

NMFS has determined that pile driving could potentially result in harassment to marine mammals but such harassment will have a negligible impact on affected marine mammals and stocks. Therefore NMFS has authorized the taking of 34 beluga whales, 20 harbor seals, 20 harbor porpoises, and 20 killer whales. While behavioral modifications may be made by these species to avoid the resultant acoustic stimuli, when the natural reaction of marine mammals to loud sound, the already noisy background noise level of Knik Arm, habituation of beluga whales, and the required mitigation and monitoring are taken into consideration, NMFS does expect any long-term, significant alterations to marine mammal behavior that could impact vital life functions or decrease reproduction rates. Mitigation measures set forth in the USACE permit will minimize impact to habitat and therefore the effect on availability of prey for marine mammals. The activity will not have an unmitigable adverse impact on the availability of marine mammals for subsistence hunting. Mitigation measures are set in place to ensure no injury or mortality would occur. A conservative injury safety zone, shut down requirements, and soft-starts methods, in combination with diligent monitoring, will minimize adverse impacts.

#### Authorization

As a result of these determinations, NMFS has issued an IHA to the Port of Anchorage and the U.S. Department Maritime Administration, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: July 15, 2008.

**James H. Lecky,**

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

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Renewal of Department of Defense Federal Advisory Committees

**AGENCY:** Department of Defense.

**ACTION:** Renewal of Federal Advisory Committee.

**SUMMARY:** Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102-3.65, the Department of

Defense gives notice that it is renewing the charter for the Missile Defense Advisory Committee (hereafter referred to as the Committee).

The Committee is a discretionary federal advisory committee established by the Secretary of Defense to provide the Department of Defense and the Director, Missile Defense Agency independent advice and recommendations on all matters relating to missile defense, including system development, technology, program maturity and readiness of configurations of the Ballistic Missile Defense System. The Committee, in accomplishing its mission: (a) Conducted an assessment of the MDA's Capabilities-Based Acquisition approach; (b) made recommendations in the areas of Approach, Transition to Production and Sustainment, Block Names, and MDA-Managed Systems; (c) assessed the U.S. ballistic missile defense capabilities against a certain potential level of threat; and (d) set forth recommendation in the areas of Deterrence, Research and Development, and Combatant Commands and Services.

The Committee shall be composed of not more than 10 members, who are distinguished authorities in the field of national defense policy, acquisition and technical areas relating to Ballistic Missile Defense System Programs. Committee members appointed by the Secretary of Defense, who are not federal officers or employees, shall be appointed as experts and consultants under the authority of 5 U.S.C. 3109 and with the exception of travel and per diem for official travel, shall serve without compensation, unless otherwise authorized by the Secretary of Defense. The Secretary of Defense shall renew the appointments of these Special Government Employees on an annual basis. The Committee shall select the Chairperson from the total Committee membership.

The Committee shall be authorized to establish subcommittees, as necessary and consistent with its mission, and these subcommittees or working groups shall operate under the provisions of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976, and other appropriate federal regulations.

Such subcommittees or workgroups shall not work independently of the chartered Committee, and shall report all their recommendations and advice to the Committee for full deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the chartered Committee nor can they report directly to the Department of Defense or any

federal officers or employees who are not Committee members.

**FOR FURTHER INFORMATION CONTACT:**

Contact Jim Freeman, Deputy Committee Management Officer for the Department of Defense, 703-601-6128.

**SUPPLEMENTARY INFORMATION:** The Committee shall meet at the call of the Committee's Designated Federal Officer, in consultation with the Committee's chairperson. The Designated Federal Officer, pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with established DoD policies and procedures. The Designated Federal Officer or duly appointed Alternate Designated Federal Officer shall attend all committee meetings and subcommittee meetings.

Pursuant to 41 CFR 102-3.105(j) and 102-3.140, the public or interested organizations may submit written statements to the Missile Defense Advisory Committee membership about the Committee's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the Missile Defense Advisory Committee.

All written statements shall be submitted to the Designated Federal Officer for the Missile Defense Advisory Committee, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Missile Defense Advisory Committee's Designated Federal Officer can be obtained from the GSA's FACA Database—<https://www.fido.gov/facadatabase/public.asp>.

The Designated Federal Officer, pursuant to 41 CFR 102-3.150, will announce planned meetings of the Missile Defense Advisory Committee. The Designated Federal Officer, at that time, may provide additional guidance on the submission of written statements that are in response to the stated agenda for the planned meeting in question.

Dated: July 11, 2008.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer,  
Department of Defense.*

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Board of Visitors Meeting

**AGENCY:** Defense Acquisition University, DoD.

**ACTION:** Board of visitors meeting.

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