

killer whales. Of the 13 beluga whale takes recorded, 9 were in October and 4 were in November. The recorded takes occurred when marine mammals entered the Level B harassment zone (1,300 m from the point where vibratory pile driving takes place) during in-water (vibratory) pile driving. The number of animals, by species, taken under the 2010 LOA was within the amount authorized.

As discussed in more detail below, the POA has implemented a robust monitoring and mitigation program to minimize harassment and avoid exposing animals to injurious levels of sound produced by pile driving. The POA has also developed a successful communication system between MMOs and engineers to shut down pile driving before whales enter into designated harassment zones, avoiding Level A take and minimizing Level B take.

Planned Activities, Mitigation and Monitoring for 2011

During the 2011 construction season, the POA will be conducting two projects at the North End of the project site. The construction work includes: (1) Partial tail wall sheet pile removal at the Wet Barge Berth; and (2) limited inspection of tail walls at the North Extension. The work involves excavation of fill behind exiting sheet pile prior to removal or inspection. The excavation, tail wall removal, and inspection will be conducted out-of-water, inland of the bulkhead. Mobilization, rigging, and excavation began the week of May 9, 2011. At certain locations, barge-mounted heavy equipment will be required to excavate fill material. When the barge is in use, construction marine mammal monitoring will be conducted in accordance with existing permit requirements (*see* mitigation measure 8, below). It is anticipated that the barge work will commence in July.

As stated in the regulations and LOA, take of marine mammals will be minimized through implementation of the following mitigation measures: (1) If a marine mammal is detected within or approaching the Level A or impact and vibratory pile driving Level B harassment isopleths (200 m, 350 m and 1,300 m, respectively) prior to in-water pile driving, operations shall be immediately delayed or suspended until the marine mammal moves outside these designated zones or the animal is not detected within 15 minutes of the last sighting; (2) if a marine mammal is detected within or approaching 200 m prior to chipping, this activity shall be immediately delayed or suspended until the marine mammal moves outside these designated zones or the animal is

not detected within 15 minutes of the last sighting; (3) except in certain circumstances (*see* 8 below), after pile driving activities have commenced, suspension of in-water pile driving is encouraged, but not mandatory, when animals enter the Level B isopleths (350 m from the point where impact pile driving is taking place and 1,300 m from the point where vibratory pile driving takes place); (4) in-water impact pile driving shall not occur during the period from two hours before low tide until two hours after low tide; (5) in-water piles will be driven with a vibratory hammer to the maximum extent possible (*i.e.*, until a desired depth is achieved or to refusal) prior to using an impact hammer; (6) in-water pile driving or chipping shall not occur when conditions restrict clear, visible detection of all waters within harassment zones; (7) a “soft start” technique shall be used at the beginning of each day’s in-water pile driving activities or if pile driving has ceased for more than one hour to allow any marine mammal that may be in the immediate area to leave before pile driving reaches full energy; (8) if a group of more than 5 beluga whales or group with a calf is sighted within the Level B harassment isopleths, in-water pile driving shall be suspended; and (9) for operated in-water heavy machinery work other than pile driving or chipping (*i.e.*, dredging, dump scowles, linetug boats used to move barges, barge mounted hydraulic excavators, or clamshell equipment used to place or remove material), if a marine mammal comes within 50 m, those operations will cease and vessels will reduce to the slowest speed practicable while still maintaining control of the vessel and safe working conditions.

NMFS-approved marine mammal observers (MMOs) will be stationed at the port during all in-water pile driving and chipping and blasting associated with dock demolition, if it occurs. These observers will be responsible for documenting take, marine mammal behavior, and, if necessary, notifying the resident engineer when shut down is necessary. In addition, the POA and MARAD shall employ a scientific marine mammal monitoring team separate from the on-site MMOs to characterize beluga whale abundance, frequency, movements, behavior, group dynamics, and habitat use around the POA and observe, analyze, and document potential changes in behavior in response to in-water construction work. This monitoring team is not required to be present during all in-water pile driving operations but will be

on-site 4 days per week, weather permitting. It is anticipated that Alaska Pacific University (APU) will begin the 2011 scientific marine mammal observation program in June. The on-site MMOs and this marine mammal monitoring team shall remain in contact to alert each other to marine mammal presence when both teams are working.

The POA and MARAD shall submit monthly reports summarizing all in-water construction activities and marine mammal sightings. In addition, an annual report shall be due sixty days before expiration of the LOA. This report shall summarize monthly reports and any apparent long or short term impacts the MTRP may be having on marine mammals. This LOA will be renewed annually based on review of the annual monitoring report.

Authorization

The POA and MARAD have complied with the requirements of the 2010 LOA, and NMFS has determined that marine mammal take during the 2010 construction season is within the amount authorized. Accordingly, NMFS has issued a LOA to POA and MARAD authorizing take by harassment of marine mammals incidental to the marine terminal redevelopment project at the POA. Issuance of the 2011–2012 LOA is based on NMFS’ review of the annual report submitted by the POA and MARAD, and determination that the observed impacts were within the scope of the analysis and authorization contained in the final rule and previously issued LOA. Specifically, NMFS found that the total taking of marine mammals, in consideration of the required mitigation, monitoring, and reporting measures, will have no more than a negligible impact on the affected species or stocks and will not have an unmitigable adverse impact on their availability for taking for subsistence uses.

Dated: June 28, 2011.

James H. Lecky,

Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2011–16893 Filed 7–5–11; 8:45 am]

BILLING CODE 3510–22–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting Notice

TIME AND DATE: Wednesday, July 13, 2011, 10 a.m.–12 noon.

PLACE: Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Commission Meeting—Open to the Public.

Matters To Be Considered

Decisional Matters

- (a) Lead 100 ppm.
- (b) ASTM F963 Notice of Requirements.

A live Web cast of the Meeting can be viewed at <http://www.cpsc.gov/webcast>.

For a recorded message containing the latest agenda information, call (301) 504-7948.

CONTACT PERSON FOR MORE INFORMATION:

Todd A. Stevenson, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504-7923.

Dated: July 1, 2011.

Todd A. Stevenson,
Secretary.

[FR Doc. 2011-16957 Filed 7-1-11; 11:15 am]

BILLING CODE 6355-01-P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting Notice

TIME AND DATE: Wednesday, July 13, 2011; 2 p.m.–3 p.m.

PLACE: Hearing Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Closed to the Public.

Matter To Be Considered

Compliance Status Report

The Commission staff will brief the Commission on the status of compliance matters.

For a recorded message containing the latest agenda information, call (301) 504-7948.

CONTACT PERSON FOR MORE INFORMATION:

Todd A. Stevenson, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504-7923.

Dated: July 1, 2011.

Todd A. Stevenson,
Secretary.

[FR Doc. 2011-16958 Filed 7-1-11; 11:15 am]

BILLING CODE 6355-01-P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting Notice

TIME AND DATE: Wednesday, July 6, 2011, 10 a.m.–12 Noon.

PLACE: Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Commission Meeting—Open to the Public.

Matters To Be Considered

Briefing Matters

- (a) ASTM F963 Notice of Requirements; and
- (b) Phthalates Enforcement Policy

A live Web Cast of the Meeting can be viewed at <http://www.cpsc.gov/webcast>

For a recorded message containing the latest agenda information, call (301) 504-7948.

CONTACT PERSON FOR MORE INFORMATION:

Todd A. Stevenson, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504-7923.

Dated: July 1, 2011.

Todd A. Stevenson,
Secretary.

[FR Doc. 2011-16956 Filed 7-1-11; 11:15 am]

BILLING CODE 6355-01-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DOD-2011-OS-0071]

Privacy Act of 1974; System of Records

AGENCY: Defense Logistics Agency, DoD.

ACTION: Notice to Amend a System of Records.

SUMMARY: The Defense Logistics Agency is proposing to amend a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The proposed action will be effective without further notice on August 5, 2011 unless comments are received which would result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and/Regulatory Information Number (RIN) and title, by any of the following methods:

- *Federal Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301-1160.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this **Federal Register** document. The general

policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Jody Sinkler, Privacy Act Officer, Headquarters Defense Logistics Agency, ATTN: DGA, 8725 John J. Kingman Road, Suite 1644, Fort Belvoir, VA 22060-6221, or by phone at (703) 767-5045.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency's system of record notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of new or altered systems reports.

Dated: June 29, 2011.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

S125.10

SYSTEM NAME:

Chaplain Care and Counseling Record (June 30, 2009, 74 FR 31259).

CHANGES:

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NOTIFICATION PROCEDURE:

Delete entry and replace with "Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the DLA FOIA/Privacy Act Office, Headquarters, Defense Logistics Agency, ATTN: DGA, 8725 John J. Kingman Road, Suite 1644, Fort Belvoir, VA 22060-6221. Individuals should provide their name and address."

RECORD ACCESS PROCEDURES:

Delete entry and replace with "Individuals seeking access to information about themselves contained in this system should address written inquiries to the DLA FOIA/Privacy Act Office, Headquarters, Defense Logistics Agency, ATTN: DGA, 8725 John J. Kingman Road, Suite 1644, Fort Belvoir, VA 22060-6221. Individuals should provide their name and address."