

By the Board, Chairman Morgan and Vice Chairman Owen.

**Vernon A. Williams,**  
Secretary.

## **PART 1155 [REMOVED]**

For the reasons set forth in the preamble and under the authority of 49 U.S.C. 721(a), title 49, chapter X of the Code of Federal Regulations is proposed to be amended by removing part 1155.

[FR Doc. 97-20993 Filed 8-7-97; 8:45 am]

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## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 216**

[Docket No. 970725179-7179-01; I.D. 071497A]

RIN 0648-AK33

#### **Taking and Importing Marine Mammals; Taking Ringed Seals Incidental to On-Ice Seismic Activities**

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

**ACTION:** Advance notice of proposed rulemaking; receipt of a petition for regulations and an application for a small take exemption; request for comment and information.

**SUMMARY:** NMFS has received an application for renewal of a small take exemption and implementing regulations from BP Exploration (Alaska) (BPXA), on behalf of itself and several other oil exploration companies, for a small take of marine mammals incidental to winter seismic operations in the Beaufort Sea, Alaska. As a result of that application, NMFS is considering whether to propose regulations that would renew an authorization for the incidental taking of a small number of marine mammals. In order to decide whether to promulgate these regulations, NMFS must determine that the takings will have a negligible impact on the affected species and stocks of marine mammals. NMFS invites comment on the application and suggestions on the structure and content of regulations, if the application is accepted.

**DATES:** Comments and information must be postmarked no later than September 8, 1997.

**ADDRESSES:** Comments should be addressed to Chief, Marine Mammal

Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3226. A copy of the application may be obtained by writing to the above address, or by telephoning one of the persons below (see **FOR FURTHER INFORMATION CONTACT**).

**FOR FURTHER INFORMATION CONTACT:** Kenneth R. Hollingshead (301) 713-2055 or Brad Smith, Western Alaska Field Office, NMFS, (907) 271-5006.

#### **SUPPLEMENTARY INFORMATION:**

#### **Background**

Section 101(a)(5)(A) of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*) (MMPA) directs 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) within a specified geographical region if certain findings are made and regulations are issued.

Permission may be granted for periods of 5 years or less if the Secretary 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, and regulations are prescribed setting forth the permissible methods of taking and the requirements pertaining to the monitoring and reporting of such taking.

#### **Summary of Application**

On July 11, 1997, NMFS received an application for an incidental, small take exemption under section 101(a)(5)(A) of the MMPA from BPXA, on behalf of itself, ARCO Alaska, Inc., Northern Geophysical of America, Inc. and Western Geophysical Co. to renew the incidental take regulations found in 50 CFR part 216, subpart J, that govern the taking of ringed seals (*Phoca hispida*) incidental to seismic activities on the ice, offshore Alaska, for a period of 5 years. The applicants state that these activities are not likely to result in physical injuries to, and/or death of, any individual seals. Because seals are expected to avoid the immediate area around seismic operations, they are not expected to be subject to potential hearing damage from exposure to underwater or in-air sounds from the operations. Any takings of ringed seals are anticipated to result from short-term disturbance by noise and physical activity associated with the seismic operations.

The scope of the petition is limited to pre-lease and post-lease seismic exploration activities in state waters and the Outer Continental Shelf in the

Beaufort Sea, offshore Alaska, during the ice-covered seasons. Operations are usually confined to January through May. These seismic surveys will be conducted using two types of energy sources: (1) Vibroseis, which uses large trucks with vibrators mounted on them, that systematically put variable frequency energy into the earth and (2) waterguns or airguns carried by a sleigh or other vehicle. Over the next 5-year period, the applicants expect that on-ice seismic activity will cover approximately 22,500 line miles (4,500 line miles/year). This compares to 13,247 line miles in the aggregate, during the past 5-year period.

#### **Information Solicited**

NMFS requests interested persons to submit comments, information, and suggestions concerning the application for a small take exemption and the structure and content of regulations if the application is accepted. NMFS will consider this information in determining whether to accept the application and, if so, in developing proposed regulations to authorize the taking. If NMFS proposes regulations to allow this take, interested parties will be given ample time and opportunity to comment.

Dated: August 4, 1997.

**Patricia A. Montanio,**  
Deputy Director, Office of Protected Resources, National Marine Fisheries Service.  
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## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 648**

[I.D. 073197B]

#### **New England Fishery Management Council; Public Meeting**

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

**ACTION:** Public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) will hold a 2-day public meeting to consider actions affecting New England fisheries in the exclusive economic zone.

**DATES:** The meeting will be held on Wednesday, August 20, 1997, at 10 a.m., and on Thursday, August 21, 1997, at 8:30 a.m.

**ADDRESSES:** The meeting will be held at the Colonial Hilton, 427 Walnut Street

(Route 128 South), Wakefield, MA; telephone (617) 245-9300. Requests for special accommodations should be addressed to the New England Fishery Management Council, 5 Broadway, Saugus, MA 01906-1097; telephone: (617) 231-0422.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Howard, Executive Director, New England Fishery Management Council (617) 231-0422.

**SUPPLEMENTARY INFORMATION:**

**August 20, 1997**

The election of 1996-1997 Council officers is scheduled to take place immediately after introductions by the Chairman. After the election, the Monkfish Committee will provide an update on committee progress to finalize (monkfish) Amendment 9 to the Northeast Multispecies Fisheries Management Plan (FMP). During the Scallop Committee Report, the Council will initiate action on a framework adjustment to the Atlantic Sea Scallop Fishery Management Plan that would further reduce fishing mortality on the sea scallop resource (following on the Plan Development Team's scheduled evaluation of the current management measures). The committee will provide an update on the Amendment 7 (fishing effort consolidation) public hearing document and Draft Supplemental Environmental Impact Statement. There also will be an update on discussions to allow scallop fishing in areas now closed for groundfish conservation. The Aquaculture Committee will discuss policy development, project selection criteria, and procedures for Council review of aquaculture proposals. Before

the meeting is adjourned for the day, there will be reports from the Council Chairman, Executive Director, NMFS Regional Administrator, Northeast Fisheries Science Center and Mid-Atlantic Fishery Management Council liaisons, and representatives of the Coast Guard and the Atlantic States Marine Fisheries Commission.

**August 21, 1997**

The Groundfish Committee will recommend management of Atlantic halibut under the Northeast Multispecies FMP. The Council will take final action on Framework Adjustment 24 to the FMP, which contains measures that would modify the Gulf of Maine cod trip limit system, allow vessels to carry-over a maximum of 10 days-at-sea (DAS) to the following fishing year, and provide exemptions for vessels fishing in the NAFO Regulated Area. The Lobster Committee Report will forward recommendations on management measures proposed by the Atlantic States Marine Fisheries Commission. The Gear Conflict Committee will report on efforts to facilitate resolution of the otter trawl and lobster trap conflict in the Gulf of Maine. The Professional Standards and Practices Committee will propose development of a fishermen's logbook that would contain a fishing year calendar to track DAS, important management information and other facts useful to mariners such as tides, lunar phases, etc. A scoping document that would identify issues and suggest proposals to eliminate inconsistencies in vessel permit, upgrading, and replacement provisions in different

fishery management plans will be discussed by the Interspecies Committee. There will be an update on plans for Council scoping hearings on Atlantic herring management. The Council will also develop a recommendation on applications for herring joint ventures (JVs) and total allowable levels of foreign fishing (TALFF) from Lithuania and Estonia. There will be a recommendation from the Mid-Atlantic Plans Committee on the management of the mahogany quahog fishery in the Gulf of Maine (proposed for inclusion in Amendment 10 to the Surf Clam and Ocean Quahog Fishery Management Plan). The committee will also present its recommendations on applications for mackerel JV and TALFF from Lithuania and Estonia and on the Mid-Atlantic Fishery Management Council's annual squid, mackerel, and butterfish specifications, including the issue of mackerel JV. The Council will adjourn the meeting after the conclusion of any other outstanding business.

**Special Accommodations**

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (**SEE ADDRESSES**) at least 5 days prior to the meeting date.

**Authority:** 16 U.S.C. 1801 *et. seq.*

Dated: August 4, 1997

**Bruce Morehead,**

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