

review including the results of its analysis of issues raised in any written comments.

This notice is in accordance with §§ 751(b) (1) and (c) of the Act and sections 353.22(a)(5), 353.22(f) and 353.25(d) of the Department's regulations.

Dated: August 11, 1995.

**Paul L. Joffe,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. 95-20556 Filed 8-17-95; 8:45 am]

BILLING CODE 3510-DS-P

## National Oceanic and Atmospheric Administration

[I.D. 081195B]

### Small Takes of Marine Mammals Incidental to Specified Activities; McDonnell Douglas Aerospace Delta II Vehicles at Vandenberg Air Force Base, CA

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

**ACTION:** Notice of receipt of application and proposed authorization for a small take exemption; request for comments.

**SUMMARY:** NMFS has received a request from the U.S. Air Force for authorization to take small numbers of harbor seals by harassment incidental to launches of McDonnell Douglas Aerospace (MDA) Delta II (Delta II) vehicles at Space Launch Complex 2W (SLC-2W), Vandenberg Air Force Base, CA (Vandenberg). Under the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to authorize the Air Force to incidentally take, by harassment, small numbers of harbor seals, California sea lions and northern elephant seals in the vicinity of Vandenberg for a period of 1 year.

**DATES:** Comments and information must be received no later than September 18, 1995.

**ADDRESSES:** Comments on the application should be addressed to Chief, Marine Mammal Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. A copy of the application, a list of the references used in this document, or the programmatic environmental assessment (EA), may be obtained by writing to this address or by telephoning one of the contacts listed below.

**FOR FURTHER INFORMATION CONTACT:** Kenneth Hollingshead, Office of

Protected Resources at 301-713-2055, or Craig Wingert, Southwest Regional Office at 310-980-4021.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce to allow, upon request, the incidental, but not intentional taking 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.

Permission may 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; and the permissible methods of taking and requirements pertaining to the monitoring and reporting of such taking are set forth.

On April 30, 1994, the President signed Public Law 103-238, The Marine Mammal Protection Act Amendments of 1994. One part of this law added a new subsection 101(a)(5)(D) to the MMPA to establish an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment for a period of up to one year. The MMPA defines "harassment" as:

...any act of pursuit, torment, or annoyance which (a) has the potential to injure a marine mammal or marine mammal stock in the wild; or (b) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.

New subsection 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of small numbers of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny issuance of the authorization.

##### Summary of Request

On July 12, 1995, NMFS received an application from the U.S. Air Force requesting an authorization for the harassment of small numbers of harbor seals and potentially for other pinniped species incidental to launches of Delta II vehicles at SLC-2W, Vandenberg. These launches would place Department of Defense, National Aeronautics and Space Administration

(NASA), and commercial medium-weight payloads into polar or near-polar orbits. MDA/NASA intends to launch four to five Delta IIs during the period of this proposed 1-year authorization.

Because SLC-2W is located north of most other launch complexes at Vandenberg, and because there are oil production platforms located off the coast to the south of SLC-2W, missions flown from SLC-2W cannot fly directly on their final southward course. The normal trajectory for a SLC-2W launch is 259.5 degrees west for the first 90 seconds, then a 41-second dog-leg maneuver to bring the vehicle on its southward course of 196 degrees. This trajectory takes the launch vehicle away from the coast and nearly 30 miles (mi) west of San Miguel Island (SMI), the westernmost Channel Island (Air Force, 1995b)<sup>1</sup>.

As a result of the noise associated with the launch itself, there is a potential to cause a startle response to those harbor seals and other pinnipeds that may haul out on the coastline of Vandenberg. Launch noise would be expected to occur over the coastal habitats in the vicinity of SLC-2W while low-level sonic booms could be heard over the water in the area west of the Channel Islands.

##### Description of Habitat and Marine Mammals Affected by Delta IIs

The Southern California Bight (SCB) including the Channel Islands, support a diverse assemblage of pinnipeds (seals and sea lions). California sea lions (*Zalophus californianus*), northern elephant seals (*Mirounga angustirostris*), harbor seals (*Phoca vitulina*) and northern fur seals (*Callorhinus ursinus*) breed there, with the largest rookeries on SMI and San Nicolas Island (SNI) (Stewart et al., in press). More detailed descriptions of the SCB and its associated marine mammals can be found elsewhere (56 FR 1606, January 16, 1991).

Until 1977, a small rookery of Steller sea lions (*Eumetopias jubatus*) existed on SMI. However, there has been no breeding there since 1981 and no sightings since 1984. Guadalupe fur seals (*Arctocephalus townsendi*) breed only on Isla de Guadalupe offshore Baja California, Mexico, and although some are occasionally seen on the Channel Islands, none are expected to be harassed by either launch noise or sonic booms since they are not known to come ashore on Vandenberg.

<sup>1</sup> A list of references used in this document can be obtained by writing to the address provided above (see ADDRESSES).

A small breeding population of California sea lions occurs on Vandenberg and both sea lions and northern elephant seals are regular visitors to the shoreline near SLC-2W. A small population of harbor seals are normal residents of Purisima Point adjacent to SLC-2W and southern sea otters (*Enhydra lutra*) were censused there during the spring of 1995<sup>2</sup>.

#### Harbor Seals

The Pacific harbor seal, which ranges from Baja California to the eastern Aleutian Islands, is the marine mammal most likely to be incidentally harassed by Delta II launches from Vandenberg, and therefore needs to be discussed in some detail. Harbor seals are considered abundant throughout most of their range and have increased substantially in the last 20 years. Hanan and Beeson (1994) reported 21,462 seals counted on the mainland coast and islands of California during May and June, 1994. Using that count and Huber et al.'s (1993) correction factor (1.61 times the count) for animals not hauled out, gives a best population estimate of 34,554 harbor seals in CA (NMFS, in press).

On the coastlines of Vandenberg, harbor seals are noted near Purisima Point, Point Arguello, at the mouth of Oil Well Canyon, in the area surrounding Rocky Point and near the Boathouse Breakwater (Air Force, 1995a, 1995b). The largest aggregations occur during the spring and early summer. Hanan et al. (1992) reported that 35 harbor seals were at Purisima Point while another 79 were found just south of Purisima Point. This is consistent with earlier estimates of approximately 100 harbor seals in the vicinity of SLC-2W. In 1986, 500 harbor seals were censused at the sites along North and South Vandenberg (Hanan et al., 1987). In the spring, approximately 70 harbor seals may be found at Rocky Point (Air Force, 1995a).

On SMI during the breeding season, the population is estimated to be 1,000 to 1,200 harbor seals (Hanan et al., 1993). Numbers are lowest in December, increase gradually from February to June, then sharply decrease again to a minimum in December. Pups are born from February through May. Pups nurse for about 4 weeks; nursing extends to at least the end of May. Breeding activities occur from mid-April to mid-June.

Harbor seals (and other pinnipeds) haul out onto dry land for various biological reasons, including sleep

(Krieber and Barrette, 1984), predator avoidance and thermoregulation (Barnett, 1992). As harbor seals spend most of the evening and nighttime hours in the ocean (Bowles and Stewart, 1980), hauled-out seals spend much of their daytime hours in apparent sleep (Krieber and Barrette, 1984; Terhune, 1985). In addition to sleep, seals need to leave the ocean to avoid aquatic predators and excessive heat loss to the sea water (Barnett, 1992).

However, the advantages of hauling out are counterbalanced by dangers of the terrestrial environment including predators. In general, because of these opposing biological forces, haulout groups are temporary, unstable aggregations (Sullivan, 1982). The size of the haulout group is thought to be an anti-predator strategy (da Silva and Terhune, 1988). By increasing their numbers at a haulout site, harbor seals optimize the opportunities for sleep by minimizing the requirement for individual vigilance against predators (Krieber and Barrette, 1984). This relationship between seals and their predators is thought to have represented a strong selection pressure for startle behavior patterns (da Silva and Terhune, 1988). As a result, harbor seals, which have been subjected to extensive predation or hunting, rush into the water at the slightest alarm. Startle response in harbor seals can vary from a temporary state of agitation by a few individuals to the complete abandonment of the beach area by the entire colony. Normally, when harbor seals are frightened by noise, or the approach of a boat, plane, human, or other potential predator, they will move rapidly to the relative safety of the water. Depending upon the severity of the disturbance, seals may return to the original haulout site immediately, stay in the water for some length of time before hauling out, or haul out in a different area. When disturbances occur late in the day, harbor seals may not haul out again until the next day.

Disturbances have the potential to cause a more serious effect when seals and sea lion herds are pupping or nursing, when aggregations are dense, and during the molting season. However, evidence to date has not indicated that anthropogenic disturbances have resulted in increased mortality. Bowles and Stewart (1980) for example, found that harbor seals' tendency to flee, and the length of time before returning to the beach, decreased during the pupping season. They also found that mother-pup separations in crowded colonies are considered frequent, natural occurrences that can result from several causes, including

normal female-female or male-female interactions. Both factors apparently give some protection to young seals from the startle response of the herd.

#### California Sea Lions

The three subspecies of the California sea lion inhabit the Pacific Ocean from the Galapagos Islands to Baja California to British Columbia. The California population breeds along the Channel Islands and oceanic islands off Mexico. A steady increase in the California sea lion population has occurred in the last two decades. From 1970 to 1989, the total population increased from an estimated 10,000 to 87,000 in the SCB. Based upon 1994 counts, the U.S. population is now estimated to be over 160,000 (NMFS, in press).

The two major California sea lion rookeries in the Channel Islands are on SMI and SNI. Stewart et al. (in press) estimated about 95 percent of the 16 to 17 thousand pups born in the Channel Islands in 1986 were from these two rookeries. Adult males arrive at the rookeries from March to May and breeding extends from May to July, with most births from mid-June to mid-July. Females nurse pups on an 8-day on/2-day off schedule for 4 to 8 months, with the "off days" spent foraging at sea (Heath et al., 1991). After the breeding season, adult males from the SCB migrate north from August through September and winter as far north as British Columbia. However, they are replaced by adult males from Baja California, in Mexico, that migrate to the Channel Islands to molt in December and January (Reeves et al., 1992). Seasonal movements of females are unknown; they may remain near the rookeries year round. California sea lions of all age-classes can be expected to forage in the offshore SCB during all seasons, with periods of peak at-sea abundance in late summer and autumn.

#### Northern Elephant Seal

The northern elephant seal, which is found on offshore islands from central Baja California north to Point Reyes, CA, north of San Francisco, has made a remarkable recovery in its population numbers. In 1892, it was estimated that only 100 elephant seals remained, and they inhabited Guadalupe Island, Mexico. The total population now is about 144,000 animals with an estimated 60,000 in the United States and 84,000 in Mexico.

Population estimates in the SCB increased from 28,000 in 1975-78 to 50,800 in 1989-90 with annual growth estimated at 14 percent for 1964-81 (Cooper and Stewart, 1983), and 10 percent for 1981-85 (Stewart et al., in

<sup>2</sup> Sea otters are under the jurisdiction of the U.S. Fish and Wildlife Service (USFWS) and not NMFS. Discussions between the applicant and the USFWS have taken place. Please contact those agencies for additional information.

press). A projection of these figures indicates that the 1994 U.S. population could be nearly 87,000.

Northern elephant seals forage at sea for 8 to 10 months each year during which time they make two migrations between breeding and molting sites in the Channel Islands and pelagic foraging grounds in the eastern North Pacific (Stewart and DeLong, 1993). Major rookeries are established annually on SMI and SNI. Adult males and females are ashore simultaneously only during breeding; females typically for 34 days continuously, and adult males for 30 to 90 days (Stewart and DeLong, 1993). Adult males maintain breeding territories on rookery beaches from early December through early March. Females arrive at rookeries from late December through February, with most births in January (Sydeman et al., 1991). Pups are weaned and abandoned when about 1 month old and go to sea 1 to 3 months later. Females and juveniles return to the Channel Islands to molt in April and May and adult males return in July and August.

Elephant seals travel north between breeding and molting seasons and disperse widely in the eastern North Pacific to forage on squid and other mesopelagic prey. Adult males migrate to the Gulf of Alaska and Aleutian Islands, while females and juveniles migrate as far as Oregon and Washington (Reeves et al., 1992). Both sexes dive continuously while at sea; females are submerged about 91 percent and males about 88 percent of the time while at sea (Stewart and DeLong, 1993). During foraging dives, seals descend rapidly to a specific depth, remain there for several minutes, and then ascend rapidly to the surface (Stewart and DeLong, 1993). On average, female dives were to about 1,640 ft (499.87 m) depth and lasted 24 minutes, with 2 minute inter-dive surface intervals; male dives were to about 1,198 ft (365.15 m) depth and lasted 23 minutes, with 3 minute inter-dive surface intervals. Overall, dives for both sexes were between 492 - 2,625 ft (149.96 to 800.1 m) deep.

All age-classes of northern elephant seals can be expected to forage in the offshore SCB, with periods of peak abundance just after breeding (late February-early March) and molting (April-May for females; July-August for males) periods.

#### **Potential Effects of Delta II Launches on Marine Mammals**

The effect on pinnipeds, particularly harbor seals, would be disturbance by sound, which is anticipated to result in a negligible short-term impact to small

numbers of harbor seals and other pinnipeds that may be hauled out along the coast near SLC-2W at the time of Delta II launches. There is no scientific evidence that any marine mammals, other than those onshore at the time of launch, would be subject to harassment by launch noises, although the potential does exist that other marine mammal species may hear either the launch noise or the sonic boom. However, simply hearing the noise does not necessarily mean that the animals have been harassed.

At North Vandenberg, launch noises are expected to impact mostly harbor seals, as other pinniped species (California sea lions and northern elephant seals) are known to haul out at these sites only infrequently and in smaller numbers. The launch noise associated with the Delta II under typical conditions is predicted to be about 115 dBA (129 dB) at the nearest potential harbor seal haulout (3,000 ft (914.4 m) from launch site) and 110 dBA (125 dB) at Purisima Point (5,000 ft (1,524 m) from launch site) and last for less than 1 minute (U.S. Air Force, 1995b). As a result of the launch of a Taurus rocket (slightly smaller in size to the Delta II) in March 1994 at SLC-2W, Stewart et al. (1994) observed that 20 of 23 harbor seals on Purisima Point fled into the water. The A-weighted sound exposure level at Purisima Point for that launch was 108.1 dB (127.5 dB unweighted). Therefore, it can be predicted that most, if not all, pinnipeds onshore near SLC-2W will leave the shore as a result of launchings of Delta IIs. Harbor seals hauled out at Point Arguello and Rocky Point may alert to the launch noise but are not expected to flee to the water, because of the distance and the resultant attenuation of launch noise at that distance (approximately 15 mi (24.1 km)).

As part of the small take authorization for Titan IV launches at SLC-4, the U.S. Air Force monitored the effects of launch noises on harbor seals hauled out at Rocky Point (4.8 mi (7.7 km)) south of SLC-4 (Stewart and Francine, 1992; Stewart et al., 1992 and 1993). For four monitored launches, the sound exposure level ranged from 98.7 - 101.8 dBA (145 dB) (Stewart et al., 1993). During the 1992 and 1993 Titan IV launches, all or almost all, harbor seals that were ashore (1992 23 of 28; 1993 41 of 41) at the time fled into the water in response to the noise. In 1993, about 75 percent of those seals returned ashore later that day, most within 90 minutes of the disturbance (Stewart et al., 1993). No mortalities were reported at South Vandenberg as a result of any of the four monitored launches.

On SMI, time-lapse photographic monitoring (Jehl and Cooper, 1982) shows that in response to a specific stimulus, large numbers of pinnipeds move suddenly from the shoreline to the water. These events occur at a frequency of about 24 to 36 times per year for sea lions and seals other than harbor seals, and about 48 to 60 times annually for harbor seals. Visual stimuli, such as humans and low-flying aircraft, are much more likely to elicit this response than strictly auditory stimuli, such as boat noise or sonic booms. Observations indicated that it is rare for mass movement to take place in a panic, and no resulting pup or adult mortality has been observed under these circumstances. Also, Stewart (1982) exposed breeding California sea lions and northern elephant seals on SNI to loud implosive noises created by a carbide pest control cannon. Sound pressure levels varied from 125.7 to 146.9 dB. While behavioral responses of each species varied by sex, age, and season, Stewart found that habitat use, population growth, and pup survival of both species appeared unaffected by periodic exposure to the noise.

Launch noises are not expected to significantly impact marine mammals offshore, although pinnipeds in the nearshore waters around SLC-2W may alert to the noise. In order to be detectable by a marine mammal, airborne noise needs to be greater than ambient within the same frequency as the animal's hearing range. For harbor seals, recent research (Terhune, 1988; Turnbull and Terhune, 1989; Terhune, 1991; Turnbull, 1994) indicates that harbor seals have relatively poor hearing capacity in the frequencies of sound that dominate the noise produced by a rocket launch. At the lowest frequency measured (100 Hz), the threshold was between 65 dB and 75 dB. Terhune (1991) indicated that the critical ratio at the lowest frequency measured (250 Hz) was 24 dB. Thus, noise would need to be roughly 24 dB or more above background to be even perceived by a harbor seal. With launch noises expected to quickly attenuate offshore, and with ambient noise level expected to range between 56 and 96 dBA (Air Force, 1995a), there is at present no evidence that any marine mammals, other than pinnipeds onshore at the time of launch, would be subject to harassment by launch noises, although, as stated previously, the potential does exist that other marine mammal species may hear the launch noise.

#### **Northern Channel Islands**

Sonic booms resulting from launches of the Delta II vary with the vehicle

trajectory and the specific ground location. Sonic booms are not expected to intersect with the ocean surface until the vehicle changes its launch trajectory. This location will be well offshore.

Depending upon the intensity and location of a sonic boom, pinnipeds on SMI could exhibit an alert response or stampede into the water. However, while it is highly probable that a sonic boom from the Delta II would occur over SMI, maximum overpressures of these sonic booms are estimated to be 1.0 lb/ft<sup>2</sup> (psf) over SMI (Air Force, 1995c). A sonic boom with an overpressure of 1.0 psf or less is not considered significant (equivalent to hearing two hands clapped together at a distance of one foot). Also, the maximum overall sound pressure level is not expected to exceed 78 dBA (112 dB) (Air Force, 1995c). A sonic boom of this magnitude is unlikely to be distinguishable from background noises caused by wind and surf (Air Force, 1995a).

Monitoring of the effects of noise generated from Titan IV launches on SMI pinnipeds in 1991, Stewart et al. (1992) demonstrated that noise levels from a sonic boom of 133 dB (111.7 dBA) caused an alert response by small numbers of California sea lions, but no response from other pinniped species present (including harbor seals). In 1993, an explosion of a Titan IV created a sonic boom-like pressure wave and caused approximately 45 percent of the California sea lions (approximately 23,400, including 14 to 15 thousand 1-month old pups, were hauled out on SMI during the launch) and 2 percent of the northern fur seals to enter the surf zone. Although approximately 15 percent of the sea lion pups were temporarily abandoned when their mothers fled into the surf, no injuries or mortalities were observed. Most animals were returning to shore within 2 hours of the disturbance (Stewart et al., 1993).

Since the noise level from Delta II launches is expected to be well below both these levels and the threshold criteria of 101 dBA identified by Stewart et al. (1993), no incidental harassment takings are anticipated to occur on the northern Channel Islands.

Cetaceans and pinnipeds in the water should also be unaffected by the sonic booms, although, depending upon location and ambient noise levels, some species may be able to hear the sonic boom. While the maximum magnitude of sonic booms from launches of the Delta II is presently unknown, because of its similarity in size and weight to the Lockheed launch vehicles (LLV) (see 60 FR 38308, July 26, 1995), the sonic boom signature from the largest of those

vehicles (LLV-3—3.5 psf/125.6 dB), can be used to predict the impact by the Delta II. Pressure levels of this magnitude would be less than those measured for other launch vehicles, such as the Titan IV and the Space Shuttle (10 psf), for which small take authorizations for harassment have been issued previously (see 56 FR 41628, August 22, 1991 and 51 FR 11737, April 7, 1986).

Although rough seas may provide some surfaces, at the proper angle, for sound to penetrate the water surface (Richardson et al., 1991), sound entering a water surface at an angle greater than 13 degrees from the vertical has been shown to be largely deflected at the surface, with very little sound entering the water (Chappell, 1980; Richardson et al., 1991). Chappell (1980) believes that a sonic boom would need to have a peak overpressure in the range of 138 to 169 dB to cause a temporary hearing threshold shift (TTS) in marine mammals, lasting at most a few minutes. Therefore, with only a remote likelihood that a marine mammal will be almost directly under the line of flight of the Delta II, and with the Delta II having overpressures below the threshold for potentially causing TTS in marine mammals, NMFS believes that sonic booms are not likely to result in the harassment of cetacean or pinniped populations in offshore waters of the SCB.

#### Mitigation

Unless constrained by other factors including, but not limited to, human safety, national security or launch trajectories, efforts to ensure minimum negligible impacts of Delta II launches on harbor seals and other pinnipeds are proposed for inclusion in the Incidental Harassment Authorization. These proposals include:

1. Avoidance whenever possible of launches during the harbor seal pupping season of February through May; and
2. Preference for night launches during the period of the year when harbor seals are hauled out in any numbers along the coast of North Vandenberg.

#### Monitoring

NMFS proposes that the holder of the Incidental Harassment Authorization would monitor the impact of Delta II launches on the harbor seal haulouts in the vicinity of Purisima Point or, in the absence of pinnipeds at that location, at a nearby haulout. A report on this monitoring program would be required to be submitted prior to next year's authorization request.

#### National Environmental Policy Act (NEPA)

On December 21, 1990, NMFS published an EA on the proposed authorization to the Air Force to incidentally take marine mammals during launches of the Titan IV space vehicle from Vandenberg. The finding of that EA was that the issuance of the authorization would not significantly affect the quality of the human environment and, therefore, an environmental impact statement (EIS) was not necessary. Because the Delta II rocket is 73 percent smaller than the Titan IV, and because the noise generated by launches and sonic booms of the Delta II is significantly less than the Titan IV, additional NEPA documentation is not warranted.

In addition, each proposed incidental harassment authorization is reviewed by NMFS to determine its impact on the human environment, in particular marine mammals—as was the Air Force application. NMFS believes that, because the finding required for incidental harassment authorizations is that the taking (by harassment) will have a negligible impact on marine mammals and their habitat, the majority of the incidental harassment authorizations should be “categorically excluded” (as defined in 40 CFR 1508.4) from the preparation of either an EIS or an EA under NEPA and section 6.02.c.3(i) of NOAA Administrative Order 216-6 for Environmental Review Procedures (published August 6, 1991). A programmatic EA on issuing incidental harassment authorizations under section 101(a)(5)(D) of the MMPA is available for public review and comment until October 16, 1995 (see ADDRESSES).

#### Conclusions

The short-term impact of the launching of Delta II rockets is expected to result at worst, in a temporary reduction in utilization of the haulout as seals or sea lions leave the beach for the safety of the water. Launchings are not expected to result in any reduction in the number of pinnipeds, and they are expected to continue to occupy the same area. In addition, there will not be any impact on the habitat itself. Based upon studies conducted for previous space vehicle launches at Vandenberg, significant long-term impacts on pinnipeds at Vandenberg and the northern Channel Islands are unlikely.

#### Proposed Authorization

NMFS proposes to issue an incidental harassment authorization for 1 year for launches of the Delta II rocket at SLC—

2W, provided the above-mentioned monitoring and reporting requirements are incorporated. NMFS has preliminarily determined that the proposed launches of the Delta II at SLC-2W would result in the harassment taking of only small numbers of harbor seals and possibly other pinniped species, will have a negligible impact on pinniped stocks in the SCB and will not have an unmitigable adverse impact on the availability of these stocks for subsistence uses.

#### Information Solicited

NMFS requests interested persons to submit comments, information, and suggestions concerning this request (see ADDRESSES).

Dated: August 15, 1995.

#### Patricia A. Montanio,

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

[FR Doc. 95-20545 Filed 8-17-95; 8:45 am]

BILLING CODE 3510-22-F

[I.D. 081095B]

#### Mid-Atlantic Fishery Management Council; Meetings

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

**ACTION:** Notice of public meetings.

**SUMMARY:** The Mid-Atlantic Fishery Management Council's Scientific and Statistical Committee (SSC), Squid, Mackerel, and Butterfish Committee, and its Large Pelagic/Sharks Committee will hold public meetings.

**DATES:** The meetings will be held on September 5-6, 1995.

**ADDRESSES:** The meetings will be held at the Days Inn Philadelphia Airport, 4101 Island Avenue, Philadelphia, PA, telephone 216-492-0400.

**Council Address:** Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19901.

**FOR FURTHER INFORMATION CONTACT:** David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council; telephone: 302-674-2331.

**SUPPLEMENTARY INFORMATION:** On September 5, the Scientific and Statistical Committee will meet from 10:00 a.m. to 3:00 p.m. On September 6, the Squid, Mackerel, and Butterfish Committee will meet from 10:00 a.m. until noon, and the Large Pelagic/Sharks Committee will meet from 1:00-3:00 p.m.

The purpose of these meetings is to discuss surf clam and ocean quahog

overfishing definitions, review staff recommendations for 1996 specifications for Atlantic mackerel, squid, and butterfish, review SSC and industry comments, and consider shark and swordfish limited entry.

#### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at (302) 674-2331 at least 5 days prior to the meeting dates.

Dated: August 14, 1995.

#### Richard W. Surdi,

*Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

[FR Doc. 95-20468 Filed 8-17-95; 8:45 am]

BILLING CODE 3510-22-F

[I.D. 080295D]

#### Marine Mammals

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

**ACTION:** Receipt of application to modify permit no. 836 (P79F).

**SUMMARY:** Notice is hereby given that the Institute of Marine Science, University of California, Santa Cruz, (Principal Investigators: Dr. Burney J. Le Boeuf, Dr. C. Leo Ortiz, Dr. Daniel P. Costa) has requested a modification to permit No. 836.

**ADDRESSES:** The modification request and related documents are available for review upon written request or by appointment in the following office(s):

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713-2289); and Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213 (310/980-4001).

Written data or views, or requests for a public hearing on this request should be submitted to the Chief, Permits Division, Office of Protected Resources, NMFS, NOAA, U.S. Department of Commerce, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular modification request would be appropriate.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine

Mammal Commission and its Committee of Scientific Advisors.

**SUPPLEMENTARY INFORMATION:** The subject modification to permit No. 836, issued on May 12, 1993, as amended on June 29, 1994, is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Permit No. 836 authorizes the permit holder to incidentally harass up to 69,950 elephant seals (*Mirounga angustirostris*) while conducting a variety of scientific studies such as tagging, capture/release, marking, weighing, measuring and sampling, attaching electronic instruments, translocation, and energetics experiments.

The permit holder requests authorization to: (1) Obtain biopsy samples from juvenile elephant seals for examination of muscle structure as it relates to aerobic capacity; (2) change release site from Point Sur to up to 5 miles (8 km) from Pioneer Seamount, approximately 70 miles (112 km) west of Half Moon Bay for studies of the effect of low frequency sound on translocated seals; and (3) import up to 300 adult female, 300 weaned pup and 50 adult male southern elephant seal tissue samples from Peninsula Valdez, Patagonia, Argentina.

Dated: August 14, 1995.

#### Gary Barone,

*Acting Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 95-20543 Filed 8-17-95; 8:45 am]

BILLING CODE 3510-22-F

[I.D. 080895A]

#### Marine Mammals and Endangered Species; Permits

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

**ACTION:** Issuance of modification to scientific research permit no. 866 (P537).

**SUMMARY:** Notice is hereby given that Mr. Fred Sharpe, Department of Biological Sciences, Simon Fraser University, Burnaby, B.C., Canada V5A 1S6 has been issued a modification to permit no. 866.

**ADDRESSES:** The modification and related documents are available for review upon written request or by appointment in the following offices: