



whether the applicant has demonstrated that the proposed activity is humane and does not represent any unnecessary risks to the health and welfare of marine mammals; that the proposed activity by itself, or in combination with other activities, will not likely have a significant adverse impact on the species or stock; and that the applicant's expertise, facilities and resources are adequate to accomplish successfully the objectives and activities stated in the application.

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: May 14, 2008.

**P. Michael Payne,**

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

[FR Doc. E8-11300 Filed 5-19-08; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XG74**

#### Permits; Foreign Fishing

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

**ACTION:** Notice; denial of permit.

**SUMMARY:** Notice is hereby given that a request for five transshipment permits regarding a foreign fishing application submitted under provisions of the Magnuson-Stevens Fishery Conservation and Management Act has been denied.

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

Office of International Affairs, 1315 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Olson, Office of International Affairs, (301) 713-2276.

**SUPPLEMENTARY INFORMATION:** NMFS received an application requesting authorization for five Mexican vessels to receive, within the Pacific waters of the U.S. EEZ south of 34000'N. lat. and east of 121000'W.long., transfers of live tuna from U.S. purse seiners for the purpose of transporting the tuna alive to an aquaculture facility located in Baja California, Mexico. On April 1, 2008 (73 FR 11327), NMFS published a notice of

receipt for the application. Because the transshipment of purse seine-caught tuna is prohibited in the Eastern Pacific Ocean under 50 CFR 300.24(d) and 50 CFR 300.25(d), the application has been denied.

Dated: May 15, 2008.

**Jean-Pierre Ple,**

*Acting Director, Office of International Affairs, National Marine Fisheries Service.*

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket No. [Transmittal Nos. 08-31]]

#### 36(b)(1) Arms Sales Notification

**AGENCY:** Department of Defense, Defense Security Cooperation Agency

**ACTION:** Notice

**SUMMARY:** The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104-164 dated 21 July 1996.

**FOR FURTHER INFORMATION CONTACT:** Ms. B. English, DSCA/DBO/CFM, (703) 601-3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 08-31 with attached transmittal, policy justification, and Sensitivity of Technology.

**BILLING CODE 5001-06-M**