(4) This program is subject to the requirements of OMB Circular No. A–110, ''Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations'', and 15 CFR Part 24, ''Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments'', as applicable. Applications under this program are not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

(5) All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of, or are presently facing criminal charges such as fraud, theft, perjury, or other matters which significantly reflect on the applicant's management, honesty, or financial integrity.

(6) A false statement on an application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

(7) No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either:

(i) The delinquent account is paid in full,

(ii) A negotiated repayment schedule is established and at least one payment is received, or

(iii) Other arrangements satisfactory to the Department of Commerce are made.

(8) Buy American-Made Equipment or Products—Applicants are encouraged that any equipment or products authorized to be purchased with funding provided under this program must be American-made to the maximum extent feasible.

(9) The total dollar amount of the indirect costs proposed in an application under this program must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award or 100 percent of the total proposed direct cost dollar amount in the application, whichever is less.

(d) If an application is selected for funding, the Department of Commerce has no obligation to provide any additional future funding in connection with the award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of the Department of Commerce.

(e) In accordance with Federal statutes and regulations, no person on grounds of race, color, age, sex, national origin or disability shall be excluded from participation in, denied benefits of, or be subjected to discrimination under any program or activity receiving financial assistance from the NOAA Climate and Global Change Program. The NOAA Climate and Global Change Program does not have direct TDD (Telephonic Device for the Deaf) capabilities, but can be reached through the State of Maryland supplied TDD contact number, 800–735–2258, between the hours of 8:00 am—4:30 pm.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. Classification: This notice has been determined to be not significant for purposes of Executive Order 12866. The standard forms have been approved by the Office of Management and Budget pursuant to the Paperwork Reduction Act under OMB approval number 0348–0043, 0348–0044, and 0348–0046.

Dated: April 7, 1997.

J. Michael Hall,

Director, Office of Global Programs, National Oceanic and Atmospheric Administration.

[FR Doc. 97–10306 Filed 4–21–97; 8:45 am]

BILLING CODE 3510–12–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 040497A]

Small Takes of Marine Mammals Incidental to Specified Activities; Offshore Seismic Activities in the Beaufort Sea

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 BP Exploration (Alaska) 900 East Benson Boulevard, Anchorage, AK 99519 (BPXA) for a renewal of an authorization to take small numbers of marine mammals by harassment incidental to conducting seismic surveys in and near the Northstar Unit, in the Beaufort Sea in state and Federal waters. Under the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to authorize BPXA to incidentally take, by harassment, small numbers of bowhead whales and other marine mammals in the above mentioned areas during the open water period of 1997.

DATES: Comments and information must be received no later than May 22, 1997.

ADDRESSES: Comments on the application should be addressed to Michael Payne, Chief, Marine Mammal Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3225. A copy of the application, an environmental assessment (EA), an informal section 7 consultation, the 90-day Report, and a list of references used in this document may be obtained by writing to this address or by telephoning one of the contacts listed below.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Hollingshead, Office of Protected Resources, NMFS, (301) 713–2055, Brad Smith, Western Alaska Field Office, NMFS, (907) 271–5006.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5) (A) and (D) 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 either regulations are issued or, if the taking is limited to harassment, notice of a proposed authorization is provided to the public for review.

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 10, 1996 (61 FR 15884), NMFS published an interim rule establishing, among other things, procedures for issuing incidental harassment authorizations under section 101(a)(5)(D) of the MMPA for activities in Arctic waters. For additional information on the procedures to be followed for this authorization, please refer to that document.

Summary of Request

On March 5, 1997, NMFS received an application from BPXA requesting a 1-year renewal of their authorization for

the harassment of small numbers of several species of marine mammals incidental to conducting seismic surveys during the open water season within and near the Northstar Unit, in the Beaufort Sea between 145° 30′W and 150° 30′W, in U.S. waters. Weather permitting, the survey is expected to take place between approximately July 1 and October 20, 1997. A detailed description of the work planned is contained in the application (BPXA 1997) and is available upon request (see **ADDRESSES**). Description of Habitat and Marine Mammal Affected by the Activity

A detailed description of the Beaufort Sea ecosystem and its associated marine mammals can be found in the EA prepared for this authorization (BPXA 1996b) or in other documents (Minerals Management Service (MMS) 1992, 1996) and need not be repeated here. A copy of the EA is available upon request (see **ADDRESSES**).

Marine Mammals

The Beaufort/Chukchi Seas support a diverse assemblage of marine mammals including bowhead whales (*Balaena mysticetus*), gray whales (*Eschrichtius robustus*), belukha (*Delphinapterus leucas*), ringed seals (*Phoca hispida*), spotted seals (*Phoca largha*) and bearded seals (*Erignathus barbatus*). Descriptions of the biology and distribution of these species, and others, can be found in several other documents (BPXA 1996b, 1997, Lentfer 1988, MMS 1992, NMFS 1990 and 1996, Small and DeMaster 1995). Please refer to those documents for information on these species. Potential Effects of Seismic Surveys on Marine Mammals.

Disturbance by seismic noise is the principal means of taking by this activity. Vessels and aircraft will provide a secondary source of noise.

Deep seismic surveys are used to obtain data about formations several thousands of feet deep. The physical presence of vessels and aircraft could also lead to non-acoustic effects involving visual or other cues. The proposed seismic operation is an ocean bottom cable (OBC) survey. OBC surveys involve dropping a cable from a ship to the ocean bottom. Sensors (hydrophones) are attached to the cable. These hydrophones are used to detect seismic energy reflected back from underground rock strata. The original source of this energy is a submerged acoustic source, called a seismic airgun array, that releases compressed air into the water, creating an acoustical energy pulse that is directed downwards toward the seabed. After sufficient energy has been recorded to allow accurate mapping of the rock strata, the cable is lifted onto the deck of a cable-retrieval vessel, moved to a new location (ranging from several hundred to a few thousand feet away), and placed onto the seabed again. For a more detailed description of the seismic operation, including numbers of vessels planned for this survey, please refer to the application (BPXA 1997).

Depending upon ambient conditions and the sensitivity of the receptor, underwater sounds produced by open water seismic operations may be detectable some substantial distance away from the activity. Any sound that is detectable is (at least in theory) capable of eliciting a disturbance reaction by a marine mammal or masking a signal of comparable frequency (BPXA 1997). An incidental harassment take is presumed to occur when marine mammals in the vicinity of the seismic source, the seismic vessel, other vessels, or aircraft react to the generated sounds or visual cues.

Seismic pulses are known to cause bowhead whales to behaviorally respond within a distance of several kilometers (km) (Richardson *et al.* 1995). Although some limited masking of low-frequency sounds (e.g., whale calls) is a possibility, the intermittent nature of seismic source pulses (1 sec every 6–12 sec) will limit the extent of masking. Bowhead whales are known to continue calling in the presence of seismic survey sounds, and their calls can be heard between seismic pulses (Richardson *et al.* 1986). Masking effects are expected to be absent in the case of belukhas, given that sounds important to them are predominantly at much higher frequencies than are airgun sounds (BPXA 1997).

Hearing damage is not expected to occur during the project. It is not known whether a marine mammal very close to an airgun array would be at risk of temporary or permanent hearing impairment, but temporary threshold shift is a theoretical possibility for animals within a few hundred meters (Richardson *et al.* 1995) of the source. However, planned monitoring and mitigation measures (described below) are designed to detect marine mammals occurring near the array and to avoid exposing them to sound pulses that have any possibility of causing hearing damage.

When the received levels of noise exceed some behavioral reaction threshold, cetaceans will show disturbance reactions (BPXA 1997). The levels, frequencies, and types of noise that will elicit a response vary between and within species, individuals, locations and season. Behavioral changes may be subtle alterations in surface-respiration-dive cycles. More conspicuous responses include changes in activity or aerial displays, movement away from the sound source, or complete avoidance of the area. The reaction threshold and degree of response are related to the activity of the animal at the time of the disturbance. Whales engaged in active behaviors such as feeding, socializing or mating are less likely than resting animals to show overt behavioral reactions, unless the disturbance is directly threatening (BPXA 1997).

Bowhead Whales

Various studies (Reeves *et al.* 1984, Fraker *et al.* 1985, Richardson *et al.* 1986, Ljungblad *et al.* 1988) have reported that, when an operating seismic vessel approaches within a few kilometers, most bowhead whales exhibit strong avoidance behavior and changes in surfacing, respiration, and dive cycles. Bowheads exposed to seismic pulses from vessels more than 4.5 miles (mi) (7.5 km) away rarely showed observable avoidance of the vessel, but their surface, respiration, and dive cycles appeared altered in a manner similar to that observed in whales exposed at a closer distance (BPXA 1996).

Within a 3.7–60 mi (6–99 km) range, it has not been possible to determine a specific distance at which subtle behavioral changes no longer occur (Richardson and Malme 1993), given the high variability observed in bowhead whale behavior (BPX 1996).

Preliminary analysis of the results from BPXA's 1996 seismic monitoring program does not provide conclusive evidence about the radius of avoidance of bowheads to the seismic program. The peak number of bowhead sightings was 10–20 km (6.2–12.3 mi) from shore during no-seismic periods and 20–30 km (12.3–18.6 mi) from shore during periods that may have been influenced by seismic noise. This difference was not statistically significant, but the low numbers of sightings precluded meaningful interpretation (BPXA 1997).

Gray Whales

The reactions of gray whales to seismic pulses is similar to those of bowheads. Migrating gray whales along the California coast were noted to slow their speed of swimming, turn away from seismic noise sources, and increase their respiration rates. Malme *et al.* (1983, 1984, 1988) concluded that about 50 percent showed avoidance when the average received pulse level was 170 dB (re 1 μPa @ 1 m). Less consistent results were indicated at levels of 140–160 dB.

Belukha

The belukha is the only species of toothed whale (Odontoceti) expected to be encountered in the Beaufort Sea. Because its hearing threshold at frequencies below 100 Hz (where most of the energy from airgun arrays is concentrated) is poor (125 dB re 1 μPa @ 1 m) or more depending upon frequency (Johnson *et al.* 1989, Richardson 1991, 1995), belukha are not predicted to be strongly influenced by seismic noise. However, because of the high source levels of seismic pulses, airgun sounds may be audible to belukha at large distances (Richardson 1991, 1995).

Ringed, Largha and Bearded Seals

No detailed studies of reactions by seals to noise from open water seismic exploration have been published (Richardson *et al.* 1995). However, there are some data on the reactions of seals to various types of impulsive sounds (J. Parsons as quoted in Greene *et al.* 1985, Anon. 1975, Mate and Harvey 1985). These studies indicate that ice seals typically either tolerate or habituate to seismic noise produced from open water sources.

Underwater audiograms have been obtained using behavioral methods for three species of phocinid seals, ringed, harbor, and harp seals (*Pagophilus groenlandicus*). These audiograms were reviewed in Richardson *et al.* (1995). Below 30–50 kHz, the hearing threshold of phocinids is essentially flat down to at least 1 kHz, and ranges between 60 and 85 dB (re 1 μPa @ 1 m). There are few data on hearing sensitivity of phocinid seals below 1 kHz. NMFS considers harbor seals to have a hearing threshold of 70–85 dB at 1 kHz (60 FR 53753, October 17, 1995), and recent measurements for a harbor seal indicate that, below 1 kHz, its thresholds deteriorate gradually to 97 dB (re 1 μPa @ 1 m) at 100 Hz (Kastak and Schusterman, 1995a, b).

Because no studies to date have focused on pinniped reaction to underwater noise from pulsed, seismic arrays in open water (Richardson *et al.* 1991, 1995), as opposed to in-air exposure to continuous noise, substantive conclusions are not possible at this time. However, assuming a sound pressure level needed to be 80–100 dB over its threshold in order to cause annoyance and 130 dB for injury (pain), as is the current thought based upon human studies (ARPA and NMFS 1995), then it appears unlikely that pinnipeds would be harassed or injured by low frequency sounds from a seismic source unless they were within close proximity of the array. For permanent injury, marine mammals would need to remain in the high noise field for extended periods of time. Existing evidence also suggests that, while they may be capable of hearing sounds from seismic arrays, seals appear to tolerate intense pulsatile sounds, without known effect, once they learn that there is no danger associated with the noise (see, for example, NMFS/WDFW 1995). In addition, they will apparently not abandon feeding or breeding areas due to exposure to these noise sources (Richardson *et al.* 1991) and may habituate to certain noises over time. Since seismic work is fairly common in Western Beaufort Sea waters, pinnipeds have previously been exposed to seismic noise, and may not react to it, after initial exposure.

Numbers of Marine Mammals Expected To Be Taken

Based upon calculations provided in their application, BPXA estimates that the following numbers of marine mammals may be subject to Level B harassment, as defined in 50 CFR 216.3:

Species	Population size	Harassment takes in 1997	
		Possible	Probable
Bowhead	8,000	400	200
Gray whale	23,000	<10	0
Belukha	41,610	250	150
Ringed seal	1–1.5 million	400	<400
Spotted seal	>200,000	10	5
Bearded seal	>300,000	50	30

Effects of Seismic Noise and Other Activities on Subsistence Needs

The disturbance and potential displacement of marine mammals by sounds from seismic activities is the principle concern related to subsistence use of the area. The harvest of marine mammals (mainly bowhead whales, ringed seals, and bearded seals) is central to the culture and subsistence economies of the coastal North Slope communities (BPXA 1997). In particular, if migrating bowhead whales are displaced farther offshore by elevated noise levels, this could make harvest of these whales more difficult and dangerous for hunters. The harvest could also be affected if bowheads are more skittish when exposed to seismic noise (BPXA 1997).

Nuiqsut is the community closest to the area of the proposed activity, and only harvests bowhead whales during the fall whaling season. Nuiqsut whalers typically take zero to three whales each season (four in 1995; two in 1996), with a trend toward larger harvests in the most recent years (BPXA 1997). Nuiqsut whalers concentrate their efforts on areas north and east of Cross Island, generally in water depths greater than 65 ft (20 m). Cross Island is the principle field camp location for Nuiqsut whalers and is located within the general area of the proposed seismic area. Thus, the possibility and timing of potential seismic operations in the Cross Island area requires BPXA to provide NMFS with a Plan of Cooperation with North Slope residents (also called the Communications and Avoidance Agreement) to avoid any unmitigable adverse impact on subsistence needs.

Whalers from the village of Kaktovik search for whales east, north and west of the village. Kaktovik is located 45 mi (72 km) east of the easternmost end of the planned seismic exploration area. The westernmost reported harvest location was about 13 mi (21 km) west of Kaktovik, near 70°10′ N, 144°W. That site is about 32 mi (51 km) east of the closest part of the primary seismic exploration area (BPXA 1997). However, it should be noted that the eastern portion of the geographic area noted by BPXA for the authorization extends considerably closer to this harvest area.

Whalers from the village of Barrow search for bowhead whales much further from the planned seismic area, >125 mi (>200 km) west (BPXA 1997).

The location of the proposed seismic activity is south of the main westward migration route of bowhead whales. BPXA (1997) believes that although

whales may be able to hear the sounds emitted by the seismic array out to a distance of 30 mi (50 km) or more, it is unlikely that changes in migration route will occur at distances of >15 miles (>25 km).

It is recognized that it is difficult to determine the maximum distance at which reactions occur (Moore and Clark 1992), although whalers believe that some migrating bowheads are deflected by seismic operations at distances greater than those documented by scientific studies done to date. As a result, BPXA is developing a Communications and Avoidance Agreement with the whalers (see BPXA 1997) to reduce any potential interference with the hunt. Also, it is believed that the monitoring plan proposed by BPXA (LGL and Greeneridge 1997) will provide information that will help resolve uncertainties about the effects of seismic exploration on the accessibility of bowheads to hunters.

In addition, while seismic exploration in the Northstar Unit has some potential to influence subsistence seal hunting activities, the peak season for seal hunting is during the winter months when the harvest consists almost exclusively of ringed seals (BPXA 1997). In summer, boat crews hunt ringed, spotted and bearded seals (BPXA 1997). The most important sealing area for Nuiqsut hunters is off the Colville delta, extending as far west as Fish Creek and as far east as Pingok Island (BPXA 1997). This area overlaps with the westernmost portion of the planned seismic area. In this area, during summer, sealing occurs by boat when hunters apparently concentrate on bearded seals (BPXA 1997).

Mitigation

BPXA proposes to continue the mitigation program carried out in 1996. BPXA plans to use biological observers to monitor marine mammal presence in the vicinity of the seismic array. To avoid the potential for serious injury to marine mammals, BPXA will power down the seismic source if pinnipeds are sighted:

(a) within 260 m (853 ft) of an array of >720 in^3 and ≤1,320 in^3 at ≥2.5 m (8.3 ft) depth;

(b) within 130 m (426 ft) of that array operating at >2.5 m (8.3 ft) depth;

(c) within 130 m (426 ft) of an array of >120 in^3 and ≤720 in^3 operating at ≥2.5 m (8.3 ft) depth;

(d) within 60 m (197 ft) of that array operating at <2.5 m (8.3 ft) depth; and

(e) within 60 m (197 ft) of a single airgun or an array of ≤120 in^3.

BPXA will power down the seismic source if bowhead, gray, or belukha whales are sighted:

(a) within either 1020 m (3346 ft) of an array >720 in^3 and ≤1,320 in^3 operating at ≥2.5m (8.3 ft) depth; or

(b) within 640 m (2100 ft) of that array operating at <2.5 m (8.3 ft) depth or of any smaller airgun source operating at any depth (BPXA 1997).

In addition, BPXA proposes to ramp-up the seismic source to operating levels at a rate no greater than 6 dB/min. If the array includes airguns of different sizes, the smallest gun will be fired first. Additional guns will be added at intervals appropriate to limit the rate of increase in source level to a maximum of 6 dB/min.

Monitoring

As part of their application BPXA has provided a monitoring plan for assessing impacts to marine mammals from seismic surveys in the Beaufort Sea (LGL and Greeneridge 1997). As required by the MMPA, this monitoring plan will be subject to a peer-review panel of technical experts prior to formal acceptance by NMFS.

Preliminarily, BPXA plans to conduct the following.

Vessel-based Visual Monitoring

A minimum of two biologist-observers aboard each seismic vessel will search for and observe marine mammals whenever seismic operations are in progress, and for at least 30 minutes prior to planned start of shooting. These observers will scan the area immediately around the vessels with reticulated binoculars during the daytime and with night-vision equipment during the night (prior to mid-August, there are no hours of darkness). Individual watches will normally be limited to no more than 4 consecutive hours. When mammals are detected within a safety zone designated to prevent injury to the animals (see above), the geophysical crew leader will be notified so that shutdown procedures can be implemented immediately.

Aerial Surveys

From September 1, 1997, until the seismic program ends, aerial surveys will be conducted daily, weather permitting. The primary objective will be to document the occurrence, distribution, and movements of bowhead and belukha whales in and near the area where they might be affected by the seismic pulses. These observations will be used to estimate the level of harassment takes and for assessing the possibility that seismic operations affect the accessibility of bowhead whales for subsistence hunting. Pinnipeds will be recorded when seen. Aerial surveys will be at an altitude of 1,000 ft (300 m) above sea level. BPXA proposes to avoid overflights of the Cross Island area where whalers from Nuiqsut are based during their fall whale hunt.

The daily aerial surveys are proposed to cover two grids: A grid of 12 north-south lines spaced 5 mi (8 km) apart and extending from about 12.5 mi (20 km) west of the western side of the then-current seismic exploration area to 30 mi (50 km) east of its eastern edge, and from the barrier islands north to approximately the 100 m (328 ft) depth contour;

A grid of 4 survey lines within the above region, also spaced 5 mi (8 km) apart and mid-way between the longer lines, to provide more intensive coverage of the area of the seismic operations and immediate surrounding waters.

Acoustical Measurements

The acoustic measurement program proposed for 1997 is designed to be a sequel to the program conducted at Northstar in 1996 (see BPXA 1996a and 1997, LGL and Greeneridge 1996b and 1997 for a description of the work proposed). The acoustic measurement program is planned to include (1) retrieval of bottom recorders deployed in 1996 and analysis of usable data contained in those recorders, (2) boat-based acoustic measurements, and (3) OBC-based acoustic measurements. Two differences between the 1996 and 1997 programs are that BPXA does not plan to deploy sonobuoys during the 1997 aerial surveys, and will not redeploy the bottom-mounted recorders (5 of the 10 units remain non-functional on the sea bottom).

The boat-based acoustical measurement program is proposed for a 7-day period in mid-to late-August 1996. The objectives of this survey will be as follows: (a) To measure the levels and other characteristics of the horizontally-propagating seismic survey sounds from the type(s) of airgun array(s) to be used in 1977 as a function of distance and aspect relative to the seismic source vessel(s) and relative to water depth.

(b) To measure the levels and frequency composition of the vessel sounds emitted by vessels used regularly during the 1977 program, excluding vessels whose sounds were characterized adequately in 1996.

(c) To obtain additional site-specific ambient noise data, which determine signal-to-noise ratios for seismic and

other acoustic signals at various ranges from their sources.

New to the acoustic measurement program for 1997 is a plan to test the feasibility to use the hydrophones in the OBC to measure received levels and characteristics of airgun pulses over a large area (about 3.3X5.9 km) simultaneously. If practical, this would provide more comprehensive data while at the same time reducing the need for labor-intensive boat-based acoustic measurements.

Estimates of Marine Mammal Take

Estimates of takes by harassment will be made through vessel and aerial surveys. Preliminarily, BPXA will estimate the number of: (a) marine mammals observed within the area ensonified strongly by the seismic vessel; (b) marine mammals observed showing apparent reactions to seismic pulses (e.g., heading away from the seismic vessel in an atypical direction); (c) marine mammals subject to take by type (a) or (b) above when no monitoring observations were possible; and (d) bowheads displaced seaward from the main migration corridor.

Reporting

BPXA will provide an initial report on 1997 activities to NMFS within 90 days of the completion of the seismic program. This report will provide dates and locations of seismic operations, details of marine mammal sightings, estimates of the amount and nature of all takes by harassment, and any apparent effects on accessibility of marine mammals to subsistence users.

A final technical report will be provided by BPXA within 20 working days of receipt of the document from the contractor, but no later than April 30, 1998. The final technical report will contain a description of the methods, results, and interpretation of all monitoring tasks.

Consultation

Under section 7 of the Endangered Species Act, NMFS completed an informal consultation on the issuance of an incidental harassment authorization for this activity on July 15, 1996. A copy of that document is available upon request (see **ADDRESSES**).

National Environmental Policy Act (NEPA)

In conjunction with the 1996 notice of proposed authorization (61 FR 26501, May 28, 1996), NMFS released an EA that addressed the impacts on the human environment from issuance of the authorization and the alternatives to the proposed action. No comments were received on that document and, on July 18, 1996, NMFS concluded that neither implementation of the proposed authorization to BPXA for the harassment of small numbers of several species of marine mammals incidental to conducting seismic surveys during the open water season in the Northstar Unit and nearby waters in the U.S. Beaufort Sea, nor the alternatives to that action, would significantly affect the quality of the human environment. As a result, the preparation of an environmental impact statement on this action is not required by section 102(2) of NEPA or its implementing regulations. A copy of the EA is available upon request (see **ADDRESSES**).

Conclusions

NMFS has preliminarily determined that the short-term impact of conducting seismic surveys in the Northstar Unit of the Beaufort Sea will result, at worst, in a temporary modification in behavior by certain species of cetaceans. While behavioral modifications may be made by these species of cetaceans to avoid the resultant noise, this behavioral change is expected to have a negligible impact on the animals.

As the number of potential incidental harassment takes will depend on the distribution and abundance of marine mammals (which vary annually due to variable ice conditions and other factors) in the area of seismic operations, due to the distribution and abundance of marine mammals during the projected period of activity and the location of the proposed seismic activity in waters generally too shallow and distant from the edge of the pack ice for most marine mammals of concern, the number of potential harassment takings is estimated to be small. In addition, no take by injury and/or death is anticipated and the potential for temporary or permanent hearing impairment will be avoided through incorporation of the mitigation measures mentioned above. No rookeries, mating grounds, areas of concentrated feeding, or other areas of special significance for marine mammals occur within or near the planned area of operations during the season of operations.

Because bowhead whales are east of the seismic area in the Canadian Beaufort Sea until late August/early September, seismic activities are not expected to impact subsistence hunting of bowhead whales prior to that date. After August 31, 1997, BPXA will initiate aerial survey flights for bowhead whale assessments. Appropriate mitigation measures to avoid an unmitigable adverse impact on the availability of bowhead whales for subsistence needs will be the subject of consultation between BPXA and subsistence users.

Also, while summer seismic exploration in the Northstar Unit has some potential to influence seal hunting activities by residents of Nuiqsut, because (1) the peak sealing season is during the winter months, (2) the main summer sealing is off the Colville delta (west and inshore of Northstar), and (3) the zone of influence by seismic sources on belukha and seals is fairly small, NMFS believes the Northstar seismic survey will not have an unmitigable adverse impact on the availability of these stocks for subsistence uses.

Proposed Authorization

NMFS proposes to issue an incidental harassment authorization for the 1997 Beaufort Sea open water season for a seismic survey in and near the Northstar Unit provided the above mentioned mitigation, monitoring and reporting requirements are incorporated. NMFS has preliminarily determined that the proposed seismic activity would result in the harassment of only small numbers of bowhead whales, gray whales, and possibly belukha whales, bearded seals, and largha seals; will have a negligible impact on these marine mammal stocks; 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: April 16, 1997.

Hilda Diaz-Soltero,

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

[FR Doc. 97–10254 Filed 4–21–97; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Financial Products Advisory Committee; Sixth Renewal

The Commodity Futures Trading Commission has determined to renew for a period of two years its advisory committee designated as the ''Commodity Futures Trading Commission Financial Products Advisory Committee.'' As required by Section 14(a)(2)(A) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, section 14(a)(2)(A), and 41 CFR 101–6.1007 and 101–6.1029, the Commission