

algal blooms (HABs), can produce toxins that accumulate in filter-feeding shellfish. Shellfish contaminated with the saxotoxin, if eaten in large enough quantity, can cause illness or death from PSP. Due, in part, to the inability to test and monitor this area for the presence of PSP, this closure was made permanent through Amendment 12 to the Atlantic Surfclam and Ocean Quahog FMP in 1999.

The primary goal of the study is to test the efficacy of the Protocol for Onboard Screening and Dockside Testing for PSP Toxins in Molluscan Shellfish (Protocol) developed by state and Federal regulatory agencies to test for presence of saxotoxins in shellfish. This protocol would facilitate the harvest of shellfish from waters susceptible to HABs, which produce the saxotoxins, but that are not currently under rigorous water quality monitoring programs by either state or Federal management agencies. The Protocol is currently under final review by the FDA. This project would only proceed once the FDA has endorsed the final Protocol. The Protocol details procedures and reporting for harvesting, testing, and landing of shellfish harvested from areas that are susceptible to HABs prior to the shellfish from entering commerce. A copy of the Protocol, when finalized, will be available by contacting NMFS (see **ADDRESSES**).

The proposed project would conduct a trial for the sampling protocol in an exemption zone within the larger 1990 GB Closure Area with the F/V Seawatcher. This proposed exempted fishing activity would occur from approximately July-December 2006, using surfclam and ocean quahog quota allocated to Truex Enterprises under the Federal individual transferable quota (ITQ) program. The applicant has estimated a harvest of 176,000 bushels of surfclams and 80,000 bushels of ocean quahogs from the exemption area. The exemption area was tested in cooperation with the FDA in the winter of 2006. No samples collected during that time were above acceptable levels for saxotoxins (80 µg toxin/100g of shellfish). In order for the proposed EFP to be issued the applicant would be required to obtain a permit from the Massachusetts Division of Marine Fisheries (MADMF) to land the product in New Bedford, Massachusetts. NMFS, FDA, MADMF, and Massachusetts Department of Public Health are working closely in reviewing this proposed project. This EFP would allow for an exemption from the Atlantic surfclam and ocean quahog GB Closure Area specified at 50 CFR 648.73(a)(4).

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

Dated: June 14, 2006.

**James P. Burgess,**

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 060906A]

#### Marine Mammals; File Nos. 1093-1834 and 774-1847

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

**ACTION:** Notice; withdrawal of application, and receipt of application.

**SUMMARY:** Notice is hereby given of the following two actions related to permits for research on marine mammals: Susan Shaw, Ph.D., Executive Director, Marine Environmental Research Institute, 55 Main Street, P.O. Box 1652, Blue Hill, ME 04614 (File No. 1093-1834) has withdrawn her application for a permit to conduct research on harbor seals (*Phoca vitulina concolor*) in Maine; and the NMFS Southwest Fisheries Science Center, Antarctic Marine Living Resources Program (Rennie Holt, Ph.D., Principal Investigator), 8604 La Jolla Shores Drive, La Jolla, CA 92037 (File No. 774-1847) has applied in due form for a permit to conduct research on Antarctic fur seals (*Arctophalus gazell*) and leopard seals (*Hydrurga leptonyx*).

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

Both files:

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; File No. 1093-1834:

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298; phone (978)281-9300; fax (978)281-9394; and File No. 774-1847:

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

Written comments or requests for a public hearing on the application File No. 774-1847 should be mailed 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 request would be appropriate.

**FOR FURTHER INFORMATION CONTACT:** Kate Swails or Tammy Adams, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** On March 14, 2006 a notice was published in the **Federal Register** (71 FR 13102) that an application had been filed by Susan Shaw. The applicant requested a 5-year permit to investigate the utility of free-ranging harbor seals as a mammalian sentinel species for coastal contamination and associated health risks for top consumers in the marine food chain. After completing revisions the applicant plans to resubmit the application in the fall.

A permit (File No. 774-1847) 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), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

The applicant requests a five-year permit to continue a long-term ecosystem monitoring program of pinniped species in the South Shetland Islands, Antarctica. The applicant proposes to take up to 710 Antarctic fur seals and 20 leopard seals annually. The animals would be captured, measured, weighed, tagged, blood sampled, and have time-depth recorders, VHF transmitters, and platform terminal transmitters attached. A subset of fur seals would be given an enema, have a tooth extracted, milk sampled, and be part of a doubly-labeled water study on energetics. A subset of leopard seals would be blubber and muscle sampled. Additionally, the applicant would conduct regional census surveys. The applicant also requests authorization for the research-related mortality of up to three Antarctic fur seals and one leopard seal annually.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application File No. 774-1847 to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: June 12, 2006.

**P. Michael Payne,**

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

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