

determines maintaining the quotas from the previous year is unnecessary. Preliminary estimates indicate that the 2012 recreational red snapper quota (3.959 mp) will be exceeded by 440,000–840,000 pounds, which will result in the 2012 ABC being exceeded. As a result, the National Marine Fisheries Service Southeast Fisheries Science Center will evaluate the effect of this overharvest on the red snapper rebuilding plan. Based on the results of the analysis, the SSC will determine whether the 2013 ABC can be increased to its original level, to a different level, or should remain at the 2012 level.

Copies of the agenda and other related materials can be obtained by calling (813) 348–1630 or can be downloaded from the Council's ftp site, <ftp.gulfcouncil.org>.

Although other non-emergency issues not on the agenda may come before the Scientific and Statistical Committees for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Actions of the Scientific and Statistical Committees will be restricted to those issues specifically identified in the agenda and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Dated: October 18, 2012.

**Tracey L. Thompson,**

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

[FR Doc. 2012–26128 Filed 10–23–12; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–BC69**

#### Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Replacement of the Elliott Bay Seawall in Seattle, WA

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

**ACTION:** Notice; receipt of application for letter of authorization; request for comments and information.

**SUMMARY:** NMFS has received a request from the Seattle Department of

Transportation (SDOT), on behalf of the City of Seattle (City), for authorization for the take, by Level B harassment, of marine mammals incidental to construction associated with the replacement of the Elliott Bay Seawall in Seattle, Washington, for the period September 2013–September 2018.

Pursuant to Marine Mammal Protection Act (MMPA) implementing regulations, NMFS is announcing receipt of SDOT's request for the development and implementation of 5-year regulations governing the incidental taking of marine mammals and inviting information, suggestions, and comments on SDOT's application and request.

**DATES:** Comments and information must be received no later than November 23, 2012.

**ADDRESSES:** Comments on the application should be addressed to Michael Payne, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. The mailbox address for providing email comments is [ITP.Magliocca@noaa.gov](mailto:ITP.Magliocca@noaa.gov). NMFS is not responsible for email comments sent to addresses other than the one provided here. Comments sent via email, including all attachments, must not exceed a 10-megabyte file size.

Instructions: All comments received are a part of the public record and will generally be posted to <http://www.nmfs.noaa.gov/pr/permits/incidental.htm> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Michelle Magliocca, Office of Protected Resources, NMFS, (301) 427–8400.

#### SUPPLEMENTARY INFORMATION:

##### Availability

A copy of SDOT's application may be obtained by visiting the Internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm>. Documents cited in this notice may also be viewed, by appointment, during regular business hours, at the aforementioned address.

##### 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 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 either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have 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 (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring, and reporting of such takings are set forth. NMFS has defined “negligible impact” in 50 CFR 216.103 as “\* \* \* an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.”

Except with respect to certain activities not pertinent here, the MMPA defines “harassment” as any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

#### Summary of Request

On September 17, 2012, NMFS received a complete application from SDOT requesting authorization for the take of nine marine mammal species incidental to replacement of the Elliott Bay Seawall in Seattle, Washington over the course of 5 years, which would necessitate the promulgation of 5-year regulations. The purpose of the proposed project is to reduce the risks of coastal storm and seismic damage and to protect public safety, critical infrastructure, and associated economic activities in the area. Additionally, the project would improve the degraded ecosystem functions and processes of the Elliott Bay nearshore around the existing seawall. Noise produced during pile installation and removal activities has the potential to take marine mammals. SDOT requests authorization to take nine marine mammal species by Level B harassment only: Pacific harbor seal (*Phoca vitulina*), California sea lion (*Zalophus californianus*), Steller sea lion (*Eumetopias jubatus*), harbor porpoise (*Phocoena phocoena*), Dall's porpoise (*Phocoenoides dalli*), both

southern resident and transient killer whales (*Orcinus orca*), humpback whale (*Megaptera novaengliae*), and gray whale (*Eschrichtius jubatus*). Injury or mortality is unlikely during the proposed project, and take by Level A harassment (including injury) or mortality is not requested in SDOT's application.

#### Specified Activities

In the application submitted to NMFS, SDOT requests authorization to take marine mammals incidental to replacement of the Elliott Bay Seawall. Construction activities, namely vibratory and impact pile installation and removal, would occur in two phases. Phase 1 involves construction of the Central Seawall and Phase 2 involves construction of the North Seawall. The entire project is expected to take 7 years, but SDOT's request covers the first 5 years. Section 2 of SDOT's application describes the activities in detail, as well as the location and construction schedule.

#### Information Solicited

Interested persons may submit information, suggestions, and comments concerning SDOT's request (see **ADDRESSES**). All information, suggestions, and comments related to SDOT's request and NMFS' potential development and implementation of regulations governing the incidental taking of marine mammals by SDOT's activities will be considered by NMFS in developing, if appropriate, the most effective regulations governing the issuance of letters of authorization.

Dated: October 18, 2012.

**Helen M. Golde,**

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

[FR Doc. 2012-26236 Filed 10-23-12; 8:45 am]

**BILLING CODE 3510-22-P**

## COMMODITY FUTURES TRADING COMMISSION

### Meeting of Technology Advisory Committee

**AGENCY:** Commodity Futures Trading Commission ("CFTC").

**ACTION:** Notice.

**SUMMARY:** The CFTC announces that on Tuesday, October 30, 2012, its Technology Advisory Committee (TAC) will hold a public meeting in Chicago at the Hilton Chicago, 720 South Michigan Ave., Chicago, Illinois, 60605, from 9:00 a.m. to 5:00 p.m. The TAC will have presentations on the definition for High Frequency Trading (HFT) from its

Subcommittee on Automated and High Frequency Trading, and presentations on technology solutions for both protecting customer funds, and solutions related to futures commission merchant (FCM) and designated contract market (DCM) risk management.

**DATES:** The meeting will be held on October 30, 2012, from 10:00 a.m. to 5:00 p.m. Members of the public who wish to submit written statements in connection with the meeting should submit them by October 29, 2012.

**ADDRESSES:** The meeting will take place in Chicago at the Hilton Chicago, 720 South Michigan Ave., Chicago, Illinois, 60605. Written statements should be submitted to: Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581, attention: Office of the Secretary. Please use the title "Technology Advisory Committee" in any written statement submitted. Any statements submitted in connection with the committee meeting will be made available to the public.

**FOR FURTHER INFORMATION CONTACT:** Bella Rozenberg, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581, (202) 418-5119.

**SUPPLEMENTARY INFORMATION:** The CFTC has determined that holding the announced TAC meeting is in the public interest in connection with the duties imposed on the CFTC by the Commodity Exchange Act, 7 U.S.C. 1-26, as amended. Therefore, the meeting is being announced with less than the 15 calendar days' notice provided by 41 CFR 102-3.150(b). The TAC meeting will focus on three significant issues facing the futures and swaps industries as the Commission continues to finalize rules under the Dodd Frank Act. Those issues are: (1) HFT definitions; (2) protecting customer funds; and (3) FCM and DCM risk management. The meeting will be open to the public with seating on a first-come, first-served basis. Members of the public who wish to listen to the meeting by telephone may do so by calling a toll-free telephone line to contact to a live, listen-only audio feed. Call-in participants should be prepared to provide their first name, last name and affiliation. Additionally, a video recording of the meeting will be published through a link on the CFTC's Web site.

All written submissions provided to the CFTC in any form will also be published on the Web site of the CFTC.

*Domestic Toll Free:* 1-866-844-9416.

*International Toll:* Under Related Documents to be posted on [www.cftc.gov](http://www.cftc.gov).

*Conference ID:* 6403947.

*Call Leader Name:* Michael Jones.

*Pass Code/Pin Code:* CFTC.

**Authority:** 5 U.S.C. app. 2 § 10(a)(2).

By the Commodity Futures Trading Commission.

Dated: October 19, 2012.

**Sauntia S. Warfield,**

*Assistant Secretary of the Commission.*

[FR Doc. 2012-26173 Filed 10-23-12; 8:45 am]

**BILLING CODE 6351-01-P**

## THE BUREAU OF CONSUMER FINANCIAL PROTECTION

### Privacy Act of 1974, as Amended

**AGENCY:** Bureau of Consumer Financial Protection.

**ACTION:** Notice of Proposed Privacy Act System of Records.

**SUMMARY:** In accordance with the Privacy Act of 1974, as amended, the Bureau of Consumer Financial Protection, hereinto referred to as the Consumer Financial Protection Bureau ("CFPB" or the "Bureau"), gives notice of the establishment of a Privacy Act System of Records.

**DATES:** Comments must be received no later than November 23, 2012. The new system of records will be effective December 3, 2012, unless the comments received result in a contrary determination.

**ADDRESSES:** You may submit comments by any of the following methods:

- *Electronic:* [privacy@cfpb.gov](mailto:privacy@cfpb.gov).
- *Mail/Hand Delivery/Courier:* Claire Stapleton, Chief Privacy Officer,

Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552.

Comments will be available for public inspection and copying at 1700 G Street NW., Washington, DC 20552 on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect comments by telephoning (202) 435-7220. All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

#### FOR FURTHER INFORMATION CONTACT:

Claire Stapleton, Chief Privacy Officer, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552, (202) 435-7220.