

PACIFIC RAM (U.S. documentation number 589115)  
 PEGASUS (U.S. documentation number 565120)  
 PERSEVERANCE (U.S. documentation number 536873)  
 PREDATOR (U.S. documentation number 547390)  
 RAVEN (U.S. documentation number 629499)  
 SEADAWN (U.S. documentation number 548685)  
 SEA STORM (U.S. documentation number 628959)  
 SEEKER (U.S. documentation number 924585)  
 TRAVELER (U.S. documentation number 929356)

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

**Dated:** July 13, 2009.

**Kristen C. Koch,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
 [FR Doc. E9-17069 Filed 7-16-09; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

(Docket T-1-2009)

#### **Foreign-Trade Zone 134 Chattanooga, TN, Application for Temporary/Interim Manufacturing Authority, Volkswagen Group of America Chattanooga Operations, LLC (Motor Vehicles), Chattanooga, TN**

An application has been submitted to the Executive Secretary of the Foreign-Trade Zones Board (the Board) by the Chattanooga Chamber Foundation, grantee of FTZ 134, requesting temporary/interim manufacturing (T/IM) authority within FTZ 134 at the Volkswagen Group of America Chattanooga Operations, LLC (VGACO) facility in Chattanooga, Tennessee. The application was filed on July 10, 2009.

The VGACO facility (approx. 2,000 employees, 1,187 acres, 2.1 million sq.ft., 150,000 unit capacity) is located at 7351 Enterprise South Boulevard within the Enterprise South Industrial Park in Chattanooga (Hamilton County), Tennessee (Site 3). Under T/IM procedures, the company has requested authority to produce light-duty passenger vehicles (sedans, sport utility vehicles, minivans) (HTSUS 8703.23, 8703.24, 2.5%). Foreign components that would be used in production (representing about 25% of total material inputs) include: plastic tubes/pipes/hoses (3917.31, 3917.40), plastic sheets/strips/plates (3919.90, 3921.90),

rubber tubes/hoses (4009.11), tires (4011.20), gaskets/washers/o-rings (4016.93, 4016.99), safety glass (7007.11, 7007.21), mirrors (7009.10), tube fittings (7307.22, 7307.99), fasteners (7318.14), locks/keys (8301.20, 8301.40), engines (8407.34), engine parts (8409.91), pumps (8413.30), valves (8481.80), and bumpers (8708.10) (duty rates: free 6.5%). T/IM authority could be granted for a period of up to two years.

FTZ procedures could exempt VGACO from customs duty payments on the foreign components used in export production. The company anticipates that some 20 percent of the plant's shipments will be exported. On its domestic sales, VGACO would be able to choose the duty rate that applies to finished passenger vehicles (2.5%) for the foreign inputs noted above. Certain logistical/supply chain management savings would also be realized through FTZ procedures. Customs duties also could possibly be deferred or reduced on foreign status production equipment. The application indicates that the savings from FTZ procedures would help improve the facility's international competitiveness.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the following address: Office of the Executive Secretary, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230-0002. The closing period for receipt of comments is August 17, 2009.

A copy of the application will be available for public inspection at the Office of the Foreign-Trade Zones Board's Executive Secretary at the address listed above, and in the "Reading Room" section of the Board's website, which is accessible via [www.trade.gov/ftz](http://www.trade.gov/ftz). For further information, contact Pierre Duy at [pierre\\_duy@ita.doc.gov](mailto:pierre_duy@ita.doc.gov) or (202) 482-1378.

**Dated:** July 10, 2009.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. E9-17075 Filed 7-16-09; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

(Docket 27-2009)

#### **Foreign-Trade Zone 234 Gregg County, Texas, Application for Reorganization under Alternative Site Framework**

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by Gregg County, Texas, grantee of FTZ 234, requesting authority to reorganize the zone under the alternative site framework (ASF) adopted by the Board (74 FR 1170, 01/12/09; correction 74 FR 3987, 01/22/09). The ASF is an option for grantees for the establishment or reorganization of general-purpose zones and can permit significantly greater flexibility in the designation of new "usage-driven" FTZ sites for operators/users located within a grantee's "service area" in the context of the Board's standard 2,000-acre activation limit for a general-purpose zone project. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on July 7, 2009.

The grantee's proposed service area under the ASF would be Gregg County, Texas. If approved, the grantee would be able to serve sites throughout the service area based on companies' needs for FTZ designation. The proposed service area is adjacent to the Shreveport-Bossier City Customs and Border Protection port of entry.

FTZ 234 was approved by the FTZ Board in 1998 (Board Order 1003, 63 FR 63671, 11/16/1998) and expanded in 2008 (Board Order 1590, 73 FR 76611, 12/17/2008). The applicant is requesting to include the following current sites in the reorganized zone as "magnet" sites: Proposed Site 1 (239 acres)-Gregg County Airport, 269 Terminal Circle, Longview; Proposed Site 2 (60 acres)-warehouse facility, 1320 East Harrison Road, Longview; and, Proposed Site 3 (217 acres)-Synergy Park, 1000 Synergy Boulevard, Elder Lake. The applicant proposes that Site 1 be exempt from "sunset" time limits that otherwise apply to sites under the ASF. No usage-driven sites are being proposed at this time.

In accordance with the Board's regulations, Kathleen Boyce of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the Board. Public comment is invited from interested

parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is September 15, 2009. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to September 30, 2009).

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230-0002, and in the "Reading Room" section of the Board's website, which is accessible via [www.trade.gov/ftz](http://www.trade.gov/ftz). For further information, contact Kathleen Boyce at [Kathleen\\_Boyce@ita.doc.gov](mailto:Kathleen_Boyce@ita.doc.gov) or 202-482-1346.

Dated: July 8, 2009.

**Andrew McGilvray,**  
Executive Secretary.

[FR Doc. E9-17076 Filed 7-16-09; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XO71

#### Incidental Takes of Marine Mammals During Specified Activities; Low-Energy Marine Seismic Survey in the Northeast Pacific Ocean, July 2009

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

**ACTION:** Notice; issuance of an incidental take authorization.

**SUMMARY:** In accordance with the Marine Mammal Protection Act (MMPA) regulations, notification is hereby given that NMFS has issued an Incidental Harassment Authorization (IHA) to Scripps Institution of Oceanography (SIO), a part of the University of California San Diego (UCSD), for the take of small numbers of marine mammals, by Level B harassment only, incidental to conducting a marine seismic survey in the Northeast Pacific Ocean during July 2009.

**DATES:** Effective July 14, 2009, through August 14, 2009.

**ADDRESSES:** A copy of the IHA and the application are available by writing 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 or by telephoning the contact listed here. A copy of the application containing a list of the references used in this document may be obtained by writing to the address specified above, telephoning the contact listed below (see **FOR FURTHER INFORMATION CONTACT**), or visiting the Internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications>. Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address.

**FOR FURTHER INFORMATION CONTACT:** Howard Goldstein or Ken Hollingshead, Office of Protected Resources, NMFS, 301-713-2289.

#### 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 United States 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 taking 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, 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."

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"].

16 U.S.C. 1362(18).

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 small numbers 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 March 9, 2009, NMFS received an application from SIO for the taking, by Level B harassment only, of small numbers of marine mammals incidental to conducting, under cooperative agreement with the National Science Foundation (NSF), a low-energy marine seismic survey in the Northeast Pacific Ocean. The funding for the survey is provided by the NSF. The proposed survey will occur in an overall area between approximately 44° and 45° N. and 124.5° and 126° W. within the Exclusive Economic Zone (EEZ) of the U.S.A., and is scheduled to occur from July 14–20, 2009. The survey will use a single Generator Injector (GI) airgun with a discharge volume of 45 in<sup>3</sup>. Some minor deviation from these dates is possible, depending on logistics and weather.

The survey is virtually identical to one conducted by SIO in 2007 under an IHA issued in September 2007 (NMFS, 2007). The SIO 2009 IHA application contains minor updates to the project description, updated marine mammal population sizes based on the most recent NMFS annual stock assessment, an assessment of the relevance of the marine mammal density and distribution data contained in the SIO 2007 IHA application based on cruise reports from the NMFS SWFSC ORCAWHALE 2008 cruise, and updated information on effects of airguns on marine mammals (see Appendix A of SIO's application).

#### Description of the Specified Activity

SIO plans to conduct an ocean bottom seismograph (OBS) deployment and a magnetic, bathymetric, and seismic survey. The planned survey will involve one source vessel, the R/V *Wecoma* (*Wecoma*), and will occur in the Northeast Pacific Ocean off the coast of Oregon.

The purpose of the research program is to record micro-earthquakes in the