1021.314 prior to implementing that decision. There are no changes to the proposed action as analyzed in the NI PEIS. If there are significant new circumstances or information relevant to environmental concerns, DOE will prepare a supplemental EIS in accordance with 10 CFR 1021.314 and the Council on Environmental Quality Regulations at 40 CFR 1502.9. Otherwise, DOE may determine that the 2001 decision can be implemented without further NEPA documentation. DOE's determination will be announced in the **Federal Register** and the SA and the determination will be available to the public and posted on the DOE NEPA Web site. Copies of the determination and SA will be provided upon written request and will be available for inspection in the appropriate DOE public reading room(s) or other appropriate location(s) for a reasonable period of time.

Issued in Washington, DC, on January 2, 2013.

**Peter B. Lyons,**

*Assistant Secretary for Nuclear Energy.*

[FR Doc. 2013–00239 Filed 1–8–13; 8:45 am]

**BILLING CODE 6450–01–P**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Docket No. CP13–31–000]**

## Gulf South Pipeline Company, LP; Notice of Application for Abandonment

Take notice that on December 19, 2012, Gulf South Pipeline Company, LP (Gulf South), 9 Greenway Plaza, Suite 2800, Houston, TX 77046, filed in Docket No. CP13–31–000, an application pursuant to sections 157.7 and 157.18 of the Commission's Regulations under the Natural Gas Act (NGA) as amended. Gulf South seeks authority to abandon the Magnolia Gas Storage Facility (Magnolia Facility) at the Napoleonville salt dome in Assumption Parish, Louisiana, and the storage services provided from that facility, all as more fully set forth in the application on file with the Commission and open to public inspection. Gulf South also seeks Commission authority to idle the facilities remaining at the Magnolia Facility which were constructed and placed into natural gas service in 2003, but are not proposed for refunctionalization as transmission facilities in Docket No. CP13–12–000. These facilities will remain physically in place and held for future use.

The filing may also be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to Michael E. McMahon, Senior Vice President and General Counsel; J. Kyle Stephens, Vice President, Regulatory Affairs; or M.L. Gutierrez, Director, Regulatory Affairs, at Boardwalk Pipeline Partners, LP, 9 Greenway Plaza, Suite 2800, Houston, TX 77046, telephone (713) 479–8252, fax (713) 479–1745 or email: *Mike.McMahon@bwpmlp.com, Kyle.Stephens@bwpmlp.com* or *Nell.Gutierrez@bwpmlp.com.*

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, before the comment date of this notice, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenter's will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 7 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

*Comment Date:* 5:00 p.m. Eastern Time on January 24, 2013.

Dated: January 3, 2013.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2013–00264 Filed 1–8–13; 8:45 am]

**BILLING CODE 6717–01–P**