

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Parts 21 and 22**

[FWS-R9-MB-2009-0002; 91200-1231-9BPP]

RIN 1018-AW44

**Migratory Bird Permits; Changes in the Regulations Governing Falconry***Correction*

In rule document 2010-12 beginning on page 927 in the issue of Thursday, January 7, 2010, make the following corrections:

1. On page 929, in the first column, under the **Revisions to the Falconry Regulations** heading, in the third line, “(d)(1)(ii)(A)(4)” should read “(d)(1)(ii)(A)(4)”.

2. On the same page, in the second column, in paragraph (5), in the second line, “§21.29(d)(1)(ii)(A)(4)” should read “§21.29(d)(1)(ii)(A)(4)”.

**§21.29 [Corrected]**

3. On page 931, in §21.29, in the first column, in amendatory instruction 3., in paragraph a., in the third line, “(c)(3)(i)(C)(1), (2), and (3)” should read “(c)(3)(i)(C)(1), (2), and (3)”.

4. On the same page, in the same section, in the same column, in amendatory instruction 3., in paragraph e., in the third line, “(c)(3)(iv)(A)(1) and (2)” should read “(c)(3)(iv)(A)(1) and (2)”.

5. On the same page, in the same section, in the same column, in amendatory instruction 3., in paragraph f., in the second line, “(c)(3)(iv)(A)(2)” should read “(c)(3)(iv)(A)(2)”.

6. On the same page, in the same section, in the same column, in amendatory instruction 3., in paragraph k., in the third and fourth lines, “(d)(1)(ii)(A)(1), (2), (3), and (4)” should read “(d)(1)(ii)(A)(1), (2), (3), and (4)”.

7. On the same page, in the same section, in the same column, in amendatory instruction 3., in paragraph m., in the third line, “(d)(1)(ii)(B)(1) and (2)” should read “(d)(1)(ii)(B)(1) and (2)”.

8. On the same page, in the same section, in the same column, in amendatory instruction 3., in paragraph m., in the fifth line, “(d)(1)(ii)(D)(1), (2), and (3)” should read “(d)(1)(ii)(D)(1), (2), and (3)”.

9. On the same page, in the same section, in the second column, in paragraph s., in the third line, “(e)(3)(vi)(C)(1) and (2)” should read “(e)(3)(vi)(C)(1) and (2)”.

10. On the same page, in the same section, in the third column, in

paragraph (4), in the first line, “(4)” should read “(4)”.

[FR Doc. C1-2010-12 Filed 1-20-10; 8:45 am]

BILLING CODE 1505-01-D

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 218**

RIN 0648-AW80

**Taking and Importing Marine Mammals; U.S. Naval Surface Warfare Center Panama City Division Mission Activities**

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

**ACTION:** Final rule.

**SUMMARY:** NMFS, upon application from the U.S. Navy (Navy), is issuing regulations to govern the unintentional taking of marine mammals incidental to activities conducted at the Naval Surface Warfare Center Panama City Division (NSWC PCD) for the period of January 2010 through January 2015. The Navy's activities are considered military readiness activities pursuant to the Marine Mammal Protection Act (MMPA), as amended by the National Defense Authorization Act for Fiscal Year 2004 (NDAA). These regulations, which allow for the issuance of “Letters of Authorization” (LOAs) for the incidental take of marine mammals during the described activities and specified timeframes, prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on marine mammal species and their habitat, as well as requirements pertaining to the monitoring and reporting of such taking.

**DATES:** Effective January 21, 2010, through January 21, 2015.

**ADDRESSES:** A copy of the Navy's application (which contains a list of the references used in this document), NMFS' Record of Decision (ROD), and other documents cited herein may be obtained by writing to Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3225 or by telephone via the contact listed here (**FOR FURTHER INFORMATION CONTACT**). Additionally, the Navy's LOA application may be obtained by visiting the Internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications>.

[www.nmfs.noaa.gov/pr/permits/incidental.htm#applications](http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications).

**FOR FURTHER INFORMATION CONTACT:**

Shane Guan, Office of Protected Resources, NMFS, (301) 713-2289, ext. 137.

**SUPPLEMENTARY INFORMATION:** Extensive supplementary information was provided in the proposed rule for this activity, which was published in the **Federal Register** on Thursday, April 30, 2009 (74 FR 20156). This information will not be reprinted here in its entirety; rather, all sections from the proposed rule will be represented herein and will contain either a summary of the material presented in the proposed rule or a note referencing the page(s) in the proposed rule where the information may be found. Any information that has changed since the proposed rule was published will be addressed herein. Additionally, this final rule contains a section that responds to the comments received during the public comment period.

**Background**

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (Secretary) to allow, upon request, the incidental, but not intentional taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) during periods of not more than five consecutive years each if certain findings are made and regulations are issued or, if the taking is limited to harassment, notice of a proposed authorization is provided to the public for review.

Authorization shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses, and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such taking are set forth.

NMFS has defined “negligible impact” in 50 CFR 216.103 as:

An impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

The NDAA (Pub. L. 108-136) removed the “small numbers” and “specified geographical region” limitations and amended the definition of “harassment” as it applies to a “military readiness activity” to read as follows (Section 3(18)(B) of the MMPA):

(i) Any act that injures or has the significant potential to injure a marine