

(*B. borealis*), and sperm whales (*Physeter macrocephalus*), during aerial and vessel surveys for photo-identification, videography, and behavioral observations. The permit includes authorization under the MMPA to take 205 false killer whales (*Pseudorca crassidens*) in Pacific waters off of Hawaii. Insular Hawaiian false killer whales were listed as endangered under the ESA in November 2012; therefore, the permit holder now requires authorization under the ESA to take Insular Hawaiian false killer whales. The permit holder is requesting the permit be amended to allocate 180 of the false killer whale takes currently authorized under the MMPA to Insular Hawaiian false killer whales.

Permit No. 14353, issued on July 14, 2010 (75 FR 43151), authorizes the permit holder, Ann Zoidis, Cetos Research Organization, 33 Echo Ave., Suite 5, Oakland, CA 94611, to conduct scientific research on humpback and minke (*B. acutorostrata*) whales in Hawaiian waters. Research occurs annually from January through March. Humpback whale research is focused in the Au'au Channel near Maui. Research activities include photo-identification, behavioral observations, passive acoustic recording, and underwater photo/videography. Suction cup tags are deployed on humpback whales. Minke whales are approached for photo-identification anywhere within the main Hawaiian islands. The permit includes authorization under the MMPA for the incidental harassment of up to 1,000 false killer whales during activities in Pacific waters off of Hawaii. Insular Hawaiian false killer whales were listed as endangered under the ESA in November 2012; therefore, the permit holder now requires authorization under the ESA to take Insular Hawaiian false killer whales. The permit holder is requesting the permit be amended to include ESA authorization for the incidental harassment of Insular Hawaiian false killer whales and to expand the geographic area throughout the Hawaiian Islands, including the Northwestern Hawaiian Islands (NWHI) chain.

Permit No. 13846, issued on July 14, 2010 (75 FR 43151), authorizes the permit holder, Jim Darling, Ph.D., Whale Trust, P.O. Box 384, Tofino, BC V0R2Z0, Canada, to study humpback whales in Hawaii (primarily off west Maui) and humpback and Eastern gray (*Eschrichtius robustus*) whales along the coastlines of Washington and Alaska. Researchers may conduct photo-identification, passive acoustic recording, behavioral observation (by vessel, underwater and aerial),

videorecording, collection of sloughed skin, photogrammetry, biopsy sampling, playback experiments, and/or suction cup and implant tagging of target whales. The permit includes authorization under the MMPA for the incidental harassment of up to 150 false killer whales during playback experiments in Pacific waters off Hawaii. Insular Hawaiian false killer whales were listed as endangered under the ESA in November 2012; therefore, the permit holder now requires authorization under the ESA to take Insular Hawaiian false killer whales. The permit holder is requesting the permit be amended to include ESA authorization for the incidental harassment of Insular Hawaiian false killer whales.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activities proposed are consistent with the Proposed Action Alternative in the Environmental Assessment for the Issuance of Scientific Research Permits for Research on Humpback Whales and Other Cetaceans (NMFS 2010). Based on the analyses in the EA, NMFS determined that issuance of the permits would not significantly impact the quality of the human environment and that preparation of an environmental impact statement was not required. That determination is documented in a Finding of No Significant Impact (FONSI), signed on July 14, 2010. The EA and FONSI are available upon request.

**P. Michael Payne,**

Chief, Permits and Conservation Division,  
Office of Protected Resources, National  
Marine Fisheries Service.

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**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XC439**

#### Marine Mammals; File No. 17005

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

**ACTION:** Notice; receipt of application.

**SUMMARY:** Notice is hereby given that Peter Rogers, Ph.D., Georgia Institute of Technology, Woodruff School of Mechanical Engineering, Atlanta, GA 30332, has applied in due form for a permit to conduct research on cetacean

species not listed under the Endangered Species Act (ESA).

**DATES:** Written, telefaxed, or email comments must be received on or before February 14, 2013.

**ADDRESSES:** The application and related documents are available for review by selecting "Records Open for Public Comment" from the *Features* box on the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 17005 from the list of available applications.

These documents are also available upon written request or by appointment in the following offices: See

**SUPPLEMENTARY INFORMATION.**

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713-0376, or by email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

**FOR FURTHER INFORMATION CONTACT:**

Amy Hapeman or Amy Sloan, (301) 427-8401.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216).

Dr. Rogers proposes to conduct scientific research on cetacean species in Atlantic and Pacific coastal areas of the contiguous United States. In cooperation with local marine mammal stranding networks, researchers would use an ultrasound-based system for non-invasively determining the low frequency elastic properties of cetacean head tissues. The ultrasound system is intended to provide parameters needed to model the response of the head to sound, and may provide diagnostic capabilities for use by marine mammal stranding responders. Up to 10 individuals each of any non-ESA-listed cetacean species would be tested annually for five years. The research also would allow researchers to: (1) Determine any short term changes in soft tissue elasticity if an animal dies during the stranding response, and (2) assess differences between intact and

harvested tissues from deceased stranded animals.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Documents may be reviewed in the following locations:

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427-8401; fax (301) 713-0376;

Northwest Region, NMFS, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115-0700; phone (206) 526-6150; fax (206) 526-6426;

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562) 980-4001; fax (562) 980-4018;

Northeast Region, NMFS, 55 Great Republic Drive, Gloucester, MA 01930; phone (978) 281-9328; fax (978) 281-9394; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, FL 33701; phone (727) 824-5312; fax (727) 824-5309.

**P. Michael Payne,**

*Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2013-00611 Filed 1-14-13; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Availability of Seats for the Flower Garden Banks National Marine Sanctuary Advisory Council

**AGENCY:** Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notice and request for applications.

**SUMMARY:** The ONMS is seeking applications for the following vacant seats on the Flower Garden Banks National Marine Sanctuary Advisory Council: recreational fishing, research,

education, and conservation. Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; philosophy regarding the protection and management of marine resources; and possibly the length of residence in the area affected by the sanctuary.

Applicants who are chosen as members should expect to serve 3-year terms, pursuant to the council's charter.

**DATES:** Applications are due by February 18, 2013.

**ADDRESSES:** Application kits may be obtained from Jennifer Morgan, NOAA—Flower Garden Banks National Marine Sanctuary, 4700 Avenue U, Bldg. 216, Galveston, TX 77551 or downloaded from the sanctuary Web site <http://flowergarden.noaa.gov>. Completed applications should be sent to the same address.

#### FOR FURTHER INFORMATION CONTACT:

Jennifer Morgan, NOAA—Flower Garden Banks National Marine Sanctuary, 4700 Avenue U, Bldg. 216, Galveston, TX 77551, 409-621-5151 ext. 103, [Jennifer.Morgan@noaa.gov](mailto:Jennifer.Morgan@noaa.gov).

**SUPPLEMENTARY INFORMATION:** Located in the northwestern Gulf of Mexico, the Flower Garden Banks National Marine Sanctuary includes three separate areas, known as East Flower Garden, West Flower Garden, and Stetson Banks. The Sanctuary was designated on January 17, 1992. Stetson Bank was added to the Sanctuary in 1996. The Sanctuary Advisory Council will consist of no more than 21 members; 16 non-governmental voting members and 5 governmental non-voting members. The Council may serve as a forum for consultation and deliberation among its members and as a source of advice to the Sanctuary superintendent regarding the management of the Flower Garden Banks National Marine Sanctuary.

**Authority:** 16 U.S.C. Sections 1431, *et seq.* (Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: January 2, 2013.

**Daniel J. Basta,**

*Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.*

[FR Doc. 2013-00536 Filed 1-14-13; 8:45 am]

**BILLING CODE M**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Notice of Applicability of Special Use Permit Requirements to Certain Categories of Activities Conducted Within the National Marine Sanctuary System

**AGENCY:** Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA).

**ACTION:** Notice; request for public comments.

**SUMMARY:** In accordance with a requirement of Public Law 106-513 (16 U.S.C. 1441(b)), NOAA hereby gives public notice of the applicability of the special use permit requirements of Section 310 of the National Marine Sanctuaries Act to certain categories of activities conducted within the National Marine Sanctuary System. In addition, NOAA is seeking public comment on the subject of special use permits.

**DATES:** Comments must be received on or before March 18, 2013.

**ADDRESSES:** You may submit comments, identified by docket ID NOAA-NOS-2012-0162, by one of the following methods:

- **Electronic submissions:** Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>. You may enter the following docket number to submit comments: NOAA-NOS-2012-0162.

- **Mail:** Submit all written comments to Vicki Wedell, Office of National Marine Sanctuaries, 1305 East West Highway (N/NMS2), 11th floor, Silver Spring, MD 20910.

**Instructions:** To submit electronic public comments through the Federal eRulemaking Portal, <http://www.regulations.gov>, select "submit a comment" under the heading "Begin a search by choosing a task or entering a keyword," type docket number NOAA-NOS-2012-0162 under the heading "Enter keyword or ID," and select "Search" to receive search results. Then follow online instructions for submitting your comments.

All comments received are a part of the public record and will be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information. ONMS will accept anonymous