

**RECORD SOURCE CATEGORIES:**

Delete and replace with the following language:

“Individuals covered by selected administrative record systems and Census Bureau censuses and surveys.”

**EXEMPTIONS CLAIMED FOR SYSTEM:**

Delete and replace with the following language:

“Pursuant to 5 U.S.C., Section 552a(k)(4), this system of records is exempted from the notification, access, and contest requirements of the agency procedures (under 5 U.S.C., 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is applicable as the data are maintained by the Bureau of the Census solely as statistical records, as required under Title 13 U.S.C., and are not used in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance with the Department’s rules which appear in 15 CFR part 4 subpart B and in accordance with agency rules published in the rules section of this **Federal Register**.”

Dated: October 21, 2010.

**Brenda Dolan,**

*Department of Commerce, Freedom of Information/Privacy Act Officer.*

[FR Doc. 2010-27216 Filed 10-26-10; 8:45 am]

**BILLING CODE 3510-07-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****Availability of Seats for Olympic Coast National Marine Sanctuary Advisory Council**

**AGENCY:** Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notice and request for applications.

**SUMMARY:** The ONMS is seeking applications for the following vacant seats on the Olympic Coast National Marine Sanctuary Advisory Council: Marine Business and Industry, and Citizen-at Large. Both a primary and alternate member will be selected for each of the two seats. Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; philosophy regarding the protection and management of marine resources; and possibly the length of residence in the area affected by the sanctuary.

Applicants who are chosen as members should expect to serve three-year terms, pursuant to the council’s charter.

**DATES:** Applications are due by November 19, 2010.

**ADDRESSES:** Application kits may be obtained from Norma Klein, Olympic Coast National Marine Sanctuary, 115 East Railroad Ave., Suite 301, Port Angeles, WA 98362 ([norma.klein@noaa.gov](mailto:norma.klein@noaa.gov)). Completed applications should be sent via mail or e-mail to the same address.

**FOR FURTHER INFORMATION CONTACT:**

Carol Bernthal, OCNMS Superintendent, 115 East Railroad Ave., Suite 301, Port Angeles, WA 98362, 360.457.6622 x11, [carol.bernthal@noaa.gov](mailto:carol.bernthal@noaa.gov).

**SUPPLEMENTARY INFORMATION:** Sanctuary Advisory Council members and alternates serve three-year terms, unless the member and alternate are selected to fill unexpired terms. In that case, the member and alternate will serve out the remaining time on the unexpired term. The Advisory Council meets bi-monthly in public sessions in communities in and around Olympic Coast National Marine Sanctuary.

The Olympic Coast National Marine Sanctuary Advisory Council was established in December 1998 to assure continued public participation in the management of the sanctuary. Serving in a volunteer capacity, the advisory council’s 15 voting members represent a variety of local user groups, as well as the general public. In addition, five Federal government agencies and one Federally funded program serve as non-voting, ex officio members. Since its establishment, the advisory council has played a vital role in advising OCNMS and NOAA on critical issues. In addition to providing advice on management issues facing the Sanctuary, council members serve as a communication bridge between constituents and OCNMS staff.

**Authority:** 16 U.S.C. 1431, *et seq.*

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: October 15, 2010.

**Daniel J. Basta,**

*Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.*

[FR Doc. 2010-27088 Filed 10-26-10; 8:45 am]

**BILLING CODE 3510-NK-M**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****Extension of Application Period for Seats for the Stellwagen Bank National Marine Sanctuary Advisory Council**

**AGENCY:** Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notice of extension for application period and request for applications.

**SUMMARY:** The ONMS is extending the deadline and seeking applications for the following vacant seats on the Stellwagen Bank National Marine Sanctuary Advisory Council: Advisory Council: For member and alternate seats for Conservation; and alternates seats for Whalewatching, Education, At-Large and Mobile Gear Commercial Fishing. Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; philosophy regarding the protection and management of marine resources; and possibly the length of residence in the area affected by the sanctuary. Applicants who are chosen as members should expect to serve two- to three-year terms, pursuant to the council’s Charter.

**DATES:** Applications are due by 19 November 2010 (COB: close of business day).

**ADDRESSES:** Application kits may be obtained at <http://www.stellwagen.noaa.gov/sac/news.html>. Completed applications should be sent to [Elizabeth.Stokes@noaa.gov](mailto:Elizabeth.Stokes@noaa.gov) or faxed to 781-545-8036.

**FOR FURTHER INFORMATION CONTACT:**

Nathalie Ward, Stellwagen Bank National Marine Sanctuary, 175 Edward Foster Road, Scituate, MA 02066, 781-545-8026 X206, [nathalie.ward@noaa.gov](mailto:nathalie.ward@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The Stellwagen Bank National Marine Sanctuary Advisory Council was established in March 2001 to assure continued public participation in the management of the Sanctuary. The Advisory Council’s 17 voting members represent a variety of local user groups, as well as the general public, plus 6 local, State and Federal government agencies. Since its establishment, the Council has played a vital role in advising the Sanctuary and NOAA on critical issues.

The Stellwagen Bank National Marine Sanctuary encompasses 842 square miles of ocean, stretching between Cape Ann and Cape Cod. Renowned for its scenic beauty and remarkable productivity, the sanctuary supports a rich diversity of marine life including 22 species of marine mammals, more than 30 species of seabirds, over 60 species of fishes, and hundreds of marine invertebrates and plants.

**Authority:** 16 U.S.C. 1431, *et seq.*

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: October 14, 2010.

**Daniel J. Basta,**

*Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.*

[FR Doc. 2010-27089 Filed 10-26-10; 8:45 am]

**BILLING CODE 3510-NK-M**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XX25

#### Small Takes of Marine Mammals Incidental to Specified Activities; Exploratorium Relocation Project in San Francisco, CA

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

**ACTION:** Notice; issuance of an incidental take authorization.

**SUMMARY:** In accordance with the Marine Mammal Protection Act (MMPA) regulations, notification is hereby given that NMFS has issued an Incidental Harassment Authorization (IHA) to the Exploratorium, allowing the take of small numbers of marine mammals, by Level B harassment only, incidental to pile driving associated with the Exploratorium's relocation project.

**DATES:** Effective October 25, 2010, through October 24, 2011.

**ADDRESSES:** A copy of the IHA, the application, and the Environmental Assessment are available by writing to P. 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 telephoning the contact listed here (*see FOR FURTHER INFORMATION CONTACT*), or visiting the Internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications>.

Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address.

**FOR FURTHER INFORMATION CONTACT:** Michelle Magliocca or Jaclyn Daly, Office of Protected Resources, NMFS, 301-713-2289.

#### SUPPLEMENTARY INFORMATION:

##### Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specific geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is published in the **Federal Register** and provided to the public for review.

Authorization for incidental takings 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 (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings 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."

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Section 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by publication of notice of the proposal to issue an IHA in the **Federal Register** and a 30-day public comment period. Within 45 days of the close of the comment period, NMFS must either issue or deny the authorization.

Except with respect to certain activities not pertinent here, the MMPA defines "harassment" as:

Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing

disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

#### Summary of Request

On April 28, 2010, NMFS received an application from the Exploratorium—a nature, science, art, and technology museum—requesting an IHA for the take, by Level B harassment, of small numbers of marine mammals incidental to relocation of the Exploratorium museum. The Exploratorium is relocating from the Palace of Fine Arts to Piers 15 and 17, along San Francisco's waterfront, to allow for expansion of the museum's facility. Pile driving during the project may result in harassment of Pacific harbor seals (*Phoca vitulina richardii*), California sea lions (*Zalophus californianus*), harbor porpoises (*Phocoena phocoena*), and gray whales (*Eschrichtius robustus*) within the action area. In accordance with MMPA implementing regulations, NMFS issued a notice in the **Federal Register** on July 22, 2010 (75 FR 42691), requesting comments from the public on the proposed IHA.

#### Description of the Specified Activity

A complete description of the specified activity may be found in NMFS' proposed IHA notice in the **Federal Register** (75 FR 42691, July 22, 2010) and a summary is provided here.

To make room for the new Exploratorium, a maximum of 69 various sized steel piles (thirty 72-inch, twenty-six 24-inch, and thirteen 20-inch diameter piles) will be installed around Piers 15 and 17 using a vibratory hammer (Table 1). Between two and five steel piles (average of three piles) will be installed daily, depending on their size and the amount of time necessary to install them. Each pile will take approximately 30 minutes to install followed by at least one hour break, the minimum amount of time needed to reset the hammer and next pile. In total, the Exploratorium anticipates conducting 28 hours of pile driving over the course of their authorization; however, this may be increased due to encountering difficulty in driving piles, construction extensions, *etc.* All piles will be installed with an ICE 14122 (or similar) vibratory hammer; however, it may be necessary to seat a pile using an impact hammer. Based on the ground sediments and the depth of pile driving needed, the use of an impact hammer is not anticipated for the smaller 20-inch and 24-inch piles but may be needed for the large diameter 72-inch piles. Should an impact hammer be necessary, the Exploratorium will use a steam or