

Dated: December 21, 2001.

Madeleine Clayton,

*Departmental Paperwork Clearance Officer,
Office of the Chief Information Officer.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 072401A]

Small Takes of Marine Mammals Incidental to Specified Activities; Taking of Marine Mammals Incidental to Power Plant Operations

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

ACTION: Notice of issuance of a renewal of a Letter of Authorization.

SUMMARY: In accordance with provisions of the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that a Letter of Authorization (LOA) to unintentionally take small numbers of pinnipeds incidental to routine operations of the Seabrook Station nuclear power plant, Seabrook, NH (Seabrook Station) has been issued to the North Atlantic Energy Service Corporation (North Atlantic).

DATES: Effective from October 19, 2001, until June 26, 2002.

ADDRESSES: A copy of the application, Environmental Assessment, LOA, and other materials used in this document are available by writing to Donna Wieting, Chief, Marine Mammal Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3225, or by telephoning one of the contacts listed here.

FOR FURTHER INFORMATION CONTACT: Simona Perry Roberts, (301) 713-2322, ext 106; Jonathan Wendland, (978) 281-9146.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) 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 marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and regulations are issued.

Permission may be granted for periods of 5 years or less if NMFS finds that the

taking will have no more than a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses, and if regulations are prescribed setting forth the permissible method of taking and the requirements pertaining to the monitoring and reporting of such taking.

Five-year regulations (effective from July 1, 1999 through June 30, 2004), including mitigation, monitoring, and reporting requirements, for the incidental taking of harbor seals (*Phoca vitulina*), gray seals (*Halichoerus grypus*), harp seals (*Phoca groenlandica*), and hooded seals (*Cystophora cristata*) by U.S. citizens engaged in power plant operations at the Seabrook Station nuclear power plant, Seabrook, NH are set out in 50 CFR 216.130 through 216.137.

Summary of Request

NMFS received a request from North Atlantic in June 2001 for renewal of their LOA, which expired on July 2, 2000, to lethally take 20 harbor seals and 4 of any combination of gray, harp, and hooded seals incidental to power plant operations at Seabrook Station.

Permissible Methods of Taking

According to 50 CFR 216.132, LOAs issued to North Atlantic for Seabrook Station authorize the incidental, but not intentional, take of harbor, gray, harp, and hooded seals in the course of operating the station's intake cooling water system. For a more complete description of the intake systems utilized at Seabrook Station please refer to the final rule (64 FR 28114, May 25, 1999).

Mitigation Requirements

NMFS, in the May 25, 1999, final rule (64 FR 28114), allowed North Atlantic to use the 5-year authorization period (July 1, 1999 through June 30, 2004) to fully explore any feasible mitigation methods, and if methods were not found to be suitable, to explore and undertake, in conjunction with NMFS, steps to promote the conservation of the population of Gulf of Maine seals as a whole.

Monitoring and Reporting Requirements

Monitoring under the renewed LOA must include: (1) twice daily visual inspection of the circulating water and service water forebays; (2) daily inspections of the intake transition structure from April 1 through December 1, unless weather conditions prevent safe access to the structure; (3) screen washings once per day during

the peak months of seal takes and twice a week during non-peak months of seal takes; and, (4) examination of the screen wash debris to determine if any seal remains are present.

Seal takes must be reported to NMFS through both oral and written notification. NMFS must be notified via telephone by the close of business on the next day following the discovery of any marine mammal or marine mammal parts. Written notification to NMFS must be made within 30 days and must include the results of any examinations conducted by qualified members of the Marine Mammal Stranding Network as well as any other information relating to the take.

National Environmental Policy Act

NMFS issued an Environmental Assessment (EA) in 1998, in conjunction with the notice of proposed authorization. As a result of the findings made in the EA, NMFS concluded that implementation of either the preferred alternative or other identified alternatives would not have a significant impact on the human environment. Therefore, preparation of an environmental impact statement on these actions was not required by Section 102(2) of the National Environmental Policy Act or its implementing regulations. Copies of the 1998 EA and the Finding of No Significant Impact are available upon request (see ADDRESSES).

Determinations

NMFS has determined (see 64 FR 28114, May 25, 1999) that the taking of up to 20 harbor seals and 4 of any combination of gray, harp, and hooded seals, annually from July 1, 1999, through June 30, 2004, will have no more than a negligible impact (as defined in 50 CFR 216.3) on these stocks of marine mammals. The best scientific information available indicates that since 1981, the Western North Atlantic harbor seal stock has had an average annual rate of increase of 4.2 percent (Waring *et al.*, 2000). In addition, the Western North Atlantic stocks of gray, harp, and hooded seals also appear to be increasing in abundance (Waring *et al.*, 1999, 2000). The small number of takes at Seabrook Station relative to current population estimates is unlikely to reduce the rate of population growth for any of these pinniped stocks.

According to North Atlantic reports received in NMFS' Northeast Region, no seals have been entrapped since the installation of Seal Deterrent Barriers in August 1999.

Authorization

In recognition of the timely receipt and acceptance of the reports required under 50 CFR 216.135 and a determination that the mitigation measures required pursuant to 50 CFR 216.134 and the LOA have been undertaken, NMFS issued an LOA to the North Atlantic Energy Services Corporation on June 26, 2001, for the taking of harbor seals, gray seals, harp seals, and hooded seals incidental to routine operations of the Seabrook Station nuclear power plant, provided the mitigation, monitoring, and reporting requirements described in 50 CFR 216.134 through 135 and in the LOA are undertaken.

Dated: December 20, 2001.

David Cottingham

*Acting Director, Office of Protected Resources,
National Marine Fisheries Service.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 121701C]

Endangered and Threatened Species; Amendment of Permit # 1291

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

ACTION: Receipt of an amended application for a scientific research permit (1291); Request for comments.

SUMMARY: Notice is hereby given that NMFS has received an amended application for an ESA section 10(a)(1)(A) scientific research permit from the U.S. Geological Survey at Cook, WA (USGS).

DATES: Written comments on the amended permit application must be received no later than 5pm Pacific standard time on February 1, 2002.

ADDRESSES: Written comments on the application should be sent to Protected Resources Division (PRD), F/NWO3, 525 NE Oregon Street, Suite 500, Portland, OR 97232-2737. Comments may also be sent via fax to 503-230-5435. Comments will not be accepted if submitted via e-mail or the internet.

FOR FURTHER INFORMATION CONTACT: For permit 1291: Robert Koch, Portland, OR (ph: 503-230-5424, Fax: 503-230-5435, e-mail: robert.koch@noaa.gov).

SUPPLEMENTARY INFORMATION:

Species Covered in This Notice

The following species and evolutionary significant units (ESU's) are covered in this notice:

Chinook salmon (*Oncorhynchus tshawytscha*): threatened lower Columbia River (LCR).

Steelhead (*O. mykiss*): threatened LCR.

Amended Application Received

Notice was published on February 21, 2001 (66 FR 11002) that the Columbia River Research Laboratory, USGS applied for a 5-year scientific research permit (1291) for annual takes of ESA-listed salmon and steelhead juveniles associated with a scientific research project at John Day, The Dalles, and Bonneville Dams on the lower Columbia River in the Pacific Northwest. The purpose of the research is to monitor juvenile fish movement, distribution, behavior, and survival from John Day Dam downstream past Bonneville Dam using radiotelemetry technology. The research will benefit ESA-listed fish species by providing information on spill effectiveness, forebay residence times, and guidance efficiency under various flow regimes that will allow Federal resource managers to make adjustments to bypass/collection structures to optimize downriver migrant survival at the hydropower projects. NMFS has received an amended application from USGS to include annual takes of juvenile, threatened, LCR chinook salmon and juvenile, threatened, LCR steelhead associated with the fish sampling at Bonneville Dam. ESA-listed salmon and steelhead juveniles are proposed to be obtained by Smolt Monitoring Program personnel at Bonneville Dam, handled, and released or implanted with radio transmitters, transported, held for as long as 24 hours, released, and tracked electronically. Smolt Monitoring Program personnel are authorized to collect ESA-listed juvenile fish under a separate take authorization. Based on the above average spawning success this year, the estimates of total out-migrants for LCR chinook and LCR steelhead are expected to exceed 300,000 juveniles. The indirect mortalities of 162 ESA-listed juvenile salmon and 11 steelhead juveniles associated with the research will not impede recovery of the species. In fact, it should assist in recovery planning by providing information on how juveniles migrate through hydro-power systems.

Dated: December 21, 2001.

Phil Williams,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 121701B]

Permits; Foreign Fishing

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

ACTION: Notice of periodic need for break-bulk refrigerated cargo vessels.

SUMMARY: NMFS publishes for public review and comment information provided by U.S. joint venture (JV) partners regarding their need for break-bulk refrigerated cargo vessels to support approved foreign fishing operations in the U.S. Exclusive Economic Zone (EEZ).

ADDRESSES: Comments may be submitted to NMFS, Office of Sustainable Fisheries, International Fisheries Division, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Robert A. Dickinson, Office of Sustainable Fisheries, (301) 713-2276.

SUPPLEMENTARY INFORMATION: Under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (Magnuson-Stevens Act), any person may submit an application requesting a permit authorizing a vessel other than a vessel of the United States to engage in fishing consisting solely of transporting fish or fish products at sea from a point within the EEZ or, with the concurrence of a State, within the boundaries of that State, to a point outside the United States.

This notice concerns the fact that potential U.S. JV partners have reported that they will need to have a number of break-bulk refrigerated cargo vessels permitted under section 204(d) of the Magnuson-Stevens Act to support approved foreign fishing operations in the EEZ. The JV partners have reported that arrangements for such support vessels must generally be made on short notice immediately prior to the need for transport services. The U.S. JV partners have also reported that they are not aware of the availability of any U.S.-flag