

A summary report will be submitted to all interested parties.

Post-activity monitoring is designed to determine the effectiveness of pre-activity monitoring and mitigation by reporting any sightings of dead or injured marine mammals. Post-detonation monitoring, concentrating on the area down current of the test site, would commence immediately following each detonation and continue for at least one hour after the last detonation. The monitoring team would document and report to the appropriate marine mammals killed or injured during the activity and, if practicable, recover and examine any dead animals. The species, number, location, and behavior of any animals observed by the teams would be documented and reported to the project leader.

West Indian manatees, which are federally listed as Endangered under the ESA and managed by the USFWS, are not expected in the St. John's River and AICWW (Pablo Creek) during the time periods when the activities would be conducted. However, if manatees are sighted during the activities, the JTA would follow similar mitigation and monitoring procedures in place for bottlenose dolphins to avoid impacts, suspending activities in any areas manatees are occupying.

### Reporting

After completion of all detonation events, the Chief Observer will submit a summary report to regulatory agencies. This report will contain the observer's logs, provide the names of the observers, and their positions during the event, the number and location of marine mammals sighted during the monitoring period, the behavior observations of the marine mammals, and the actions that were taken when the animals were observed in the project area.

The JTA will notify NMFS and the Regional Office prior to initiation of each explosive demolition session. Any takes of marine mammals other than those authorized by the IHA, as well as any injuries or deaths of marine mammals, will be reported to the Southeast Regional Administrator, within 24 hours. A draft final report must be submitted to NMFS within 90 days after the conclusion of the blasting activities. The report will include a summary of the information gathered pursuant to the monitoring requirements set forth in the IHA, including dates and times of detonations as well as pre- and post-blasting monitoring observations. A final report must be submitted to the Regional Administrator within 30 days after receiving comments from NMFS on

the draft final report. If no comments are received from NMFS, the draft final report will be considered to be the final report.

### ESA

For the reasons already described in this **Federal Register** Notice, NMFS has determined that the described blasting activities and the accompanying IHA may have the potential to adversely affect species under NMFS jurisdiction and protected by the ESA. The ACOE, on behalf of the JTA, requested a section 7 consultation pursuant to the ESA with NMFS. Since ESA-listed species are not expected to be adversely affected by the activities provided the described protected species avoidance measures for the use of explosives are implemented, a Letter of Concurrence was prepared by the NMFS Southeast Regional Office, dated October 9, 2008.

### National Environmental Policy Act (NEPA)

NMFS prepared an Environmental Assessment (EA) on an Authorization for the Incidental Take of Marine Mammals Associated with Confined Underwater Blasting as a Construction Method for Civil Works Projects along the Coast of Florida by the Jacksonville District of the U.S. Army Corps of Engineers, which analyzed the issuance of multiple IHAs over several years for these activities, as well as prepared a SEA for the action. The action described in the SEA is similar to the action that was analyzed in the 2005 EA, and the EA and 2008 SEA remains applicable. A copy of the EA and SEA are available upon request (see **ADDRESSES**).

### Determinations

Based on JTA's application, as well as the analysis contained herein, NMFS has determined that the impact of the described blasting project will result, at most, in a temporary modification in behavior by small numbers of Atlantic bottlenose dolphin, in the form of temporarily vacating the Beach Boulevard AICWW Bridge area to avoid blasting activity and potential for minor visual and acoustic disturbance from dredging and detonations. The effect of the blasting project is expected to be limited to short-term and localized TTS-related behavioral changes.

Due to the infrequency, short time-frame, and localized nature of these activities, the number of marine mammals, relative to the population size, potentially taken by harassment is small. In addition, no take by injury or death is anticipated, and take by Level B harassment will be at the lowest level practicable due to incorporation of the

monitoring and mitigation measures mentioned previously in this document. NMFS has further determined that the anticipated takes will have a negligible impact on the affected species or stock of marine mammals. No injury (Level A harassment), serious injury, and/or mortality are authorized for marine mammals. The provision requiring that the activity not have an unmitigable adverse impact on the availability of the affected species or stock for subsistence uses does not apply to this proposed action as there are no subsistence users within the geographic area of the proposed project.

### Authorization

As a result of these determinations, NMFS proposes to issue an IHA to the JTA for the harassment of small numbers (based on populations of the species and stock) of Atlantic bottlenose dolphin incidental to the explosive demolition of bridge support structures, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: November 28, 2008.

**Helen M. Golde**

*Deputy Director, Office of Protected Resources, National Marine Fisheries Service.*  
[FR Doc. E8-28720 Filed 12-3-08; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XC72**

### Marine Mammals; File No. 881-1758

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

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

**SUMMARY:** Notice is hereby given that an amendment to scientific research Permit No. 881-1758-00 has been issued to the Alaska SeaLife Center (ASLC), 301 Railway Avenue, Seward, AK 99664 (Dr. Ian Dutton, Responsible Party).

**ADDRESSES:** The application and related documents are available for review 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)427-2521; and Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668; phone (907)586-7221; fax (907)586-7249.

**FOR FURTHER INFORMATION CONTACT:**

Amy Sloan or Tammy Adams,  
(301)713-2289.

**SUPPLEMENTARY INFORMATION:** On September 21, 2007, a notice was published in the **Federal Register** (72 FR 54001) that an application had been filed by the above named organization. The requested amendment has been issued under the authority of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The permit holder requested authorization to add ringed (*Phoca hispida*), spotted (*P. largha*), ribbon (*P. fasciata*), and bearded (*Erignathus barbatus*) seals undergoing rehabilitation at the ASLC to the permit for the same studies currently permitted on harbor seals (*P. vitulina*). The applicant also proposed changes to protocols used on harbor seals undergoing rehabilitation, including removing bioelectrical impedance measurements and adding blubber ultrasound measurements for body condition assessment; and adding resting metabolic measurements to aid in the understanding of metabolic changes associated with health, growth, and dietary transitions. The request to add ice seals to the permit has been denied, pursuant to regulations for application procedures (50 CFR 216.33). The permit amendment authorizes the requested changes to protocols for the harbor seal research.

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 partial amendment is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Dated: November 24, 2008.

**P. Michael Payne,**

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

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**DEPARTMENT OF DEFENSE****Office of the Secretary**

[Docket ID: DoD-2008-OS-0152]

**Privacy Act of 1974; System of Records**

**AGENCY:** Office of the Secretary, DoD.

**ACTION:** Notice to amend a system of records notice.

**SUMMARY:** The Office of the Secretary of Defense is amending a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

**DATES:** This proposed action will be effective without further notice on January 5, 2009 unless comments are received which result in a contrary determination.

**ADDRESSES:** Send comments to the Privacy Act Officer, Office of Freedom of Information, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301-1155.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Cindy Allard at (703) 588-2386.

**SUPPLEMENTARY INFORMATION:** The Office of the Secretary of Defense systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record systems being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: November 25, 2008.

**Morgan E. Frazier,**

Alternate OSD Federal Register Liaison  
Officer, Department of Defense.

**DoDEA 21**

Department of Defense Education  
Activity (DODEA) Grievance Records  
(August 15, 2006, 71 FR 46895).

**CHANGES:**

\* \* \* \* \*

**SYSTEM NAME:**

Delete entry and replace with  
“Department of Defense Education  
Activity (DoDEA) Labor and  
Employment Grievance Records.”

\* \* \* \* \*

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Delete entry and replace with  
“Current or former employees who have  
submitted grievances in accordance  
with 5 U.S.C. 2302, Prohibited  
personnel practices; 5 U.S.C. 7121,  
Grievance procedures or 5 CFR 771,  
Administrative practice and procedure,  
Government employees; and DoD  
Education Activity 5771.9,  
Administrative Grievance Procedures.”

\* \* \* \* \*

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Delete entry and replace with “5  
U.S.C. 1221, 2302, 7121 and 7532; 10  
U.S.C. 2164, Department of Defense  
domestic dependent elementary and  
secondary schools; 20 U.S.C. 901-907,  
Overseas Teachers Pay Act; 20 U.S.C.  
931, Regulations; issuance and contents;  
5 CFR 771, Administrative practice and  
procedure, Government employees; DoD  
Directive 1342.20, Department of  
Defense Education Activity; DoD  
Education Activity 5771.9,  
Administrative Grievance Procedures  
and E.O. 9397 (SSN).”

**PURPOSE(S):**

Delete entry and replace with “To  
maintain records for use by management  
in resolving employee grievances.

To generate statistical reports, work  
force studies, and perform other  
analytical activities supporting  
personnel management functions of  
DoD Education Activity.”

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Delete entry and replace with “In  
addition to those disclosures generally  
permitted under 5 U.S.C. 552a(b) of the  
Privacy Act, these records or  
information contained therein may  
specifically be disclosed outside the  
DoD as a routine use pursuant to 5  
U.S.C. 552a(b)(3) as follows:

To the Merit Systems Protection  
Board (MSPB), the Merit System  
Protection Board Office of Special  
Counsel, arbitrators appointed under  
DoD Education Activity collective  
bargaining agreements, the Federal  
Labor Relations Authority, the  
Department of Justice, the Offices of the  
United States Attorneys, alternate  
dispute resolutions specialists, and the  
Federal courts for purposes related to, or  
incident to, the adjudication or  
litigation of the grievance.

The DoD ‘Blanket Routine Uses’ set  
forth at the beginning of OSD’s  
compilation of systems of records  
notices apply to this system.”

\* \* \* \* \*

**SAFEGUARDS:**

Delete entry and replace with “Access  
is provided on a ‘need-to-know’ basis  
and to authorized authenticated  
personnel only. Records are maintained  
in controlled access rooms or areas.  
Computer terminal access is controlled  
by terminal identification and the  
password or similar system. Password  
authorization, assignment, and  
monitoring are the responsibility of the  
functional managers.”

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