

Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 042797C]

Small Takes of Marine Mammals Incidental to Specified Activities; Lockheed Launch Vehicles at Vandenberg Air Force Base, CA

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

ACTION: Notice of modification of an incidental harassment authorization.

SUMMARY: In accordance with provisions of the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that an Incidental Harassment Authorization (IHA), issued to the U.S. Air Force (USAF) on July 17, 1996, to take small numbers of marine mammals by harassment incidental to launches of Lockheed-Martin launch vehicles (LMLVs) at Space Launch Complex 6 (SLC-6), Vandenberg Air Force Base, CA (Vandenberg), has been modified.

EFFECTIVE DATE: The authorization is effective from May 1, 1997 until July 17, 1997.

ADDRESSES: The application, authorization and modification are available for review in the following offices: Marine Mammal Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 and the Southwest Region, NMFS, 501 West Ocean Blvd., Long Beach, CA 90802.

FOR FURTHER INFORMATION CONTACT: Kenneth Hollingshead, 301-713-2055.

SUPPLEMENTARY INFORMATION:

Background

On April 1, 1996, NMFS received an application from the USAF, Vandenberg, requesting continuation of

an authorization for the harassment of small numbers of harbor seals incidental to launches of LMLVs at SLC-6, Vandenberg. These launches would place commercial payloads into low earth orbit. Because of the requirements for circumpolar trajectories of the LMLV and its payloads, the use of SLC-6 is the only feasible alternative for LMLV launches within the United States. As a result of the noise associated with the launch itself and the resultant sonic boom, these noises have the potential to cause a startle response to those harbor seals which haul out on the coastline south and southwest of Vandenberg.

Background information and rationale was provided with the notice of receipt of the application and proposed authorization that was published on May 2, 1996 (61 FR 19609), and are not repeated here. A 30-day public comment period was provided on the application and proposed authorization. After review of the comments received on the application, NMFS concluded that the taking will not result in more than the harassment (as defined by the MMPA Amendments of 1994) of a small number of harbor seals, would have only a negligible impact on the species, and would result in the least practicable impact on the stock. Accordingly, NMFS determined that the requirements of section 101(a)(5)(D) of the MMPA had been met and the incidental harassment authorization was issued on July 17, 1996 (61 FR 384437, July 24, 1996).

Summary of Request

Condition 7(b) of the IHA requires the USAF to observe harbor seal activity on haul-outs in the vicinity of SLC-6 before and after each LMLV launch and to monitor this activity using either still photography or video when biological observations cannot be made. On March 12, 1997, NMFS received a request from the USAF requesting an amendment to condition 7(b) by waiving nighttime video monitoring of the launch of an LMLV scheduled from Vandenberg during nighttime in May 1997.

Because the upcoming launch of the LMLV at SLC-6 is a nighttime launch, when harbor seals are not expected to be hauled out in any numbers, and, because video monitoring at night is not effective, a waiver of condition 7(b) and a modification of the IHA is appropriate.

Accordingly, NMFS amended Condition 7(b) of the IHA on the date

indicated above (see **EFFECTIVE DATES**) as follows:

"b. Biological observations on harbor seal activity, must commence at least 48 hours prior to the planned launch and continue for a period of time not less than 48 hours subsequent to launching, and must be supplemented by video recording of mother-pup seal responses for daylight launches during the pupping season; and"

It should be noted however, that the USAF is required to comply with all of the other conditions of the IHA, including observations of harbor seal activity, as required in the IHA. In addition, should the launch be delayed until daylight, video monitoring would be required, since the planned launch will take place during the harbor seal pupping season.

Dated: April 30, 1997.

Hilda Diaz-Soltero,

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

[FR Doc. 97-11791 Filed 5-6-97; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

I.D. 022497A

Fisheries Bycatch Plan

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

ACTION: Notice of availability; extension of comment period.

SUMMARY: NMFS announces the extension of the public comment period on the draft NMFS bycatch plan, *Managing the Nation's Bycatch: Priorities, Programs and Actions for the National Marine Fisheries Service*. The NMFS bycatch plan will guide the agency's bycatch-related research and management for the next decade. The public comment period is hereby extended to June 30, 1997, to give members of the public additional time to review and comment on the draft plan. Any written comments received will be considered by NMFS in the adoption and implementation of the final bycatch plan.

DATES: Written comments will be accepted on or before June 30, 1997.

ADDRESSES: Requests for copies of the NMFS bycatch plan should be directed to the NMFS Office of Science and Technology, 1315 East-West Highway, Silver Spring, MD, 20910.
PHONE: (301) 713-2363. **FAX:** (301) 713-1875. The NMFS bycatch plan is also available in its entirety on the Internet at <http://kingfish.ssp.nmfs.gov/>.

FOR FURTHER INFORMATION CONTACT: John Witzig or Liz Lauck, (301) 713-2365.

SUPPLEMENTARY INFORMATION:

Background

Interest in bycatch in the Nation's fisheries has received increased attention in the last decade. During this time, NMFS and its constituents have come to agree that fisheries bycatch is an issue of great concern to those interested in sustainable fisheries and marine ecosystems. Congress has emphasized NMFS' responsibility to address bycatch in the Magnuson-Stevens Fishery Conservation and Management Act, the Marine Mammal Protection Act, and the Endangered Species Act.

Issues in each of NMFS' administrative regions and on the national level are addressed in detail in the draft NMFS bycatch plan. This discussion forms the basis for a set of research and management recommendations that will help guide the agency's bycatch-related activities. Broadly, recommendations in the plan address the acquisition of bycatch data, gear technology and selectivity research, the effects of bycatch, research on individual incentive programs to manage bycatch, development and implementation of conservation and management measures to address bycatch, and information exchange and cooperative management.

A notice of availability of the draft NMFS bycatch plan was published in the **Federal Register** on April 2, 1997 (62 FR 15659). The draft NMFS bycatch plan continues to generate significant public interest and NMFS would like to ensure that all interested members of the public have adequate time to comment on the draft plan. Thus, NMFS is extending the deadline for public comments on the draft plan to June 30, 1997. All comments received on or before that date will be considered in development of the final plan.

Request for Comments

NMFS intends that the final version of the bycatch plan will take advantage of information and recommendations from all interested parties. Therefore, comments and suggestions are hereby solicited from the public, other

concerned governmental agencies, the scientific community, industry, and any other person concerned with this draft NMFS Bycatch Plan.

Dated: May 1, 1997.

Nancy Foster,

Deputy Assistant Administrator, National Marine Fisheries Service.

[FR Doc. 97-11835 Filed 5-6-97; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF ENERGY

**Federal Energy Technology Center;
 Notice of Inventions Available for
 Licensing**

AGENCY: Department of Energy (DOE), Federal Energy Technology Center (FETC).

ACTION: Notice.

SUMMARY: The United States Department of Energy, Federal Energy Technology Center hereby announces that the inventions listed below are available for licensing in accordance with 35 U.S.C. 207-209 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents rights have been retained on selected inventions to extend market coverage and may also be available for licensing. A copy of issued patents may be obtained, for a modest fee, from the U.S. Patent and Trademark Office, Washington, DC 20231.

ADDRESSES: Assistant Counsel for Intellectual Property, U.S. Department of Energy, Federal Energy Technology Center, P.O. Box 880, Morgantown, WV 26505.

FOR FURTHER INFORMATION CONTACT: Lisa A. Jarr, Assistant Counsel for Intellectual Property, U.S. Department of Energy, Federal Energy Technology Center, P.O. Box 880, Morgantown, WV 26505; Telephone (304) 285-4555; E-mail: LJARR@FETC.DOE.GOV.

SUPPLEMENTARY INFORMATION: 35 U.S.C. 207 authorizes licensing of Government-owned inventions. Implementing regulations are contained in 37 CFR Part 404. 37 CFR 404.7(a)(1) authorizes exclusive licensing of Government-owned inventions under certain circumstances, provided that notice of the invention's availability for licensing has been announced in the **Federal Register**.

ISSUED PATENTS

| Number | Title |
|-----------|---|
| 4,969,928 | Combined Method for Simultaneously Dewatering and Reconstituting Finely Divided Carbonaceous Material. |
| 5,379,902 | Method for Simultaneous Use of a Single Additive for Coal Flocculation, Dewatering, and Reconstitution. |

Patent Applications Filed

Combustor Oscillation Attenuation Via the Control of Fuel-Supply Line Dynamics
 Porous Desulfurization Sorbent Pellets Containing a Reactive Metal Oxide and an Inert Zirconium Compound
 Dynamically Balanced Fuel Nozzle
 Periodic Equivalence Ratio Modulation for Control of Combustion Oscillations

Dated: April 25, 1997.

Rita A. Bajura,

Director, FETC.

[FR Doc. 97-11850 Filed 5-6-97; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Kirtland Area Office (Sandia); Notice

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board, Kirtland Area Office (Sandia).

DATES: Wednesday, May 21, 1997: 6:30 pm-9:35 pm (Mountain Standard Time).

ADDRESSES: North Valley Community Center, 3825 4th Street, NW, Albuquerque, New Mexico.

FOR FURTHER INFORMATION CONTACT: Mike Zamorski, Acting Manager, Department of Energy Kirtland Area Office, PO Box 5400, Albuquerque, NM 87185 (505) 845-4094.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

6:30 p.m.—DOE Quarterly Meeting
 7:30 p.m.—Public Comment Period
 7:40 p.m.—Approval of Agenda