

and Procedures Manual (ROP), the Navy estimates that various numbers of harbor porpoise (*Phocoena phocoena*), northern fur seals (*Callorhinus ursinus*), California sea lions (*Zalophus californianus*), northern elephant seals (*Mirounga angustirostris*), and harbor seals (*Phoca vitulina*) would be taken by Level B harassment, including temporary threshold shift (TTS) in hearing sensitivities of harbor seals.

#### Proposed Monitoring and Mitigation Measures

The NUWC Keyport Range Complex Extension proposed a list of monitoring and mitigation measures to reduce potential adverse impacts to marine mammals.

The Navy states that mitigating potential impacts to the environment during RDT&E activities in the Keyport Range Complex Extension would be accomplished through strict adherence to the ROP, which would be followed for all Keyport range activities. The ROP is designed to protect the health and safety of the public and Navy personnel and equipment as well as to protect the marine environment. The policies and procedures address issues such as safety, development of approved run plans, range operation personnel responsibility, deficiency reporting, all facets of range activities, and the establishment of "exclusion zones" to ensure that there are no marine mammals within a prescribed area prior to the commencement of each in-water exercise within the Keyport Range Complex Extension. All range operators are trained by NOAA in marine mammal identification, and active acoustic activities are suspended or delayed if whales, dolphins, or porpoises (cetaceans) are observed within range areas. Table 11-1 of the application provides a summary of selected ROP sections and other range procedures which apply to current Keyport Range Complex activities at the Keyport Range Site, DBRC Site, and QUTR Site, and also apply to proposed activities within the current and proposed range site boundaries. The policies and procedures outlined in the ROP are continually being updated as new environmental and health and safety information becomes available.

In particular, the following marine mammal protection measures are implemented per ROP for current activities, and these would also apply for the proposed activities within the Keyport Range Complex Extension:

(1) Range activities shall be conducted in such a way as to ensure marine mammals are not harassed or harmed by human-caused events.

(2) Marine mammal observers are on board ship during range activities. All range personnel shall be trained in marine mammal recognition. Marine mammal observer training is normally conducted by qualified organizations such as NOAA/National Marine Mammal Lab (NMML) on an as needed basis.

(3) Vessels on a range use safety lookouts during all hours of range activities. Lookout duties include looking for any and all objects in the water, including marine mammals. These lookouts are not necessarily looking only for marine mammals. They have other duties while aboard. All sightings are reported to the Range Officer in charge of overseeing the activity.

(4) Visual surveillance shall be accomplished just prior to all in-water exercises. This surveillance shall ensure that no marine mammals are visible within the boundaries of the area within which the test unit is expected to be operating. Surveillance shall include, as a minimum, monitoring from all participating surface craft and, where available, adjacent shore sites.

(5) The Navy shall postpone activities until cetaceans leave the project area. When cetaceans have been sighted in an area, all range participants increase vigilance and take reasonable and practicable actions to avoid collisions and activities that may result in close interaction of naval assets and marine mammals. Actions may include changing speed and/or direction and are dictated by environmental and other conditions (e.g., safety, weather).

(6) An "exclusion zone" shall be established and surveillance will be conducted to ensure that there are no marine mammals within this exclusion zone prior to the commencement of each in-water exercise. For cetaceans, the exclusion zone must be at least as large as the entire area within which the test unit may operate, and must extend at least 1,000 yards (914.4 m) from the intended track of the test unit. For pinnipeds, the exclusion zone extends out 100 yards (91 m) from the intended track of the test unit.

(7) Vessels approach within 100 yards (91 m) of marine mammals shall be followed to the extent practicable considering human and vessel safety priorities. All Navy vessels and aircraft, including helicopters, are expected to comply with this directive. This includes marine mammals hauled-out on islands, rocks, and other areas such as buoys.

(8) In the event of a collision between a Navy vessel and a marine mammal, NUWC Keyport activities will notify the

Navy chain of Command, which would result in notification to NMFS.

(9) Passive acoustic monitoring shall be utilized to detect marine mammals in the area before and during activities, especially when visibility is reduced.

(10) Procedures for reporting marine mammal sightings on the Keyport Range Complex shall be promulgated, and sightings shall be entered into the Range Operating System and forwarded to NOAA/NMML Platforms of Opportunity Program.

#### Information Solicited

Interested persons may submit information, suggestions, and comments concerning the Navy's request (see **ADDRESSES**). All information, suggestions, and comments related to the request will be considered by NMFS in developing, if appropriate, regulations governing the incidental take of marine mammals and issuance of letters of authorization.

Dated: June 27, 2008.

**James H. Lecky,**

*Director, Office of Protected Resources,  
National Marine Fisheries Service.*

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## CONSUMER PRODUCT SAFETY COMMISSION

### Proposed Collection; Comment Request—Information Collection Requirements for Sound Levels of Toy Caps

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** The information collection requirements in a Commission Product Safety Commission (CPSC or Commission) toy cap rule have been approved by the Office of Management and Budget (OMB) under OMB control number 3041-0080. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Commission now requests comments on a proposed extension of approval of those information collection requirements for a period of three years from the date of approval by the OMB.

A regulation codified at 16 CFR 1500.18(a)(5) bans toy caps producing peak sound levels at or above 138 decibels (dB). Another regulation codified at 16 CFR 1500.86(a)(6) exempts toy caps producing sound levels between 138 and 158 dB from the banning rule if they bear a specified warning label and if firms intending to distribute such caps: (1) Notify the

Commission of their intent to distribute such caps; (2) participate in a program to develop toy caps producing sound levels below 138 dB; and (3) report quarterly to the Commission concerning the status of their programs to develop caps with reduced sound levels. The Commission wishes to obtain current and periodically updated information from all manufacturers concerning the status of programs to reduce sound levels of toy caps. The Commission will use this information to monitor industry efforts to reduce the sound levels of toy caps, and to ascertain which firms are currently manufacturing or importing toy caps with peak sound levels between 138 and 158 db.

The Commission will consider all comments received in response to this notice before requesting approval of this collection of information from the Office of Management and Budget.

**DATES:** Written comments must be received by the Office of the Secretary not later than September 2, 2008.

**ADDRESSES:** Written comments should be captioned "Information Collection Requirements for Sound Levels of Toy Caps" and e-mailed to the Office of the Secretary at [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov). Comments may also be sent by facsimile to (301) 504-0127, or by mail to the Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814.

**FOR FURTHER INFORMATION CONTACT:** For information about the proposed collection of information call or write Linda Glatz, Division of Policy and Planning, Office of Information Technology and Technology Services, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone: (301) 504-7671 or by e-mail to [lglatz@cpsc.gov](mailto:lglatz@cpsc.gov).

**SUPPLEMENTARY INFORMATION:**

**A. Estimated Burden**

The Commission staff estimates that there are ten firms required to annually submit the required information. The staff further estimates that the average number of hours per respondent is four per year, for a total of 40 hours of annual burden. The estimated total annual cost to respondents is approximately \$1,002 based on a mean hourly wage of \$25.04 for a first line office manager (based on NAICS 339000 Miscellaneous Manufacturing, Bureau of Labor Statistics, May 2007) ( $\$25.04 \times 40$  hours).

**B. Request for Comments**

The Commission solicits written comments from all interested persons

about the proposed collection of information. The Commission specifically solicits information relevant to the following topics:

- Whether the collection of information described above is necessary for the proper performance of the Commission's functions, including whether the information would have practical utility;
- Whether the estimated burden of the proposed collection of information is accurate;
- Whether the quality, utility, and clarity of the information to be collected could be enhanced; and
- Whether the burden imposed by the collection of information could be minimized by use of automated, electronic or other technological collection techniques, or other forms of information technology.

Dated: June 27, 2008.

**Todd A. Stevenson,**

*Secretary, Consumer Product Safety Commission.*

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**CONSUMER PRODUCT SAFETY COMMISSION**

**Proposed Collection; Comment Request—Notification Requirements for Coal and Woodburning Appliances**

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** The information collection requirements in a Consumer Product Safety Commission (CPSC or Commission) coal and woodburning appliance rule have been approved by the Office of Management and Budget (OMB) under OMB control number 3041-0040. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Commission now requests comments on a proposed extension of approval of those information collection requirements for a period of three years from the date of approval by the OMB.

The rule, codified at 16 CFR Part 1406, requires manufacturers and importers of certain coal and woodburning appliances to provide safety information to consumers on labels and instructions and an explanation of how certain clearance distances in those labels and instructions were determined. The requirements to provide copies of labels and instructions to the Commission have been in effect for stoves manufactured or imported since October

17, 1983, or May 16, 1984, for stoves introduced into United States commerce after May 16, 1984, regardless of the date of manufacture. For this reason, the information burden imposed by this rule is limited to manufacturers and importers introducing new products or models, or making changes to labels, instructions, or information previously provided to the Commission. The purposes of the reporting requirements in Part 1406 are to reduce risks of injuries from fires associated with the installation, operation, and maintenance of the appliances that are subject to the rule, and to assist the Commission in determining the extent to which manufacturers and importers comply with the requirements in Part 1406. The Commission will consider all comments received in response to this notice before requesting approval of this collection of information from the Office of Management and Budget.

**DATES:** Written comments must be received by the Office of the Secretary not later than September 2, 2008.

**ADDRESSES:** Written comments should be captioned "Notification Requirements for Coal and Wood Burning Stoves" and e-mailed to the Office of the Secretary at [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov). Comments may also be sent by facsimile to (301) 504-0127, or by mail to the Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814.

**FOR FURTHER INFORMATION CONTACT:** For information about the proposed collection of information call or write Linda Glatz, Division of Policy and Planning, Office of Information Technology and Technology Services, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone: (301) 504-7671 or by e-mail to [lglatz@cpsc.gov](mailto:lglatz@cpsc.gov).

**SUPPLEMENTARY INFORMATION:**

**A. Estimated Burden**

The CPSC staff estimates that existing manufacturers who are subject to the information collection requirements may introduce up to 15 new models between August 2005 and August 2008, or approximately 5 new models per year. No new manufacturers are expected to begin marketing in the United States. The staff further estimates that the average number of hours per respondent is three hours per year, for a total of about 15 hours of annual burden for all respondents ( $5 \times 3 = 15$ ). The estimated annual cost to respondents is approximately \$77.34 for each new model introduced based on a mean hourly wage of \$25.78 for a first