

convenience and customs purposes, the written description of the subject merchandise as set forth herein is dispositive.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XC014

#### Marine Mammals; File Nos. 15777 and 17670

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

**ACTION:** Notice; withdrawal of application and receipt of application.

**SUMMARY:** Notice is hereby given that the NMFS Northeast Fisheries Science Center, Woods Hole, MA (Responsible Party: Michael Simpkins), has withdrawn application File No. 15777 and submitted a new application (File No. 17670) for a permit to take marine mammals during scientific research in coastal waters and adjacent waters off the northeast U.S.

**DATES:** Written, telefaxed, or email comments must be received on or before November 23, 2012.

**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. 15777 from the list of available applications.

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

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427-8401; fax (301) 713-0376;

Northeast Region, NMFS, 55 Great Republic Drive, Gloucester, MA 01930; phone (978) 281-9328; fax (978) 281-9394; and

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

Written comments on this application should be submitted to the Chief, Permits and Conservation 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 and Conservation 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:** Tammy Adams or Amy Sloan, (301) 427-8401.

#### SUPPLEMENTARY INFORMATION:

*File No. 15777.* The application, submitted 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) was made available for public comment on May 4, 2012 (77 FR 26513). In response to public comments, the applicant proposed substantial changes to the numbers of and manner in which marine mammals may be taken. The changes, which are equivalent to a major permit amendment as defined in the regulations, require additional public review and comment. The application is hereby withdrawn and replaced with a revised version, referred to as File No. 17670.

*File No. 17670.* The subject permit is requested under the authority of the MMPA, and the regulations governing the taking and importing of marine mammals (50 CFR part 216). The applicant requests a five-year permit to take harbor seals (*Phoca vitulina concolor*), gray seals (*Halichoerus grypus*), harp seals (*Pagophilus groenlandicus*), and hooded seals (*Cystophora cristata*) during conduct of stock assessment research, including estimation of distribution and abundance, determination of stock structure, habitat requirements, foraging ecology, health assessment and effects of natural and anthropogenic factors. Types of take include harassment during shipboard, skiff, and aircraft transect and photo-identification surveys, and scat collection; and capture with tissue sampling and instrument or tag attachment. The applicant proposes to capture up to 175 harbor seals and 225 gray seals annually for measurement of body condition, collection of tissue samples (e.g., blood, blubber biopsy, skin, hair, swab samples, vibrissae), and attachment of telemetry devices. Up to 200 harp seals, 50 hooded seals, 59,000 harbor seals, and 67,000 gray seals could be harassed annually incidental to surveys, scat collections and capture operations. The applicant also requests research-related

mortality of up to 8 gray seals, 8 harbor seals, 2 harp seals, and 2 hooded seals per year. Permission is also sought to import and export pinniped specimen material (including soft and hard tissue, blood, extracted DNA, and whole dead animals or parts thereof) to/from any country. The study area includes waters within or proximal to the U.S. EEZ from North Carolina northward to Maine, and Canadian waters in the Gulf of Maine.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Dated: October 18, 2012.

**P. Michael Payne,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XC284

#### Endangered and Threatened Species; Initiation of 5-Year Review for the Southern Distinct Population Segment of North American Green Sturgeon

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

**ACTION:** Notice of initiation of 5-year review; request for information.

**SUMMARY:** NMFS announces a 5-year review of the Southern Distinct Population Segment (DPS) of North American green sturgeon (*Acipenser medirostris*) (hereafter, Southern DPS) under the Endangered Species Act of 1973, as amended (ESA). On April 7, 2006, NMFS issued a final listing determination for the Southern DPS as threatened under the ESA. The purpose of the 5-year review is to ensure the accuracy of the listing classification for this species. A 5-year review is based on the best scientific and commercial data available; therefore, we are requesting submission of any such information on the Southern DPS that has become available since the listing determination in 2006. We are also requesting information regarding the status of the Northern DPS of the North American green sturgeon (hereafter, Northern

DPS), which is a NMFS Species of Concern.

**DATES:** To allow adequate time to conduct this review, we must receive your information no later than December 24, 2012.

**ADDRESSES:** You may submit comments on this document, identified by NOAA–NMFS–2012–0198, by any of the following methods:

- **Electronic Submissions:** Submit all electronic public comments via the Federal e-Rulemaking Portal [www.regulations.gov](http://www.regulations.gov). To submit comments via the e-Rulemaking Portal, first click the “submit a comment” icon, then enter NOAA–NMFS–2012–0198 in the keyword search. Locate the document you wish to comment on from the resulting list and click on the “Submit a Comment” icon on the right of that line.

- **Mail or hand-delivery:** Chris Yates, ATTN: Green Sturgeon Status Review, National Marine Fisheries Service, Southwest Region, Protected Resources Division, 501 West Ocean Blvd., Suite 4200, Long Beach, CA, 90802–4213.

**Instructions:** Comments must be submitted by one of the above methods to ensure that the comments are received, documented, and considered by NMFS. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive information that you wish to protect from disclosure. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word or Excel, WordPerfect, or Adobe PDF file formats only.

**FOR FURTHER INFORMATION CONTACT:** Melissa Neuman, NMFS Southwest Region, Protected Resources Division, 562–980–4115.

**SUPPLEMENTARY INFORMATION:** Section 4(c)(2)(A) of the ESA requires that we conduct a review of listed species at least once every five years. The regulations in 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species currently under active review. This notice announces our active review of the Southern DPS of green sturgeon currently listed as threatened.

### Public Solicitation of New Information

To ensure that the 5-year review is complete and based on the best available scientific and commercial information, we are soliciting new information from the public, governmental agencies, Tribes, the scientific community, industry, environmental entities, and any other interested parties concerning the status of the Southern DPS since the listing determination in 2006. The 5-year review considers the best scientific and commercial data and all new information that has become available since the listing determination or most recent status review. Categories of requested information include: (1) Species biology including, but not limited to, population trends, distribution, abundance, demographics, and genetics; (2) habitat conditions including, but not limited to, amount, distribution, and suitability; (3) conservation measures that have been implemented that benefit the species; (4) status and trends of threats; (5) other new information, data, or improved analytical methods; and (6) corrections including, but not limited to, taxonomic or nomenclatural changes. The Southern DPS consists of populations originating from coastal and Central Valley watersheds south of the Eel River in California, with the only known spawning population in the Sacramento River. NMFS also seeks new information available on the Northern DPS, consisting of populations originating from coastal watersheds north of and including the Eel River. The Northern DPS is listed as a NMFS Species of Concern. At the time of the Southern DPS proposed listing, NMFS volunteered to revisit and update, if necessary, the Northern DPS’ status in five years time (70 FR 17386; April 6, 2005). Therefore, any information submitted regarding the Northern DPS will not be used as part of a formal 5-year status review, but rather an informal assessment of the DPS’ status to verify whether its current position on the Species of Concern List is still appropriate.

Any new information will be considered during the 5-year review and will also be useful in evaluating ongoing research and conservation activities and may be incorporated into the final recovery plan for the Southern DPS.

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

Dated: October 18, 2012.

**Angela Somma,**

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

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**BILLING CODE 3510–22–P**

### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

**RIN 0648–XC308**

#### Gulf of Mexico Fishery Management Council; Public Meeting

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

**ACTION:** Notice of a public meeting.

**SUMMARY:** The Gulf of Mexico Fishery Management Council will convene a webinar of the Standing and Special Reef Fish Scientific and Statistical Committees (SSC).

**DATES:** The webinar will convene at 1 p.m. on Thursday, November 8, 2012 and will conclude approximately 5 p.m.

**ADDRESSES:** The meeting will be held via webinar and is accessible by computers (Windows or Mac), or by iPhone, iPad, or Android device with the GoToMeeting app available from the App Store or Google Play. A registration link to sign up for the webinar will be available on the Council Web site.

*Council address:* Gulf of Mexico Fishery Management Council, 2203 N. Lois Avenue, Suite 1100, Tampa, FL 33607.

**FOR FURTHER INFORMATION CONTACT:** Steven Atran, Population Dynamics Statistician; Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630.

**SUPPLEMENTARY INFORMATION:** The Standing and Special Reef Fish SSC will meet jointly via webinar on Thursday, November 8, 2012 to review an analysis of this year’s red snapper overharvest. Under a rule published on May 30, 2012 [77 FR 31734] the acceptable biological catch (ABC) for red snapper was set at 8.080 million pounds for 2012 and 8.690 million pounds for 2013, with 51 percent of the ABC allocated to a commercial quota and 49 percent to a recreational quota. The increase in the ABC 2013 was contingent upon the stock ABC not being exceeded in 2012. If the stock ABC was exceeded in 2012, the stock ABC and sector quotas would remain at the 2012 levels unless the best scientific information available