

hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301)427-2521, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing e-mail comments is [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). Include in the subject line of the e-mail comment the following document identifier: File No. 10028.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Skidmore or Amy Sloan, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

Mystic Aquarium is requesting a permit to take releasable stranded pinnipeds. Six females and two males of each species over a five-year period for a maximum of eight otariids and 20 phocids are being requested. Species for consideration include California sea lions (*Zalophus californianus*), harbor seals (*Phoca vitulina*), grey seals (*Halichoerus grypus*), harp seals (*Phoca groenlandica*) and hooded seals (*Cystophora cristata*) from stranding facilities located on the Alaskan coast, west coast and northeast coast of the United States. The purpose of this activity is to increase our current population of pinnipeds for public display and opportunistic non-intrusive research. Mystic Aquarium will always consider taking a non-releasable animal first and each animal will be evaluated on a case by case basis. There will be no non-target marine mammal or ESA-listed species that will be incidentally taken during these activities. The permit is requested for five years.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: August 13, 2007.

**P. Michael Payne,**

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

[FR Doc. E7-16237 Filed 8-16-07; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 041107A]

#### Marine Mammals; File No. 1121-1900

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

**ACTION:** Notice; issuance of permit.

**SUMMARY:** Notice is hereby given that NOAA Fisheries Office of Science and Technology (Principal Investigator: Dr. Brandon Southall), Silver Spring, MD, has been issued a permit to conduct research marine mammals.

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

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)427-2521; <http://www.nmfs.noaa.gov/pr/permits/review.htm>; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, Florida 33701; phone (727)824-5312; fax (727)824-5309.

**FOR FURTHER INFORMATION CONTACT:** Tammy Adams or Jolie Harrison, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** On April 17, 2007, notice was published in the **Federal Register** (72 FR 19181) that a request for a scientific research permit to take beaked whales (*Ziphius cavirostris* and *Mesoplodon* spp.) and other odontocete species had been submitted by the above-named institution. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

The permit authorizes research involving temporary attachment of scientific instruments (digital archival recording tags), photo-identification, and exposure to controlled levels of natural and anthropogenic underwater sounds, including signals simulating mid-frequency sonar. Sloughed skin

samples collected from the detached instrument would be imported into the U.S. for analysis. The permit is valid through January 2009.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an environmental assessment was prepared analyzing the effects of the permitted activities. After a Finding of No Significant Impact, the determination was made that it was not necessary to prepare an environmental impact statement.

Issuance of this permit, as required by the ESA, was based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: August 14, 2007.

**P. Michael Payne,**

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

[FR Doc. E7-16227 Filed 8-16-07; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[Docket No. 070809457-7458-01]

#### Amendment to Final Guidelines for the Coastal and Estuarine Land Conservation Program

**AGENCY:** National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

**ACTION:** Notice; amendment to final guidelines.

**SUMMARY:** The National Oceanic and Atmospheric Administration, National Ocean Service publishes this notice to amend the Final Guidelines for the Coastal and Estuarine Land Conservation Program (CELCP). For those grants issued in fiscal years 2002 and 2004 only, and that have one or more project proposals submitted to NOAA, but not approved, as of August 17, 2007, the CELCP may extend the financial assistance award period. For grants issued in fiscal year 2002, they may be extended for up to 3 additional months, providing for a potential maximum award duration of five years and three months. For grants issued in fiscal year 2004, they may be extended for up to one additional year, providing for a potential maximum award duration of four years. This extension is intended solely to give the CELCP

sufficient time to review and make a determination on the documentation supporting the project proposals that it has received but does not have time to complete before the awards' currently scheduled end date of September 30, 2007.

**FOR FURTHER INFORMATION CONTACT:** For further information, contact: Elisabeth Morgan, 301-713-3155 X166, [elisabeth.morgan@noaa.gov](mailto:elisabeth.morgan@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The Coastal and Estuarine Land Conservation Program was established pursuant to Public Law 107-77 for the purpose of protecting important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural or recreational state to other uses. The Final Guidelines for CELCP were published in the **Federal Register** on June 17, 2003 (68 FR 35860). The Final Guidelines stated that the standard financial assistance award period is 18 months, and could be extended an additional 18 months if circumstances warrant, but may not exceed 3 years. In the case of FY2002 awards, NOAA was directed by Congress in FY2005 to provide an additional two years beyond that provided for by the CELCP Guidelines. The CELCP has received review packages for numerous land acquisition projects very late in the performance period from awards funded in 2002 and 2004 that are still open, for which there may not be sufficient time to complete review before the awards' currently scheduled end date of September 30, 2007. For this reason, CELCP is amending the Final Guidelines for the Coastal and Estuarine Land Conservation Program to allow the financial assistance award period for awards issued in fiscal years 2002 and 2004 that have project documentation currently pending with NOAA to be extended for up to an additional year. It is not intended to give grant recipients more time to submit additional proposals. The maximum potential award duration for 2002 grants is five years and three months, ending December 31, 2007, and for 2004 it is four years, ending on September 30, 2008.

#### Classification

#### Executive Order 12866

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

#### 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

Prior notice and an opportunity for public comment are not required by the Administrative Procedure Act or any other law for rules concerning public property, loans, grants, benefits, and contracts (5 U.S.C. 553(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis has not been prepared.

**Steve Kozak,**

*Chief of Staff for Ocean Services and Coastal Zone Management.*

[FR Doc. 07-4050 Filed 8-16-07; 8:45 am]

**BILLING CODE 3510-22-M**

#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### Publication of North American Datum of 1983 State Plane Coordinates in Feet in West Virginia

**AGENCY:** National Geodetic Survey (NGS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration.

**ACTION:** Notice.

**SUMMARY:** The National Geodetic Survey (NGS) will publish North American Datum of 1983 (NAD 83) State Plane Coordinate (SPC) grid values in both meters and U.S. Survey Feet (1 ft = 1200/3937 m) in West Virginia, for all well defined geodetic survey control monuments maintained by NGS in the National Spatial Reference System (NSRS) and computed from various geodetic positioning utilities. The adoption of this standard is implemented in accordance with NGS policy and a request from the West Virginia Department of Transportation, the West Virginia Society of Professional Surveyors, the West Virginia GIS Coordinator, and the West Virginia Association of Geospatial Professionals.

**DATES:** Individuals or organizations wishing to submit comments on the Publication of North American Datum of 1983 State Plane Coordinates in feet in

West Virginia, should do by September 17, 2007.

**ADDRESSES:** Written comments should be sent to the attention of David Doyle, Chief Geodetic Surveyor, Office of the National Geodetic Survey, National Ocean Service (N/NGS2), 1315 East-West Highway, Silver Spring, Maryland 20910, fax 301-713-4324, or via e-mail [Dave.Doyle@noaa.gov](mailto:Dave.Doyle@noaa.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to David Doyle, Chief Geodetic Surveyor, National Geodetic Survey (N/NGS2), 1315 East-West Highway, Silver Spring, MD 20910; Phone: (301) 713-3178.

#### SUPPLEMENTARY INFORMATION:

#### Abstract

In 1991, NGS adopted a policy that defines the conditions under which NAD 83 State Plane Coordinates (SPCs) would be published in feet in addition to meters. As outlined in that policy, each state or territory must adopt NAD 83 legislation (typically referenced as Codes, Laws or Statutes), which specifically defines a conversion to either U.S. Survey or International Feet as defined by the U.S. Bureau of Standards in **Federal Register** Notice 59-5442. To date, 48 states have adopted the NAD 83 legislation however, for various reasons, only 33 included a specific definition of the relationship between meters and feet. This lack of uniformity has led to confusion and misuse of SPCs as provided in various NGS products, services and tools, and created errors in mapping, charting and surveying programs in numerous states due to inconsistent coordinate conversions.

Dated: June 11, 2007.

**David B. Zilkoski,**

*Director, Office of National Geodetic Survey, National Ocean Service, National Oceanic and Atmospheric Administration.*

[FR Doc. 07-4021 Filed 8-16-07; 8:45 am]

**BILLING CODE 3510-JE-M**

#### DEPARTMENT OF ENERGY

#### Office of Energy Efficiency and Renewable Energy

#### Biomass Research and Development Technical Advisory Committee

**AGENCY:** Department of Energy, Office of Energy Efficiency and Renewable Energy.

**ACTION:** Notice of Open Meeting.

**SUMMARY:** This notice announces an open meeting of the Biomass Research