

**ACTION:** Notice of Appeal and Request for Comments.

Chevron U.S.A. Production Company (Appellant), filed with the Secretary of Commerce (Secretary) a notice of appeal pursuant to section 307(c)(3)(B) of the Coastal Zone Management Act of 1972 (CZMA), as amended, 16 U.S.C. 1451 *et seq.*, and the Department of Commerce's implementing regulations, 15 CFR Part 930, Subpart H. The appeal is taken from an objection by the State of Florida (State) to the Appellant's consistency certification for a Development and Production Plan to produce up to 21 natural gas wells in the Destin Dome 56 Unit, some 15 miles from Florida waters and approximately 25 miles from Pensacola. The Appellant has certified that the project is consistent with the State's coastal management program.

The CZMA provides that a timely objection by a state precludes any federal agency from issuing licenses or permits for the activity unless the Secretary finds that the activity is either "consistent with the objectives" of the CZMA (Ground I) or "necessary in the interest of national security" (Ground II).

Section 307(c)(3)(A). To make such a determination, the Secretary must find that the proposed project satisfies the requirements of 15 CFR 930.121 or 930.122.

The Appellant requests that the Secretary override the State's consistency objections based on Ground I and Ground II. To make the determination that the proposed activity is "consistent with the objectives" of the CZMA, the Secretary must find that: (1) the proposed activity furthers one or more of the national objectives or purposes contained in section 302 or 303 of the CZMA, (2) the adverse effects of the proposed activity do not outweigh its contribution to the national interest, (3) the proposed activity will not violate the Clean Air Act or the Federal Water Pollution Control Act, and (4) no reasonable alternative is available that would permit the activity to be conducted in a manner consistent with the State's coastal management program. 15 CFR 930.121. To make the determination that the proposed activity is "necessary in the interest of national security," the Secretary must find that a national defense or other national security interest would be significantly impaired if the proposed activity is not permitted to go forward as proposed.

Public comments are invited on the findings that the Secretary must make as set forth in the regulations at 15 CFR 930.121 and 930.122. In addition, the National Oceanic and Atmospheric

Administration (NOAA) of the Department of Commerce will hold a public hearing in this appeal. NOAA plans to hold this hearing around the same time as the hearing to be held by the Minerals Management Service (MMS) on the draft environmental impact statement that MMS is preparing on Chevron's project. NOAA will publish a **Federal Register** notice announcing the date and time for the public hearing when it has been scheduled. Public comments will be accepted from now until 30 days after the hearing. Comments should be sent to Ms. Mary O'Brien, Attorney-Adviser, Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910. Copies of comments will also be forwarded to the Appellant and the State.

All nonconfidential documents submitted in this appeal are available for public inspection during business hours at the offices of the State and the Office of the Assistant General Counsel for Ocean Services.

This notice was originally published on July 9, 1998, at 53 FR 37094. The notice has been revised to reflect the extension of the public comment period and also to clarify statements that appeared in the original notice.

**FOR FURTHER INFORMATION CONTACT:** Ms. Mary O'Brien, Attorney-Adviser, Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910, 301-713-2967.

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Assistance)

Dated: July 31, 1998.

**Monica Medina,**

*General Counsel.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 072398B]

### Marine Mammals; File No. 782-1438

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

**ACTION:** Issuance of permit amendment.

**SUMMARY:** Notice is hereby given that the National Marine Mammal Laboratory, National Marine Fisheries Service, 7600 Sand Point Way, NE, BIN C15700, Bldg. 1, Seattle, WA 98115-0070, has been issued an amendment to scientific research Permit No. 782-1438.

**ADDRESSES:** The amendment and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910 (301/713-2289);

Regional Administrator, Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way, NE, BIN C15700, Bldg. 1, Seattle, WA 98115-0070 (206/526-6150);

Regional Administrator, Southwest Region, National Marine Fisheries Service, NOAA, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213 (562/980-4001); and

Regional Administrator, Alaska Region, National Marine Fisheries Service, NOAA P.O. Box 21668, Juneau, AK 99802-1668 (907/586-7221).

**FOR FURTHER INFORMATION CONTACT:** Sara Shapiro or Ruth Johnson, 301/713-2289.

**SUPPLEMENTARY INFORMATION:** On June 16, 1998, notice was published in the **Federal Register** (63 FR 32864) that an amendment of Permit No. 782-1438, issued May 8, 1998 (63 FR 27265), had been requested by the above-named organization. The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the provisions of § 216.39 of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the provisions of § 222.25 of the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR 222.23), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

Permit No. 782-1438 authorizes the National Marine Mammal Laboratory to take various large and small cetacean species through aerial surveys and harass several pinnipeds incidentally to these surveys.

The amendment now authorizes the National Marine Mammal Laboratory to conduct delphinid and pinniped vessel surveys, and photo-identify and biopsy sample large cetaceans in order to estimate abundance, distribution, identify individuals, and determine stock structure.

Issuance of this amendment, as required by the ESA was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species which is the subject of this permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: July 31, 1998.

**Ann D. Terbush,**

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

[FR Doc. 98-21067 Filed 8-5-98; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 072998B]

#### Marine Mammals; File Nos. 77#3-54 and 881-1443

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

**ACTION:** Receipt of applications for amendment.

**SUMMARY:** Notice is hereby given that the following Permit Holders have requested an amendment to their scientific research Permit:

Dr. Bradford E. Brown, Southeast Fisheries Science Center (File No. 77#3-54), 75 Virginia Beach Drive, Miami, FL 33149 (843/762-8541); and

Dr. Michael Castellini, Alaska Sealife Center (File No. 881-1443), Box 1329, Seward, AK 99664 (907/224-2600).

**DATES:** Written or telefaxed comments must be received on or before October 5, 1998.

**ADDRESSES:** The amendment request and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910 (301/713-2289);

(77#3-54) - Regional Administrator, Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702-2432 (813/570-5312); and

Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930, (978/281-9250). (881-1443) - Regional Administrator, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668 (907/586-7221).

Written comments or requests for a public hearing on these requests should be submitted to the Chief, Permits and Documentation Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on these particular amendment requests would be appropriate.

Comments may also be submitted by facsimile at (301) 713-0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or other electronic media.

#### FOR FURTHER INFORMATION CONTACT:

Ruth Johnson or Sara Shapiro 301/713-2289.

**SUPPLEMENTARY INFORMATION:** The subject amendments to Permits No. 77#3-54 and 881-1443, issued on June 13, 1995 (60 FR 31214), and March 23, 1998 (63 FR 14905), respectively, are requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR 222.23).

Permit No. 77#3-54 authorizes the permit holder to: take by harassment a maximum of 2,000 Atlantic bottlenose dolphins per year for the purpose of locating a maximum of 100 dolphins per year suitable for take by capture for examination, sampling, marking, tagging and release. Sampling procedures include venipuncture, marking by freeze-brand, tooth extraction, skin/blubber biopsy, diagnostic ultrasound, urine, fecal, microbiological, milk, and sperm sampling, colonic temperature measurements, acoustic recordings, and the application of cattle ear tags (roto-tags) and telemetry devices.

The permit holder requests an amendment to this permit to: (1) extend geographic coverage to include entire summer range of the depleted coastal migratory stock of bottlenose dolphins to include coasts of VA, MD, DE, NJ; (2) include satellite telemetry and different attachment packages for VHF transmitters and increase the number of animals that will be tagged annually to 60; and (3) include hoop-netting as an alternative capture method.

Permit No. 881-1443 authorizes the permit holder to: import from Canada,

three juvenile Steller sea lions and two juvenile harbor seals, and to obtain six harbor seals domestically. The Holder conducts research on these animals that involve nutritional physiology, metabolic development, and clinical health under captive conditions.

The permit holder requests an amendment to this permit to: (1) collect whiskers or toenails from each animal for background concentrations of the stable isotopes of carbon and nitrogen; (2) ingest stable isotope carbon or nitrogen labeled fish orally or intravenously and blood sample collected following injection; (3) collect serial biopsies of blubber (50mg) to assess lipid profiles in Stellers and harbor seals; and (4) collection serial biopsies of muscle in harbor seals only for lipid profiles.

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 this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: July 30, 1998.

**Ann D. Terbush,**

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

[FR Doc. 98-21068 Filed 8-5-98; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Telecommunications and Information Administration

#### Advisory Committee on Public Interest Obligations of Digital Television Broadcasters; Notice of Postponement

**ACTION:** Notice is hereby given of the postponement of a meeting of the Advisory Committee on Public Interest Obligations of Digital Television Broadcasters, created pursuant to Executive Order 13038.

**REFERENCE:** This notice amends the notice of open meeting published in the **Federal Register** on July 23, 1998. Citation: 63 FR 39557.

**AUTHORITY:** Executive Order 13038, signed by President Clinton on March 11, 1997.

**NEW DATE:** The meeting scheduled for Monday, August 10, 1998 has been