

All attendees are required to submit their name, time of arrival, e-mail address and phone number to Ms. Breitberg.

Dated: August 5, 2008.

**James M. Turner,**  
*Deputy Director.*

[FR Doc. E8-18618 Filed 8-11-08; 8:45 am]

**BILLING CODE 3510-13-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Proposed Information Collection; Comment Request; Application Form for Membership on a National Marine Sanctuary Advisory Council

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before October 14, 2008.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Karen M. Brubeck, 206-842-6084 or [karen.brubeck@noaa.gov](mailto:karen.brubeck@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

Section 315 of the National Marine Sanctuaries Act (16 U.S.C. 1445a) allows the Secretary of Commerce to establish one or more advisory councils to provide advice to the Secretary regarding the designation and management of national marine sanctuaries. The councils are individually chartered for each sanctuary to meet the needs of the sanctuary. Once a council has been chartered, the sanctuary manager starts a process to recruit members for that Council by providing notice to the

public and requesting interested parties to apply for the available seats.

##### II. Method of Collection

An application form and guidelines for a narrative submission must be submitted to the sanctuary manager. Submissions may be made electronically.

##### III. Data

*OMB Control Number:* 0648-0397.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Individuals or households; business or other for-profit organizations; not-for-profit institutions.

*Estimated Number of Respondents:* 500.

*Estimated Time Per Response:* 1 hour.

*Estimated Total Annual Burden*

*Hours:* 500 hours.

*Estimated Total Annual Cost to*

*Public:* \$0.

##### IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: August 7, 2008.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. E8-18550 Filed 8-11-08; 8:45 am]

**BILLING CODE 3510-NK-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Federal Consistency Appeal by Mr. G. Walter Swain

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

**ACTION:** Notice of closure—administrative appeal decision record.

**SUMMARY:** This announcement provides notice that the decision record has been closed for an administrative appeal filed with the Department of Commerce by Mr. G. Walter Swain.

**DATES:** The decision record for the administrative appeal of Mr. G. Walter Swain was closed on August 12, 2008.

**ADDRESSES:** Materials from the appeal record are available at the Internet site <http://www.ogc.doc.gov/czma.htm> and at the Office of the General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Thomas Street, Attorney-Advisor, NOAA Office of General Counsel for Ocean Services, via e-mail at [thomas.street@noaa.gov](mailto:thomas.street@noaa.gov), or at 301-713-7390.

**SUPPLEMENTARY INFORMATION:** On February 4, 2008, Mr. G. Walter Swain filed notice of an appeal with the Secretary of Commerce (Secretary), pursuant to the Coastal Zone Management Act of 1972 (CZMA), 16 U.S.C. 1451 *et seq.*, and implementing regulations found at 15 CFR Part 930, Subpart H. Mr. Swain appealed an objection by the State of Delaware in the proposed construction of a marina and associated structures at the confluence of Cedar Creek and Mispillion River, in Milford, Delaware.

Mr. Swain requested that the Secretary override Delaware's objection based upon an alleged threshold deficiency in the objection and on the grounds that the project is consistent with the objectives of the CZMA or otherwise necessary in the interest of national security. Decisions for CZMA administrative appeals are based on information contained in a decision record. Under the CZMA, the decision record must close no later than 220 days after notice of the appeal was first published in the **Federal Register**. See 16 U.S.C. 1465; 15 CFR 930.130. The CZMA requires that a notice be published in the **Federal Register** indicating the date on which the decision record has been closed. See 16 U.S.C. 1465(b); 15 CFR 930.130. Consistent with this deadline, the Swain appeal decision record was closed on August 12, 2008. No further information, briefs or comments will be considered in deciding this appeal.

Additional information about the Swain appeal and the CZMA appeals process is available from the

Department of Commerce CZMA  
appeals Web site: <http://www.ogc.doc.gov/czma.htm>.

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Assistance.)

Dated: August 7, 2008.

**Joel La Bissonniere,**  
*Assistant General Counsel for Ocean Services.*  
[FR Doc. E8-18658 Filed 8-11-08; 8:45 am]  
**BILLING CODE 3510-08-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XG81

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

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

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

**SUMMARY:** Notice is hereby given that NOAA Fisheries Office of Science and Technology (Principal Investigator: Dr. Brandon Southall), Silver Spring, MD, has been issued an amendment to Permit No. 1121-1900 to conduct research on marine mammals.

**ADDRESSES:** The permit amendment 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 2, 2008, notice was published in the *Federal Register* (73 FR 17957) that a request for an amendment to Scientific Research Permit No. 1121-1900 to take beaked whales (*Ziphius cavirostris* and *Mesoplodon* spp.) and other odontocete species had been submitted by the above-named institution (permit holder). The requested permit amendment 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.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

The permit amendment extended the duration of the permit to allow conduct of three additional annual field seasons, and modified the protocols for playback experiments as requested by the permit holder. The amended 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 1, 2011.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a supplemental 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 6, 2008.

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

[FR Doc. E8-18617 Filed 8-11-08; 8:45 am]

**BILLING CODE 3510-22-S**

## CONSUMER PRODUCT SAFETY COMMISSION

(CPSA Docket No. 08-COO 16)

### A & R Knitwear, Inc., Provisional Acceptance of a Settlement Agreement and Order

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** It is the policy of the Commission to publish settlements which it provisionally accepts under the Consumer Product Safety Act in the

*Federal Register* in accordance with the terms of 16 CFR 1118.20(e). Published below is a provisionally accepted Settlement Agreement with A & R Knitwear, Inc., containing a civil penalty of \$35,000.00.

**DATES:** Any interested person may ask the Commission not to accept this agreement or otherwise comment on its contents by filing a written request with the Office of the Secretary by August 27, 2008.

**ADDRESSES:** Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 08-C0016, Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Room 502, Bethesda, Maryland 20814-4408.

**FOR FURTHER INFORMATION CONTACT:** Dennis C. Kacoyanis, Trial Attorney, Legal Division, Office of Compliance and Field Operations, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814-4408; telephone (301) 504-7587.

**SUPPLEMENTARY INFORMATION:** The text of the Agreement and Order appears below.

August 5, 2008.

**Todd A. Stevenson,**  
*Secretary.*

## United States of America

### Consumer Product Safety Commission

In the Matter of A & R Knitwear, Inc., CPSC Docket No. 08-C0016

#### Settlement Agreement

1. In accordance with 16 CFR 1118.20, A & R Knitwear, Inc. ("A & R") and the staff ("Staff") of the United States Consumer Product Safety Commission ("Commission") enter into this Settlement Agreement ("Agreement"). The Agreement and the incorporated attached Order ("Order") settle the Staff's allegations set forth below.

#### Parties

2. The Commission is an independent federal regulatory agency established pursuant to, and responsible for the enforcement of, the Consumer Product Safety Act, 15 U.S.C. 2051-2084 ("CPSA").

3. A & R is a corporation organized and existing under the laws of New York, with its principal offices located in New York, NY. At all times relevant hereto, A & R imported and sold apparel.

#### Staff Allegations

4. In 2007, A & R imported and sold to a nationwide retailer at least 5,214 Personal Identity V-neck sweaters with hood and neck drawstrings ("Drawstring Sweaters").

5. The nationwide retailer sold the Drawstring Sweaters to consumers.

6. The Drawstring Sweaters are "consumer product[s]," and, at all times relevant hereto, A & R was a "manufacturer" of those