

Department of Commerce, 1305 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:**

Brett Grosko, Attorney-Advisor, Office of General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, via e-mail at

*Brett.Grosko@noaa.gov*, or 301-713-7384.

**SUPPLEMENTARY INFORMATION:** On August 27, 2007, Weaver's Cove Energy, LLC, and Mill River Pipeline, LLC, separately filed notices of appeal with the Secretary of Commerce (Secretary) pursuant to section 307(c)(3)(A) 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. These appeals were taken from objections by the Commonwealth of Massachusetts to the issuance of certain federal licenses necessary to construct and operate a liquefied natural gas terminal and two associated natural gas pipelines, to be located in Fall River, Massachusetts. Both appeals request the Secretary override the State's objections on grounds the proposed project allegedly is consistent with the objectives of the CZMA, and necessary in the interest of national security. Decisions for CZMA administrative appeals are based on information contained in the decision record for the appeal. These two appeals have been consolidated for decision.

Under the CZMA, the decision record for an appeal must close no later than 220 days after notice of the appeal was first published in the **Federal Register**. 16 U.S.C. 1465. Notice of closure must be published in the **Federal Register**. Consistent with this requirement, notice is hereby provided that the decision records for these appeals were closed on May 5, 2008. No further information, briefs or comments will be considered in deciding these appeals.

A final decision on these appeals must be issued no later than 60 days after the date of the publication of this notice. 16 U.S.C. 1465(c)(1). The deadline may be extended by publishing (within the 60-day period) a subsequent notice explaining why a decision cannot be issued within that time frame. 16 U.S.C. 1465(c)(1). In this event, a final decision must be issued no later than 15 days after the date of publication of the subsequent notice. 16 U.S.C. 1465(c)(2).

Additional information about these appeals and the CZMA appeals process is available from the Department of Commerce CZMA appeals Web site: <http://www.ogc.doc.gov/czma.htm>.

[Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Assistance.]

Dated: May 1, 2008.

**Joel La Bissonniere,**

*Assistant General Counsel for Ocean Services.*

[FR Doc. E8-10012 Filed 5-6-08; 8:45 am]

**BILLING CODE 3510-08-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648-XH64**

**Endangered Species; File No. 1614-01**

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

**ACTION:** Notice; issuance of permit modification.

**SUMMARY:** Notice is hereby given that the NOAA Fisheries Northeast Region Protected Resources Division (Responsible Party: Mary Colligan), One Blackburn Drive, Gloucester, MA 01930, has been issued a modification to scientific research Permit No. 1614.

**ADDRESSES:** The modification and related documents are available for review upon written request or by appointment in the following offices:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)427-2521;

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298; phone (978)281-9300; fax (978)281-9394; and

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

**FOR FURTHER INFORMATION CONTACT:**

Brandy Belmas or Jennifer Skidmore, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** On March 25, 2008, notice was published in the **Federal Register** (73 FR 15741) that a modification of Permit No. 1614, issued February 28, 2008 (73 FR 11873), had been requested by the above-named organization. The requested modification has been granted under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222-226).

In addition to all activities authorized under Permit No. 1614, this

modification increases the number of dead, captive bred shortnose sturgeon (*Acipenser brevirostrum*) received from authorized U.S. facilities up to 350 individuals each year. Obtaining these additional sturgeon will aid researchers in meeting their research objectives, which include reviewing shortnose sturgeon research procedures and developing necropsy protocols.

Issuance of this modification, 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 such endangered or threatened species, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: May 2, 2008.

**P. Michael Payne,**

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

[FR Doc. E8-10108 Filed 5-6-08; 8:45 am]

**BILLING CODE 3510-22-S**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648-XH71**

**Marine Mammals; File No. 540-1811**

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

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

**SUMMARY:** Notice is hereby given that Mr. John Calambokidis, Cascadia Research Collective, Waterstreet Building, 218 1/2 West Fourth Avenue, Olympia, WA 98501, has requested an amendment to scientific research Permit No. 540-1811.

**DATES:** Written, telefaxed, or e-mail comments must be received on or before June 6, 2008.

**ADDRESSES:** The amendment request and related documents are available for review upon written request or by appointment: (See **SUPPLEMENTARY INFORMATION**).

Written comments or requests for a public hearing on this request should be submitted to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular amendment request would be appropriate.

Comments may also be submitted by facsimile at (301)427-2521, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing e-mail comments is *NMFS.Pr1Comments@noaa.gov*. Include in the subject line of the e-mail comment the following document identifier: File No. 731-1774.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Skidmore or Carrie Hubbard, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** The subject amendment to Permit No. 540-1811, issued on March 31, 2006, and most recently amended on June 16, 2006, 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), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the Regulations Governing the Taking, Importing, and Exporting of Endangered and Threatened Species (50 CFR 222-226).

Permit No. 540-1811, issued to John Calambokidis, currently authorizes aerial and vessel surveys, photo-identification, behavioral observations, tagging (using suction-cup attached tags), biopsy, video and acoustic recording, and incidental harassment of all species of odontocetes and baleen whales in the North Pacific Ocean. The purpose of the modification is to enhance the examination of movements (for stock structure assessment) and habitat use of: blue (*Balaenoptera musculus*), fin (*B. physalus*), sei (*B. borealis*), gray (*Eschrichtius robustus*), sperm (*Physeter macrocephalus*), Bryde's (*B. edeni*), humpback (*Megaptera novaeangliae*) and minke (*B. acutorostrata*) whales, Mesoplodon beaked whales (*Mesoplodon* spp), Cuvier's (*Ziphius cavirostris*) and Baird's (*Berardius bairdii*) beaked whales, and bottlenose (*Tursiops truncatus*) and Risso's (*Grampus griseus*) dolphins via dart tagging. For each species, an addition of 20 takes by dart tagging are requested, with the exception of sei whales, where only 5 takes are requested. Additionally, an increase in the number of biopsy and suction-cup tagging takes (between 10 - 40 takes) for several cetacean species (fin, sperm, and short-finned pilot whales (*Globicephala macrorhynchus*) and Baird's, Cuvier's, and Mesoplodon beaked whales) are being requested in

order to better increase understanding of stock structure and behavior. Takes by Level B harassment (e.g., incidental harassment of non-target animals) are already authorized under Permit No. 540-1811 and no additional Level B harassment takes are requested. Dart tagging will occur concurrently with already permitted activities (i.e., vessel surveys, photo-identification, suction-cup tagging etc), primarily in Californian waters, though some species may be tagged opportunistically elsewhere where activities are authorized (i.e., U.S. and international waters of the Pacific including Alaska, Washington, Oregon, and other U.S. territories). The amended permit, if issued, would be valid until the permit expires on April 14, 2011.

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.

Documents may be reviewed in the following locations:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)427-2521;

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

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668; phone (907)586-7221; fax (907)586-7249; and

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

Dated: May 1, 2008.

**P. Michael Payne,**

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

[FR Doc. E8-10104 Filed 5-6-08; 8:45 am]

**BILLING CODE 3510-22-S**

## COMMODITY FUTURES TRADING COMMISSION

### Concept Release on the Appropriate Regulatory Treatment of Event Contracts

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Request for Public Comment.

**SUMMARY:** The Commodity Futures Trading Commission (Commission or CFTC) is soliciting comment on the appropriate regulatory treatment of financial agreements offered by markets

commonly referred to as event, prediction, or information markets.<sup>1</sup> For ease of reference and to avoid classification issues, these financial agreements are referred to herein as event contracts. In general, event contracts are neither dependent on, nor do they necessarily relate to, market prices or broad-based measures of economic or commercial activity.<sup>2</sup> Rather, event contracts may be based on eventualities and measures as varied as the world's population in the year 2050, the results of political elections, or the outcome of particular entertainment events.<sup>3</sup> The Commission's staff has received a substantial number of requests for guidance on the propriety of trading various event contracts under the regulatory rubric of the Commodity Exchange Act (CEA or Act). Given the substantive and practical concerns that may arise from applying federal regulation to event contracts and markets, the Commission believes that it is appropriate to solicit and consider the public's comments in advance of issuing any definitive guidance.

**DATES:** Comments must be received by July 7, 2008.

**ADDRESSES:** Comments should be sent to the Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581, Attention: Office of the Secretariat. Comments may be sent by facsimile to 202.418.5521, or by e-mail to *secretary@cftc.gov*. Reference should be made to the "Concept Release on the Appropriate Regulatory Treatment of Event Contracts." Comments may also be submitted through the Federal eRulemaking Portal at <http://www.regulations.gov>.

### FOR FURTHER INFORMATION CONTACT:

Bruce Fekrat, Special Counsel, Office of the Director (telephone 202.418.5578, e-mail *bfekrat@cftc.gov*), Division of

<sup>1</sup> See Michael Gorham, *Event Markets Campaign for Respect*, Futures Industry Magazine (Jan./Feb. 2004); Justin Wolfers and Eric W. Zitzewitz, *Prediction Markets*, 18 J. Econ. Persp. 107 (Spring 2004); Robert W. Hahn and Paul C. Tetlock, *Using Information Markets to Improve Public Decision Making*, AEI-Brookings Joint Center for Regulatory Studies Working Paper 04-18 (March 2005); Hal R. Varian, *Can Markets Be Used to Help People Make Nonmarket Decisions?*, The New York Times (May 8, 2003).

<sup>2</sup> The term event contract is not intended to encompass contracts that generate trading prices that predictably correlate with market prices or broad-based measures of economic or commercial activity, or contracts which substantially replicate other commodity derivatives contracts, such as binary options on exchange rates or the price of crude oil. The aforementioned contracts are unambiguously subject to CFTC regulation.

<sup>3</sup> See, e.g., Retired claims list at the Foresight Exchange, available at <http://www.ideosphere.com/fx-bin/ListClaims>.