

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[I.D. 092404D]

**Proposed Information Collection; Comment Request; Cooperative Charting Program****AGENCY:** National Oceanic and Atmospheric Administration (NOAA).**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before November 29, 2004.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Ken Forster, 301-713-2737, ext 130.

**SUPPLEMENTARY INFORMATION:****I. Abstract**

NOAA's National Ocean Service (NOS) produces the official nautical charts of the United States. As part of its efforts to keep the charts up-to-date, NOS has a Memorandum of Agreement with both the United States Power Squadrons and the United States Coast Guard Auxiliary that provides for members to submit chart correction data to NOS.

**II. Method of Collection**

The paper form (77-5) for the United States Coast Guard Auxiliary is available to download on the following website: [http://www.cgaux.org/cgauxweb/home\\_frame\\_955a.htm](http://www.cgaux.org/cgauxweb/home_frame_955a.htm). A Web version is being used for the United States Power Squadrons.

**III. Data**

*OMB Number:* 0648-0022.

*Form Number:* Form 77-5.

*Type of Review:* Regular submission.

*Affected Public:* Not-for-profit institutions; individuals or households.

*Estimated Number of Respondents:* 3,000.

*Estimated Time Per Response:* 3 hours.

*Estimated Total Annual Burden Hours:* 45,000.

*Estimated Total Annual Cost to Public:* \$0.

**IV. Request for Comments**

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: September 22, 2004.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 04-21970 Filed 9-29-04; 8:45 am]

**BILLING CODE 3510-JE-S**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[I.D. 092404B]

**Proposed Information Collection; Comment Request; Prohibited Species Donation Program****AGENCY:** National Oceanic and Atmospheric Administration (NOAA).**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before November 29, 2004.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Patsy A. Bearden, (907) 586-7008 or [patsy.bearden@noaa.gov](mailto:patsy.bearden@noaa.gov).

**SUPPLEMENTARY INFORMATION:****I. Abstract**

Certain incidental catch of fish cannot be retained by fishing vessels due to management controls, and such prohibited species are usually discarded. Under a NOAA program, these fish may be donated to certain tax-exempt groups for distribution to needy individuals. The documentation is necessary to ensure that donations go to authorized parties for legitimate purposes.

**II. Method of Collection**

The information is submitted to respond to requirements set forth in a regulation. There are also documentation and labeling requirements.

**III. Data**

*OMB Number:* 0648-0316.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Not-for-profit institutions; business or other for-profits organizations.

*Estimated Number of Respondents:* 79.

*Estimated Time Per Response:* 40 hours for an application; 40 hours for documentation by a distributor; 6 minutes for labeling and product tracking of a shipment by a vessel or processor; and 15 minutes to provide documentation on a vessel or processor.

*Estimated Total Annual Burden Hours:* 152.

*Estimated Total Annual Cost to Public:* \$0.

**IV. Request for Comments**

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the

proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: September 22, 2004.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 04-21971 Filed 9-29-04; 8:45 am]

BILLING CODE 3510-22-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 070104A]

#### Small Takes of Marine Mammals Incidental to Specified Activities; Marine Seismic Survey in the Eastern Tropical Pacific Ocean off Central America

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

**ACTION:** Notice of receipt of application and proposed incidental take authorization; request for comments.

**SUMMARY:** NMFS has received an application from the Lamont-Doherty Earth Observatory (L-DEO), a part of Columbia University, for an Incidental Harassment Authorization (IHA) to take small numbers of marine mammals, by harassment, incidental to conducting oceanographic seismic surveys in the eastern tropical Pacific Ocean (ETPO) off Central America. Under the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an authorization to L-DEO to incidentally take, by harassment, small numbers of several species of cetaceans and pinnipeds for a limited period of time within the next year.

**DATES:** Comments and information must be received no later than November 1, 2004.

**ADDRESSES:** Comments on the application should be addressed to Steve Leathery, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National

Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3225, or by telephoning the contact listed here. The mailbox address for providing email comments is [PR1.070104A@noaa.gov](mailto:PR1.070104A@noaa.gov). Include in the subject line of the e-mail comment the following document identifier: 070104A. NMFS is not responsible for e-mail comments sent to addresses other than the one provided here. Comments sent via e-mail, including all attachments, must not exceed a 10-megabyte file size. A copy of the application containing a list of the references used in this document may be obtained by writing to this address or by telephoning the contact listed here and is also available at: [http://www.nmfs.noaa.gov/prot\\_res/PR2/Small\\_Take/smalltake\\_info.htm#applications](http://www.nmfs.noaa.gov/prot_res/PR2/Small_Take/smalltake_info.htm#applications).

#### FOR FURTHER INFORMATION CONTACT:

Kenneth Hollingshead, Office of Protected Resources, NMFS, (301) 713-2322, ext 128.

#### SUPPLEMENTARY INFORMATION:

##### 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 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.

Permission 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 that the permissible methods of taking and requirements pertaining to the 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."

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. 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].

Section 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny issuance of the authorization.

#### Summary of Request

On June 28, 2004, NMFS received an application from L-DEO for the taking, by harassment, of several species of marine mammals incidental to conducting a marine seismic survey program during a four-week period beginning in late November 2004 in the Exclusive Economic Zones of El Salvador, Honduras, Nicaragua, and Costa Rica. The purpose of the seismic survey is to investigate stratigraphic development in the presence of tectonic forcing in the Sandino basin off Nicaragua and Costa Rica. Because of the variations in subsidence/uplift histories within the Sandino Basin, and the inability to provide whole-basin coverage during a research cruise of reasonable length, data will be collected in two primary grids in the Sandino Basin and a third, smaller grid off Nicoya Peninsula. Grid descriptions are provided in L-DEO's application.

#### Description of the Activity

The seismic survey will involve one vessel. The source vessel, the *R/V Maurice Ewing*, will deploy three low-energy GI airguns as an energy source, with a total discharge volume of up to 315 in<sup>3</sup>. As the airguns are towed along the survey lines, the towed hydrophone system will receive the returning acoustic signals.

The program will consist of a maximum of 6048 km (3266 nm) of surveys. Water depths within the survey area are up to 5000 m (16,400 ft); most of the survey will be conducted in water depths less than 2000 m (6560 ft). The area to be surveyed extends from approximately 4 to 150 km (2 to 80 nm) offshore. The airguns may also be operated closer to, and farther from, shore while the ship is maneuvering toward or between survey lines.