

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of public meeting, public hearing, and scoping meetings.

**SUMMARY:** NMFS will hold a 3-day Atlantic Highly Migratory Species (HMS) Advisory Panel (AP) meeting in September and October 2008. The intent of the meeting is to consider options for the conservation and management of Atlantic HMS. The meeting is open to the public. A public hearing and scoping meetings will be held in conjunction with the AP meeting.

**DATES:** The AP meeting will be held from 1 p.m. to 6 p.m. on Tuesday, September 30, 2008, from 8:30 a.m. to 6 p.m. on Wednesday, October 1, 2008; and from 8:30 a.m. to 12 noon on Thursday, October 2, 2008. See

**SUPPLEMENTARY INFORMATION** for public hearing and scoping meeting dates, times, and locations.

**ADDRESSES:** All meetings will be held at the Crowne Plaza Hotel, 8777 Georgia Avenue, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Othel Freeman or Chris Rilling at 301-713-2347.

**SUPPLEMENTARY INFORMATION:** The Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*, as amended by the Sustainable Fisheries Act, Public Law 104-297, provided for the establishment of an AP to assist in the collection and evaluation of information relevant to the development of any Fishery Management Plan (FMP) for HMS. NMFS consults with and considers the comments and views of AP members when preparing and implementing FMPs or FMP amendments for Atlantic tunas, swordfish, billfish, and sharks. The AP has previously consulted with NMFS on: the HMS FMP (April 1999), Amendment 1 to the HMS FMP (December 2003), Amendment 1 to the Billfish FMP (April 1999), the Consolidated HMS FMP (October 2006), and Amendments 1 and 2 to the Consolidated HMS FMP (April 2008). The September and October 2008 AP meeting will focus on conservation and management options for Atlantic tunas, swordfish, billfish, and sharks. NMFS is considering several amendments to the 2006 Consolidated HMS FMP, including an amendment to update essential fish habitat, an amendment to rebuild blacknose sharks which are overfished with overfishing occurring, and an amendment to improve permitting and reporting and address other relevant management issues in Caribbean HMS fisheries. As listed in the table below, NMFS will hold a public hearing and

scoping meetings to receive comments from the AP and members of the public.

Public Hearing and Scoping Meetings	Date	Location
Public hearing for Essential Fish Habitat Draft Amendment 1 to the Consolidated HMS FMP	September 30, 2008; 3:30-4:30 p.m.	Crowne Plaza Hotel, 8777 Georgia Ave., Silver Spring, MD 20910
Scoping meeting for Small Coastal Shark Draft Amendment 3 to the Consolidated HMS FMP	October 1, 2008; 3:30-4:30 p.m.	Crowne Plaza Hotel, 8777 Georgia Ave., Silver Spring, MD 20910
Scoping meeting for Caribbean Draft Amendment 4 to the Consolidated HMS FMP	October 2, 2008; 8:30-9:30 a.m.	Crowne Plaza Hotel, 8777 Georgia Ave., Silver Spring, MD 20910

#### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Othel Freeman at (301) 713-2347, at least 7 days prior to the meeting.

Dated: September 11, 2008.

**James P. Burgess**

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

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**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XK34**

#### Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Target and Missle Launch Activities at San Nicolas Island, CA

**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 U.S. Navy (Navy) for

authorization for the take of marine mammals incidental to vehicle launches from San Nicolas Island (SNI), California, for the period 2009-2014. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is announcing receipt of the Navy's request for the development and implementation of regulations governing the incidental taking of marine mammals and inviting information, suggestions, and comments on the Navy's application and request.

**DATES:** Comments and information must be received no later than October 16, 2008.

**ADDRESSES:** Comments on the application should be addressed to P. Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3225. The mailbox address for providing email comments is [PR1.0648XK34@noaa.gov](mailto:PR1.0648XK34@noaa.gov). Comments sent via e-mail, including all attachments, must not exceed a 10-megabyte file size.

**FOR FURTHER INFORMATION CONTACT:** Candace Nachman, Office of Protected Resources, NMFS, (301) 713-2289, ext. 156.

#### SUPPLEMENTARY INFORMATION:

##### Availability

A copy of the Navy's application may be obtained by writing to the address specified above (**ADDRESSES**), telephoning the contact listed above (**FOR FURTHER INFORMATION CONTACT**), or visiting the internet at <http://www.nmfs.noaa.gov/pr/permits/incidental.htm>. The Navy's Final Environmental Impact Statement (FEIS) for the Point Mugu Sea Range was made available to the public in March, 2002. To obtain a copy of the FEIS, contact Steven Schwartz, Naval Air Warfare Center Weapons Division (NAWCWD), via email at [steven.schwartz@navy.mil](mailto:steven.schwartz@navy.mil).

##### Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (Secretary) to allow, upon request, the incidental, but not intentional taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) if certain findings are made and regulations are issued or, if the taking is limited to harassment, notice of a proposed authorization is provided to the public for review.

Authorization for incidental takings may be granted if NMFS finds that the taking will have a negligible impact on

the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such taking 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.

With respect to military readiness activities, the MMPA defines "harassment" as:

(i) any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild [Level A Harassment]; or (ii) any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered [Level B Harassment].

### Summary of Request

On September 3, 2008, NMFS received an application from the Navy requesting authorization for the take of three pinniped species incidental to vehicle launches to be conducted from the western part of SNI (see pages 3–4 of the application), over the course of 5 years. These activities are classified as military readiness activities. The Navy plans to launch up to 40 vehicles from SNI per year, with up to 10 launches per year during nighttime hours. The Navy states that these activities may have both acoustic and non-acoustic effects on pinnipeds. Aircraft and helicopter flights between the Pt Mugu airfield on the mainland, the airfield on SNI, and the target sites in the Sea Range will be a routine part of a planned launch operation. These flights generally do not pass at low levels over the beaches where pinnipeds are expected to be hauled out. The Navy requests authorization to take three species of pinnipeds by Level B Harassment: harbor seals, northern elephant seals, and California sea lions. Injury or mortality is unlikely during launch activities, and take by Level A harassment (including injury) or mortality is not requested in the Navy's application.

### Specified Activities

The Navy issued a FEIS, which analyzed the effects on the human environment of implementing their preferred alternative (among other alternatives), which includes conducting five general categories of tests to evaluate sea, land, and air weapons systems (i.e., air-to-air tests, air-to-surface tests, surface-to-air tests, surface-to-surface tests) and three general categories of training (i.e., fleet training exercises, small-scale amphibious warfare training, and special warfare training). NAWCWD plans to continue a launch program for missiles and targets from several launch sites on SNI, the purpose of which is to support test and training activities associated with operations on the NAWCWD Point Mugu Sea Range.

### Information Solicited

Interested persons may submit information, suggestions, and comments concerning the Navy's request (ADDRESSES). All information, suggestions, and comments related to the Navy's request and NMFS' potential development and implementation of regulations governing the incidental taking of marine mammals by the Navy on SNI will be considered by NMFS in developing regulations governing the issuance of letters of authorization.

Dated: September 10, 2008.

**Helen M. Golde,**

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

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## DEPARTMENT OF EDUCATION

### Submission for OMB Review; Comment Request

**AGENCY:** Department of Education.

**SUMMARY:** The IC Clearance Official, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before October 16, 2008.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, *Attention:* Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, Washington, DC 20503. Commenters are encouraged to submit responses electronically by e-mail to

*oira\_submission@omb.eop.gov* or via fax to (202) 395–6974. Commenters should include the following subject line in their response "Comment: [insert OMB number], [insert abbreviated collection name, e.g., "Upward Bound Evaluation"]". Persons submitting comments electronically should not submit paper copies.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: September 10, 2008.

**Angela C. Arrington,**

*IC Clearance Official, Regulatory Information Management Services, Office of Management.*

### Office of Planning, Evaluation and Policy Development

*Type of Review:* New Collection.

*Title:* The Evaluation of the Implementation of the Rural and Low Income Schools (RLIS) Program.

*Frequency:* Annually.

*Affected Public:* State, Local, or Tribal Gov't, SEAs or LEAs.

*Reporting and Recordkeeping Hour Burden:*

*Responses:* 666.

*Burden Hours:* 250.

*Abstract:* This OMB package requests clearance for data collection instruments to be used in the Evaluation of the Implementation of the Rural and Low-Income Schools (RLIS) Program which will be administered by Berkeley Policy Associates (BPA). The purpose of the study is to obtain information useful