

\* \* \* \* \*

■ 4. Amend § 82.12 by revising paragraph (a) and removing paragraph (e) to read as follows:

**§ 82.12 Transfers of allowances for class I controlled substances.**

(a) Inter-company transfers. (1) Until January 1, 1996, for all class I controlled substances, except for Group VI, and until January 1, 2005, for Group VI, any person (“transferor”) may transfer to any other person (“transferee”) any amount of the transferor’s consumption allowances or production allowances, and effective January 1, 1995, for all class I controlled substances any person (“transferor”) may transfer to any other person (“transferee”) any amount of the transferor’s Article 5 allowances. After January 1, 2002, any essential-use allowance holder (including those persons that hold essential-use allowances issued by a Party other than the United States) (“transferor”) may

transfer essential-use allowances for CFCs to a metered dose inhaler company solely for the manufacture of essential MDIs. After January 1, 2005, any critical use allowance holder (“transferor”) may transfer critical use allowances to any other person (“transferee”).

\* \* \* \* \*

■ 5. Amend § 82.13 by:

■ a. Revising paragraphs (f)(3)(iv) and (g)(4)(vii); and

■ b. Removing and reserving paragraphs (bb)(2)(iv) and (cc)(2)(iv)

The revised text reads as follows.

**§ 82.13 Recordkeeping and reporting requirements for class I controlled substances.**

\* \* \* \* \*

(f) \* \* \*

(3) \* \* \*

(iv) The producer’s total of expended and unexpended production allowances, consumption allowances,

Article 5 allowances, critical use allowances (pre-plant), critical use allowances (post-harvest), and amount of essential-use allowances and destruction and transformation credits conferred at the end of that quarter;

\* \* \* \* \*

(g) \* \* \*

(4) \* \* \*

(vii) The importer’s total sum of expended and unexpended consumption allowances by chemical as of the end of that quarter and the total sum of expended and unexpended critical use allowances (pre-plant) and unexpended critical use allowances (post-harvest);

\* \* \* \* \*

■ 6. Amend Subpart A by revising Appendix L to read as follows:

**Appendix L to Subpart A of Part 82— Approved Critical Uses and Limiting Critical Conditions for Those Uses for the 2014 and 2015 Control Periods**

Column A	Column B	Column C
Approved critical uses	Approved critical user, location of use, and control period	Limiting critical conditions that exist, or that the approved critical user reasonably expects could arise without methyl bromide fumigation:
<b>PRE-PLANT USES</b>		
Strawberry Fruit .....	California growers. Control periods 2014 and 2015 .....	Moderate to severe black root rot or crown rot. Moderate to severe yellow or purple nutsedge infestation. Moderate to severe nematode infestation. Local township limits prohibiting 1,3-dichloropropene.
<b>POST-HARVEST USES</b>		
Food Processing .....	(a) Rice millers in the U.S. who are members of the USA Rice Millers Association. Control period 2014.  (b) Pet food manufacturing facilities in the U.S. who are members of the Pet Food Institute. Control period 2014.  (c) Members of the North American Millers’ Association in the U.S. Control period 2014.	Moderate to severe beetle, weevil, or moth infestation. Presence of sensitive electronic equipment subject to corrosion. Moderate to severe beetle, moth, or cockroach infestation. Presence of sensitive electronic equipment subject to corrosion. Moderate to severe beetle infestation. Presence of sensitive electronic equipment subject to corrosion.
Commodities .....	California entities storing walnuts, dried plums, figs, raisins, and dates (in Riverside county only) in California. Control period 2014.	Rapid fumigation required to meet a critical market window, such as during the holiday season.
Dry Cured Pork Products.	Members of the National Country Ham Association and the Association of Meat Processors, Nahunta Pork Center (North Carolina), and Gwaltney and Smithfield Inc. Control periods 2014 and 2015.	Red legged ham beetle infestation. Cheese/ham skipper infestation. Dermestid beetle infestation. Ham mite infestation.

[FR Doc. 2014–04882 Filed 3–6–14; 8:45 am]

BILLING CODE 6560–50–P

**LEGAL SERVICES CORPORATION**

**45 CFR Part 1626**

**Restrictions on Legal Assistance to Aliens**

AGENCY: Legal Services Corporation.

**ACTION:** Proposed program letter.

**SUMMARY:** This proposed program letter serves as a companion to 45 CFR part 1626. The proposed program letter should have been published in the **Federal Register** with the further notice of proposed rulemaking (FNPRM) on February 5, 2014, 79 FR 6859. LSC seeks comments on the proposed program letter. Additional information on the request for comments is located in the **SUPPLEMENTARY INFORMATION** section.

**DATES:** Comments on the proposed program letter are due April 7, 2014.

**ADDRESSES:** Written comments must be submitted to Stefanie K. Davis, Assistant General Counsel, Legal Services Corporation, 3333 K Street NW., Washington, DC 20007; (202) 337–6519 (fax) or [1626rulemaking@lsc.gov](mailto:1626rulemaking@lsc.gov). Electronic submissions are preferred via email with attachments in Acrobat PDF format. Written comments sent to any other address or received after the end

of the comment period may not be considered by LSC.

**FOR FURTHER INFORMATION CONTACT:** Stefanie K. Davis, Assistant General Counsel, Legal Services Corporation, 3333 K Street NW., Washington, DC 20007, (202) 295-1563 (phone), (202) 337-6519 (fax), [1626rulemaking@lsc.gov](mailto:1626rulemaking@lsc.gov)

**SUPPLEMENTARY INFORMATION:** In 2003, LSC added a list of documents establishing the eligibility of aliens for legal assistance from LSC funding recipients as an appendix to part 1626. 68 FR 55540, Sept. 26, 2003. The appendix has not changed since 2003, although immigration documents and forms have changed and Congress has authorized LSC recipients to provide legal assistance to new categories of eligible aliens. LSC believes that the frequently changing nature of immigration documents and forms requires a more flexible and responsive means of informing recipients of the changes than the informal rulemaking process provides. Consequently, in a notice of proposed rulemaking published on August 21, 2013, LSC announced its intention to remove the appendix to part 1626 and publish the information contained in the appendix as a program letter. 78 FR 51696, Aug. 21, 2013. Because the initial revision of the appendix and reclassification as a program letter is a change to the regulation, it is being done pursuant to the LSC rulemaking protocol. As such, LSC is publishing the program letter in the **Federal Register** for public comment.

LSC published a FNPRM on February 5, 2014 proposing requesting comment on additional revisions to part 1626. 79 FR 6859, Feb. 5, 2014. The proposed

program letter was intended to accompany the FNPRM. The comment period for this program letter will remain open for thirty days from the date of publication of the letter in the **Federal Register**. Because this document does not affect the substance of the FNPRM, the deadline for comments on the FNPRM will remain March 7, 2014.

**Draft Program Letter [#]**

**TO:** All LSC Program Directors  
**FROM:** James J. Sandman, President  
**DATE:** [ ], 2014  
**SUBJECT:** Alien Eligibility under LSC Regulation Part 1626

LSC published a final rule revising 45 C.F.R. Part 1626, “Restrictions on Legal Assistance to Aliens,” on [DATE]. Revised Part 1626 was published without the Appendix. The information contained in the Appendix will be published instead as a Program Letter and an accompanying chart describing the categories of aliens eligible for legal assistance from LSC recipients and containing a non-exhaustive list of examples of acceptable documentation showing eligibility under Part 1626. These documents should be read together with Part 1626 in making eligibility determinations.

**Documentation**

The documents identified as acceptable to establish eligibility fall into one of two categories: 1) documents regarding the immigration status of an alien; or 2) documents providing evidence that the alien has experienced qualifying abuse or otherwise meets the requirements of 45 C.F.R. § 1626.4 regarding the Violence Against Women

Act (VAWA) and other anti-abuse statutes.

**Special Considerations**

Victims of trafficking are covered by different provisions of 45 C.F.R. § 1626.4 depending on the nature of the trafficking activity. Recipients should determine whether an alien is a victim of trafficking under VAWA or section 101(a)(15)(U) of the Immigration and Nationality Act, or a victim of severe forms of trafficking under the Trafficking Victims Protection Act, 22 U.S.C. § 7101 et seq. The facts of an alien’s situation may indicate that the alien is eligible for assistance under one or more of these statutes.

Eligibility for assistance based on qualifying for a U-visa or being a victim of severe forms of trafficking requires consideration of other statutory factors in addition to the qualifying crime. See 8 U.S.C. § 1101(a)(15)(U); 22 U.S.C. § 7105(b)(1)(C). Recipients must document that an alien meets all relevant statutory factors.

**Additional Resources**

If you have any questions or concerns regarding this Program Letter or for further guidance, please contact LSC General Counsel Ronald S. Flag. Additional information regarding the documentation contained in the chart can be found at the U.S. Customs and Immigration Service Web site (<http://www.uscis.gov>) and at the Anti-Trafficking in Persons Division of the Office of Refugee Resettlement within the Department of Health and Human Services Web site (<http://www.acf.hhs.gov/programs/orr/programs/anti-trafficking>).

**ALIEN ELIGIBILITY FOR REPRESENTATION BY LSC-FUNDED PROGRAMS**

Alien category	Statutory authorization	Regulatory authorization of eligibility in 45 CFR part 1626	Verification documents
Lawful Permanent Resident.	8 U.S.C. 1101(a)(20) .....	§ 1626.5(a) .....	(1) Alien Registration Receipt Card: Form I-551 or Form I-151; <i>or</i> (2) Memorandum of Creation of Record of Lawful Permanent Residence: Form I-181 with approval stamp; <i>or</i> (3) Passport bearing immigrant visa or stamp indicating admission for lawful permanent residence; <i>or</i> (4) Order granting residency or adjustment of status; <i>or</i> (5) Permit to Reenter the United States: Form I-327; <i>or</i> (6) Arrival/Departure Record: CBP Form I-94 with stamp indicating admission for lawful permanent residence; <i>or</i>

ALIEN ELIGIBILITY FOR REPRESENTATION BY LSC-FUNDED PROGRAMS—Continued

Alien category	Statutory authorization	Regulatory authorization of eligibility in 45 CFR part 1626	Verification documents
Spouse of a U.S. citizen, or a parent of a U.S. citizen, or an unmarried child under 21 of U.S. citizen; <i>and</i> who has filed an application for adjustment of status to lawful permanent resident.	8 U.S.C. §§ 1158(b)(3), 1255, 1255a, 1259.	§ 1626.5(b) .....	<p>(7) Any verification of lawful permanent residence in the U.S. to include any one of the following: authoritative document from the United States Immigration and Naturalization Service (INS);<sup>1</sup> or the Department of Homeland Security (DHS), including online or email verification.</p> <p>(1) Proof of filing of a qualifying application for adjustment of status to permanent residency, which may include one or more of the following: a fee receipt or an online or email printout showing that the application was filed with the INS prior to 2003, U.S. Citizenship and Immigration Service (USCIS), the Department of Homeland Security (DHS), or the immigration court; <i>or</i> a filing stamp showing that the application was filed; <i>or</i> a grant of a fee waiver for such application, a biometrics appointment notice indicating such pending application, a printout from the USCIS online service, or a copy of the application accompanied by a notarized statement signed by the alien that such form was filed; <i>and</i></p> <p>(2) Proof of relationship to U.S. citizen, which may include one or more of the following: a copy of the person's marriage certificate accompanied by proof of the spouse's U.S. citizenship; <i>or</i> a copy of the birth certificate, baptismal certificate, adoption decree, or other document demonstrating the individual is under the age of 21, accompanied by proof that the individual's parent is a U.S. citizen; <i>or</i> a copy of Petition for Alien Relative: Form I-130, or Petition for American, Widow(er) or Special Immigrant: Form I-360 containing information demonstrating the individual is related to such U.S. citizen, accompanied by proof of filing.</p>
Asylee .....	8 U.S.C. § 1158 .....	§ 1626.5(c) .....	<p>(1) Arrival/Departure Record: Form I-94 or passport stamped "asylee" or "§ 208"; <i>or</i></p> <p>(2) Order granting asylum from INS<sup>2</sup>, DHS, immigration judge, the Board of Immigration Appeals (BIA), or federal court; <i>or</i></p> <p>(3) Refugee Travel Document: Form I-571; <i>or</i></p> <p>(4) Employment Authorization Card: Form I-688B<sup>3</sup> or Employment Authorization Document: Form I-766 coded "8 CFR § 274a.12(a)(5)(asylee)" or "A5"; <i>or</i></p> <p>(5) Any verification of lawful presence in the U.S. or other authoritative document from INS or DHS, including online or email verification.</p>
Refugee .....	8 U.S.C. § 1157 .....	§ 1626.5(c) .....	<p>(1) Arrival/Departure Record: Form I-94 or passport stamped "refugee" or "§ 207"; <i>or</i></p> <p>(2) Employment Authorization Card: Form I-688B<sup>4</sup> or Employment Authorization Document: Form I-766 coded "8 CFR § 274a.12(a)(3)(refugee)" or "A3" or "8 CFR § 274a.12(a)(4) (paroled refugee)" or "A4"; <i>or</i></p> <p>(3) Refugee Travel Document: Form I-571; <i>or</i></p> <p>(4) Any verification of lawful presence in the U.S. or other authoritative document from INS or DHS, including online or email verification.</p>

## ALIEN ELIGIBILITY FOR REPRESENTATION BY LSC-FUNDED PROGRAMS—Continued

Alien category	Statutory authorization	Regulatory authorization of eligibility in 45 CFR part 1626	Verification documents
Individual Granted Withholding of Deportation, Exclusion, or Removal.	8 U.S.C. § 1231(b)(3) (withholding of removal); former INA section 243(h) (withholding of deportation or exclusion).	§ 1626.5(e) .....	<p>(1) Arrival/Departure Record: Form I-94 stamped “§ 243(h)” or “§ 241(b)(3)”; <i>or</i></p> <p>(2) Order granting withholding of deportation/deferral of removal from DHS, U.S. Immigration and Customs Enforcement (ICE), immigration court, BIA, or federal court; <i>or</i></p> <p>(3) Temporary Resident Card: Form I-688<sup>5</sup> or Employment Authorization Document: Form I-766 coded “8 CFR § 274a.12(a)(10) (withholding of deportation)” or “A10”; <i>or</i></p> <p>(4) Any verification of lawful presence in the U.S. or other authoritative document from INS or DHS, including online email verification.</p>
Conditional Entrant .....	8 U.S.C. 1153(a)(7) <sup>6</sup> .....	§ 1626.5(d) .....	<p>(1) Arrival/Departure Record: Form I-94 or passport stamped “conditional entrant”; <i>or</i></p> <p>(2) Any verification of lawful presence in the U.S. or other authoritative document from INS or DHS, including online or email verification.</p>
Special Agricultural Worker Temporary Resident.	8 U.S.C. 1160 .....	§ 1626.10(d) .....	<p>(1) Temporary Resident Card: Form I-688<sup>7</sup>, I-688A, Employment Authorization Card: Form I-688B<sup>8</sup>, or Employment Authorization Document: Form I-766 indicating issuance under INA § 210 (or under 8 C.F.R. § 274a.12(a)(2) or coded “A2,” with other evidence indicating eligibility under INA § 210); <i>or</i></p> <p>(2) Any verification of lawful presence in the U.S. or other authoritative document from INS or DHS, including online or email verification.</p>
H-2A Temporary Agricultural Worker.	8 U.S.C. § 1101(a)(15)(H) .....	§ 1626.11(a) .....	<p>(1) Arrival/Departure Record: Form I-94 or passport stamped “H-2A”; <i>or</i></p> <p>(2) Any verification of lawful presence in the U.S. or other authoritative document from INS or DHS, including online or email verification.</p>
H-2B Temporary Non-Agricultural Worker.	8 U.S.C. § 1101(a)(15)(H) .....	§ 1626.11(b) .....	<p>(1) Arrival/Departure Record: Form I-94 or passport stamped “H-2B” and evidence that the worker is employed in forestry; <i>or</i></p> <p>(2) Any verification of lawful presence in the U.S. or other authoritative document from INS or DHS, including online or email verification.</p>
Aliens subjected to battery, extreme cruelty, sexual assault, or trafficking.	Pub. L. 104-208, Div. A, Tit. V, § 502(a)(2)(C), 110 Stat. 2009, 3009-60; Pub. L. 109-162, § 164, 119 Stat. 2960, 2978..	§ 1626.4(c)(1), (c)(2) .....	<p>(1) A decision or other authoritative document from INS, DHS, USCIS, immigration judge, BIA, federal or state court finding or verifying that a person has been a victim of the qualifying abuse; <i>or</i></p> <p>(2) An affidavit or unsworn written statement made by the alien; a written summary of a statement or interview of the alien taken by others, including the recipient; a report or affidavit from police, judges, and other court officials, medical personnel, school officials, clergy, social workers, other social service agency personnel; an order of protection or other legal evidence of steps taken to end the qualifying abuse; evidence that a person sought safe haven in a shelter or similar refuge from the qualifying abuse; photographs; documents or other evidence of a series of acts that establish a pattern of qualifying abuse; <i>or</i></p> <p>(3) An application for administrative or judicial relief including an assertion that the applicant has been a victim of the qualifying abuse, but only <i>if</i> such application is accompanied or supplemented by any of the evidence described in the preceding paragraph (2).</p>

## ALIEN ELIGIBILITY FOR REPRESENTATION BY LSC-FUNDED PROGRAMS—Continued

Alien category	Statutory authorization	Regulatory authorization of eligibility in 45 CFR part 1626	Verification documents
Victims of severe forms of trafficking.	22 U.S.C. § 7105(b)(1)(B) .....	§ 1626.4(c)(3) .....	<p>(1) An affidavit or unsworn written statement made by the alien; a written summary of a statement or interview of the alien taken by others, including the recipient; a report or affidavit from police, judges, and other court officials, medical personnel, school officials, clergy, social workers, other social service agency personnel; an order of protection or other legal evidence of steps taken to end the severe forms of trafficking; evidence that a person sought safe haven in a shelter or similar refuge from the severe forms of trafficking; photographs; documents or other evidence of a series of acts that establish a pattern of severe forms of trafficking; <i>or</i></p> <p>(2) An application for administrative or judicial relief including an assertion that the applicant has been a victim of severe forms of trafficking, but only <i>if</i> such application is accompanied or supplemented by any of the evidence described in the preceding paragraph (1); <i>or</i></p> <p>(3) Certification letter from the U.S. Department of Health and Human Services (HHS); <i>or</i></p> <p>(4) Telephonic verification of certification by calling the HHS trafficking verification line, (202) 401-5510, or (866) 401-5510.</p>
Minor victims of severe forms of trafficking.	22 U.S.C. § 7105(b)(1)(B) .....	§ 1626.4(c)(3) .....	<p>(1) Eligibility letter from HHS; <i>or</i></p> <p>(2) Interim Eligibility Letter from HHS; <i>or</i></p> <p>(3) An affidavit or unsworn written statement made by the alien; a written summary of a statement or interview of the alien taken by others, including the recipient; a report or affidavit from police, judges, and other court officials, medical personnel, school officials, clergy, social workers, other social service agency personnel; an order of protection or other legal evidence of steps taken to end severe forms of trafficking; evidence that the alien sought safe haven in a shelter or similar refuge from severe forms of trafficking; photographs; documents or other evidence of a series of acts that establish a pattern of severe forms of trafficking; <i>or</i></p>
Certain family members of victims of severe forms of trafficking (“derivative T-visa holders”).	22 U.S.C. § 7105(b)(1)(B) .....	§ 1626.4(c)(3) .....	<p>(1) Application for Immediate Family Member of T-1 Recipient: Form I-914, Supplement A; <i>or</i></p> <p>(2) Notice of Action: Form I-797, visa, Arrival/Departure Form: Form I-94, or passport stamped T-2, T-3, T-4, or T-5, or T-6; <i>or</i></p> <p>(3) Employment Authorization Card: Form I-688B or Employment Authorization Document: Form I-766 coded “(c)(25)”; <i>or</i></p> <p>(4) Documentary evidence showing that the primary applicant for immigration relief is a victim of severe forms of trafficking as described above; and credible evidence showing that the alien is a qualified family member of the primary applicant.</p>
Aliens qualified for a U-visa.	Pub. L. 109-162, § 164, 119 Stat. 2960, 2978; 8 U.S.C. § 1101(a)(15)(U).	§ 1626.4(c)(4) .....	<p>(1) Petition for U Nonimmigrant Status: Form I-918; <i>or</i></p> <p>(2) Petition for Immediate Family Member of U-1 Recipient: Form I-918, Supplement A; <i>or</i></p> <p>(3) Notice of Action: Form I-797, visa, Arrival/Departure Record: Form I-94, or passport stamped U-1, U-2, U-3, U-4, or U-5; <i>or</i></p> <p>(4) Employment Authorization Card: Form I-688B or Employment Authorization Document: Form I-766 coded “(a)(19)” (principal) or “(a)(20)” (derivative); <i>or</i></p> <p>(5) A decision or other authoritative document from INS, DHS, USCIS, immigration judge, BIA, federal or state court finding or verifying that a person qualifies for a U-visa; <i>or</i></p>

## ALIEN ELIGIBILITY FOR REPRESENTATION BY LSC-FUNDED PROGRAMS—Continued

Alien category	Statutory authorization	Regulatory authorization of eligibility in 45 CFR part 1626	Verification documents
			<p>(6) An affidavit or unsworn written statement made by the alien; a written summary of a statement or interview of the alien taken by others, including the recipient; a report or affidavit from police, judges, and other court officials, medical personnel, school officials, clergy, social workers, other social service agency personnel; an order of protection or other legal evidence of steps taken to end the qualifying abuse; evidence that the alien sought safe haven in a shelter or similar refuge from the qualifying abuse; photographs; documents or other evidence of a series of acts that establish a pattern of qualifying abuse; <i>or</i></p> <p>(7) An application for administrative or judicial relief including an assertion that the applicant qualifies for a U-visa, but only <i>if</i> such application is accompanied or supplemented by any of the evidence described in the preceding paragraph (6); <i>or</i></p> <p>(8) Documentary evidence showing that the primary applicant for immigration relief qualifies for a U-visa as described above; and credible evidence showing that the alien is a qualified family member of the primary applicant.</p>

<sup>1</sup> For any immigration status document obtained prior to March 1, 2003.

<sup>2</sup> *Supra* note 1.

<sup>3</sup> Dated before April 3, 2009.

<sup>4</sup> *Supra* note 3.

<sup>5</sup> *Supra* note 3.

<sup>6</sup> As in effect prior to April 1, 1980.

<sup>7</sup> *Infra* note 3.

<sup>8</sup> *Infra* note 3.

Dated: March 4, 2014.

**Stefanie K. Davis,**

*Assistant General Counsel.*

[FR Doc. 2014-05008 Filed 3-6-14; 8:45 am]

BILLING CODE 7050-01-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 217

[Docket No. 131120978-4146-01]

RIN 0648-BD80

#### Takes of Marine Mammals Incidental to Specified Activities; U.S. Navy Missile Launches From San Nicolas Island, California

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

**ACTION:** Proposed rule, request for comments and information.

**SUMMARY:** NMFS has received a request from the U.S. Navy (Navy), Naval Air Warfare Center Weapons Division (NAWCWD) for authorization to take marine mammals incidental to missile

launches from San Nicolas Island (SNI) from June 2014 through June 2019. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue regulations and subsequent Letters of Authorization (LOAs) to the Navy to incidentally harass marine mammals.

**DATES:** Comments and information must be received no later than April 21, 2014.

**ADDRESSES:** You may submit comments, identified by 0648-BD80, by either of the following methods:

- Electronic submissions: submit all electronic public comments via the Federal eRulemaking Portal (<http://www.regulations.gov>)
- Hand delivery or mailing of paper, disk, or CD-ROM comments should be addressed to Jolie Harrison, Incidental Take Program Supervisor, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

*Instructions:* All comments received are part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (e.g., name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit

Confidential Business Information or otherwise sensitive or protected information.

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, Excel, WordPerfect, or Adobe PDF file formats only.

An electronic copy of the Navy's application may be obtained by writing to the address specified above, telephoning the contact listed below (see **FOR FURTHER INFORMATION CONTACT**), or visiting the Internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications>. Documents cited in this notice may also be viewed, by appointment, during regular business hours, at the aforementioned address.

**FOR FURTHER INFORMATION CONTACT:** Michelle Magliocca, Office of Protected Resources, NMFS, (301) 427-8401.

#### SUPPLEMENTARY INFORMATION:

##### Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of