

Dated: April 6, 2012.

**William D. Chappell,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2012-8774 Filed 4-10-12; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XA898**

#### Endangered Species; File Nos. 13599 and 1614

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

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

**SUMMARY:** Notice is hereby given that National Ocean Service Marine Forensic Lab [Responsible Party: Julie Carter], 219 Fort Johnson Road, Charleston, SC 29412 [Permit No. 13599], and the NOAA Fisheries Northeast Region Protected Resources Division [Responsible Party: Mary Colligan], One Blackburn Drive, Gloucester, MA 01930 [Permit No. 1614], have been issued modifications to their scientific research permits.

**ADDRESSES:** The modifications and related documents are available for review 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, One Blackburn Drive, Gloucester, MA 01930-2298; phone (978) 281-9300; fax (978) 281-9394; and

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

#### FOR FURTHER INFORMATION CONTACT:

Jennifer Skidmore or Colette Cairns, (301) 427-8401.

**SUPPLEMENTARY INFORMATION:** On December 27, 2011, notice was published in the **Federal Register** (76 FR 80890) that modifications of Permit Nos. 13599 and 1614, had been requested by the above-named organizations. The requested modifications have been granted under the authority of 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).

Permit No. 13599, issued December 16, 2008 (73 FR 78724), authorizes the permit holder to receive, import, export, transfer, archive, and conduct analyses of marine mammal and endangered species parts. Permit No. 1614, issued February 28, 2008 (73 FR 11873), authorizes the permit holder to collect, receive and transport 100 dead shortnose sturgeon, or parts thereof, annually. Researchers are also authorized the receipt and transport of up to 350 captive bred, dead shortnose sturgeon annually from any U.S. facility authorized to hold captive sturgeon.

The permit modifications add Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*), an ESA-listed species not included in the previous permits, for the receipt, importation, exportation, and transfer of Atlantic sturgeon parts and carcasses. No live animal takes or incidental harassment of animals is authorized under these permits. The permit holders are authorized for Atlantic sturgeon parts and samples would be used to support law enforcement actions, research studies (primarily genetics), and outreach education. Atlantic sturgeon samples would be obtained from individuals authorized to collect them in the course of scientific research, salvage activities, or taken during other authorized activities.

Issuance of these modifications, as required by the ESA, was based on a finding that such modifications (1) were applied for in good faith, (2) will not operate to the disadvantage of such endangered or threatened species, and (3) are consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: April 5, 2012.

**Tammy C. Adams,**

*Acting 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-XA936**

#### Marine Mammals; File No. 17011

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

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

**SUMMARY:** Notice is hereby given that a permit has been issued to NHK Enterprises, Inc., Nature & Science Programs, 5-20 Kamiyama-cho, Ogawa Bldg., Shibuya-ku, Tokyo, Japan to conduct commercial or educational photography.

**ADDRESSES:** The permit and related documents are available for review 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; and Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668; phone (907) 586-7221; fax (907) 586-7249.

#### FOR FURTHER INFORMATION CONTACT:

Joselyd Garcia-Reyes or Laura Morse, (301) 427-8401.

**SUPPLEMENTARY INFORMATION:** On January 18, 2012, notice was published in the **Federal Register** (77 FR 2513) that a request for a permit to conduct commercial/educational photography of Eastern North Pacific gray whales (*Eschrichtius robustus*) and killer whales (*Orcinus orca*) had been submitted by the above-named applicant. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

NHK Enterprises, Inc. will film gray whale and killer whale interactions in the Aleutian Islands from Unimak Pass to Sand Point, Alaska using a 100ft boat, a 21ft aluminum skiff, and a helicopter. Up to 100 gray whales and 300 killer whales may be approached and filmed during the life of the permit. Species that may be incidentally harassed during filming activities include: 60 White-sided dolphins (*Lagenorhynchus obliquidens*), 20 harbor porpoise (*Phocoena phocoena*), 60 harbor seals (*Phoca vitulina*), 40 northern fur seals (*Callorhinus ursinus*), and 40 Dall's porpoises (*Phocoenoides dalli*). Footage would be used to create a film that would document the hunting behavior of transient killer whales and to document the food chain that develops from this predation. The permit will expire on March 31, 2017.

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