

(*Megaptera novaeangliae*), and gray (*Eschrichtius robustus*) whales.

**DATES:** Written, telefaxed, or e-mail comments must be received on or before September 30, 2010.

**ADDRESSES:** The application and related documents are available for review by selecting "Records Open for Public Comment" from the *Features* box on the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 15271 from the list of available applications.

These documents are also available upon written request or by appointment in the following offices:

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)713-0376;

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562)980-4001; fax (562)980-4018; and

Northwest Region, NMFS, 7600 Sand Point Way NE, BIN C15700, Bldg. 1, Seattle, WA 98115-0700; phone (206)526-6150; fax (206)526-6426.

Written comments on this application should be submitted to the Chief, Permits, Conservation and Education Division, at the address listed above. Comments may also be submitted by facsimile to (301)713-0376, or by email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits, Conservation and Education Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

**FOR FURTHER INFORMATION CONTACT:** Kristy Beard or Amy Hapeman, (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.*), 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 222-226).

The applicant requests a five-year permit to conduct research on large whale species off California, Oregon, and Washington; the primary research area would be off the Southern California Bight, San Luis Obispo,

Monterey Bay, and San Francisco. The purposes of the research are to: (1) relate distribution and abundance of marine mammals with environmental factors; (2) determine diet and foraging behaviors as marine mammals exploit prey resources; (3) determine types of acoustic behavior of marine mammals (primarily cetaceans) and how acoustic signals are affected by anthropogenic factors; and (4) determine the movements of individuals or pods during migrations or within their home range. Each year, 50 blue whales would be approached for photo-identification (photo-ID) and biopsy, of which 30 would be suction-cup tagged, 10 would be dart-tagged, and 10 would be tagged with small implantable tags; 30 fin whales would be approached for photo-ID and biopsy, of which 10 would be suction-cup tagged, 5 would be dart-tagged, and 5 would be tagged with small implantable tags; 200 humpback whales would be approached for photo-ID and biopsy, of which 30 would be suction-cup tagged, 10 would be dart-tagged, and 10 would be tagged with small implantable tags; 100 gray whales would be approached for photo-ID and biopsy, of which 40 would be suction-cup tagged, 10 would be dart-tagged, and 10 would be tagged with small implantable tags. Tagged individuals would be observed and photographed (e.g., daily for the first week and every week or so for the next two months). Up to 200 California sea lions (*Zalophus californianus*), 20 harbor seals (*Phoca vitulina richardii*), 50 Pacific white-sided dolphins (*Lagenorhynchus obliquidens*), 20 Northern right whale dolphins (*Lissodelphis borealis*), 10 harbor porpoise (*Phocoena phocoena*) and 20 short-beaked common dolphins (*Delphinus delphis*) would be harassed incidental to research activities.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a draft environmental assessment (EA) has been prepared to examine whether significant environmental impacts could result from issuance of the proposed scientific research permit. The draft EA is available for review and comment simultaneous with the scientific research permit application.

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

Dated: August 25, 2010.

**P. Michael Payne,**

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

[FR Doc. 2010-21715 Filed 8-30-10; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XY36

#### Endangered and Threatened Species; Initiation of 5-Year Review of the Eastern Distinct Population Segment of the Steller Sea Lion

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

**ACTION:** Notice; reopening of comment period.

**SUMMARY:** NMFS published a notice in the **Federal Register** on June 29, 2010, announcing the initiation of a 5-year review of the eastern Distinct Population Segment (DPS) of the Steller Sea Lion (*Eumetopias jubatus*) under the Endangered Species Act of 1973, as amended (ESA) and requesting information related to that review. A notice correcting the email address and fax number to which comments and information should be sent was published July 7, 2010. Written comments were due by August 30, 2010. NMFS has decided to reopen the public comment period for an additional 45 days, to October 14, 2010.

**DATES:** The public comment period for this action has been reopened for an additional 45 days, to October 14, 2010. Written comments and information must be received no later than October 14, 2010.

**ADDRESSES:** You may submit information by any of the following methods:

- Mail: Kaja Brix, National Marine Fisheries Service, Alaska Region, Protected Resources Division, P.O. Box 21668, 709 West 9th Street, Juneau, AK 99802.
- E-mail: [ssldps@noaa.gov](mailto:ssldps@noaa.gov). Include the following identifier in the subject line of the e-mail: "Comments on the 5-year review for the eastern DPS of Steller sea lion."
- Fax: (907) 586-7557, attention: Kaja Brix.

Information received in response to this notice and review will be available for public inspection (by appointment,

during normal business hours) at the above address.

**FOR FURTHER INFORMATION CONTACT:** Dr. Lisa Rotterman (907) 271-1692, [lisa.rotterman@noaa.gov](mailto:lisa.rotterman@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

NMFS published a notice in the **Federal Register** on June 29, 2010, announcing the initiation of a 5-year review of the eastern Distinct Population Segment (DPS) of the Steller Sea Lion (*Eumetopias jubatus*) under the Endangered Species Act of 1973, as amended (ESA) and requesting information related to that review (75 FR 37385). A notice correcting the email address and fax number to which comments and information should be sent was published July 7, 2010 (75 FR 38979). Written comments were due by August 30, 2010. NMFS has decided to reopen the public comment period for an additional 45 days, to October 14, 2010.

**Authority:** 16 U.S.C. 1531 *et seq.*

Dated: August 25, 2010.

**Therese Conant,**

*Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2010-21708 Filed 8-30-10; 8:45 am]

**BILLING CODE 3510-22-S**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648-XY53**

**Federal Aquatic Nuisance Species Research Risk Analysis Protocol**

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

**ACTION:** Notice of availability of draft revised research protocol; request for comments.

**SUMMARY:** The National Oceanic and Atmospheric Administration (NOAA) announces the availability of the draft revised Federal Aquatic Nuisance Species Research Risk Analysis Protocol (Protocol), developed by the Research Protocol Committee, a committee of the Aquatic Nuisance Species Task Force (ANSTF). The Protocol is available for public review and comment.

**DATES:** Comments must be received within 45 days after August 31, 2010.

**ADDRESSES:** Electronic copies of the draft revised Protocol are available on

the ANSTF website, <http://anstf.gov/documents.php>. To obtain a hard copy of the draft revised Protocol or to submit comments, see Document Availability and Public Comment, respectively, under SUPPLEMENTARY INFORMATION.

**FOR FURTHER INFORMATION CONTACT:** Margaret M. (Peg) Brady, NOAA Policy Liaison to the Aquatic Nuisance Species Task Force, 1315 East West Highway, SSMC 3, Rm. 15531 Silver Spring, MD 20910 Phone: 301-713-0174; Email: [Peg.Brady@noaa.gov](mailto:Peg.Brady@noaa.gov)

**SUPPLEMENTARY INFORMATION:**

**Introduction**

The Aquatic Nuisance Species Task Force (ANSTF) is an intergovernmental organization dedicated to preventing and controlling aquatic nuisance species, and implementing the Nonindigenous Aquatic Nuisance Prevention and Control Act. The National Oceanic and Atmospheric Administration and U. S. Fish and Wildlife Service serve as co-chairs of the ANSTF. The ANSTF developed a research protocol as is required by the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (NANPCA, Public Law 101-646, 104 STAT. 4671, 16 U.S.C. 4701-4741), as amended by the National Invasive Species Act, 1996. Section 1202(f)(2) of NANPCA directs the ANSTF to establish a protocol "to ensure that research activities carried out under [NANPCA] do not result in the introduction of aquatic nuisance species to waters of the United States."

Responsibility for actual use of this Protocol is specified in section (f)(3) of the NANPCA: "The Task Force shall allocate funds authorized under this Act for competitive research grants to study all aspects of aquatic nuisance species, which shall be administered through the National Sea Grant College Program and the Cooperative Fishery and Wildlife Research Units. Grants shall be conditioned to ensure that any recipient of funds follows the protocol established under paragraph (2) of this subsection."

Throughout this document both the descriptors "nonindigenous" and/or "nuisance" are used when referring to aquatic species that are the target of this risk analysis. Language used in the NANPCA differentiates between a nonindigenous species and a nuisance species, with a "nonindigenous" label being solely based on the historic range of the species, while a "nuisance" designation is based on a species being both nonindigenous and potentially harmful ("threatens the diversity or

abundance of native species or the ecological stability of infested waters, or commercial, agricultural, aquacultural or recreational activities dependent on such waters"). The ANSTF Research Committee adopted a precautionary approach by targeting this risk analysis to all aquatic nonindigenous species research, regardless of the "nuisance" designation. The intent of the procedures outlined herein is to minimize to the extent practicable the risk of release and spread of aquatic nonindigenous species into areas they do not yet inhabit, since any nonindigenous species may become a nuisance species. Not only is it often not possible to be sure that a species won't become a nuisance (as defined) in the future, the possession and/or release of nonindigenous species may be illegal under various Federal, State, or local laws, which may or may not differentiate between nonindigenous and nuisance species.

**Background**

When finalized, this document ("the Protocol") would replace the previously established "Protocol for Evaluating Research Proposals Concerning Aquatic Nonindigenous Species," adopted in draft form in 1992 and finalized and published by the ANSTF in July 1994. The 1994 protocol applies only to research involving aquatic nonindigenous species (ANS) and is designed to reduce the risk that research activities may cause introduction or spread of such aquatic species. Other potential means of introduction, such as bait movement, aquaria disposal, ballast water discharge, movement of recreational boats, movement of fishing gear, and horticultural sales, are not addressed in the 1994 protocol.

In 2008 the ANSTF requested the Research Committee (a Committee of the ANSTF) to evaluate and recommend revisions to the 1994 protocol, as needed. According to the Society for Risk Analysis (SRA, <http://www.sra.org>), the elements or components of a risk analysis include risk assessment, risk characterization, risk communication, risk management, and policy relating to risk. This revised Protocol incorporates three of those elements it requires a risk assessment (Part I) and then, if needed, establishment and implementation of a risk management plan (Part II), with the combined results communicated to the funding agency as part of the proposal and funding process. Therefore, this revised Protocol is renamed "Federal Aquatic Nuisance Species Research Risk Analysis Protocol." The draft was approved by the ANSTF on November