

## Background

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce to allow, upon request, the incidental, but not intentional taking of marine mammals by U.S. citizens who engage in a military readiness activity if certain findings are made and regulations are issued.

Authorization may be granted for periods of five years or less if NMFS finds that the taking will have a negligible impact on the species or stock(s), and will not have an unmitigable adverse impact on the availability of the species or stock(s) for certain subsistence uses. In addition, NMFS must prescribe regulations that include permissible methods of taking and other means effecting the least practicable adverse impact on the species and its habitat, and on the availability of the species for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance. The regulations also must include requirements pertaining to the monitoring and reporting of such taking.

Regulations governing the taking of marine mammals incidental to the U.S. Navy's operation of SURTASS LFA sonar were published on August 21, 2007 (72 FR 46846) and remain in effect through August 15, 2012. They are codified at 50 CFR part 216 subpart Q. These regulations include mitigation, monitoring, and reporting requirements for the incidental taking of marine mammals by the SURTASS LFA sonar system. For detailed information on this action, please refer to the August 21, 2007 **Federal Register** document and 50 CFR part 216 subpart Q.

## Summary of LOA Request

NMFS received an application from the U.S. Navy for four LOAs, one covering the USNS VICTORIOUS (T-AGOS 19), one covering the USNS ABLE (T-AGOS 20), one covering the USNS EFFECTIVE (T-AGOS 21), and one covering the USNS IMPECCABLE (T-AGOS 23), under the regulations issued on August 21, 2007 (72 FR 46846). (**Note:** The R/V CORY CHOUEST has been retired and has been replaced by the USNS ABLE.) The Navy requested that these LOAs become effective on August 16, 2011. The application requested authorization, for a period not to exceed one year, to take, by harassment, marine mammals incidental to employment of the SURTASS LFA sonar system for training, testing and routine military operations on the aforementioned ships

in areas of the Pacific Ocean, as described in the 2007 regulations.

## Monitoring and Reporting

In compliance with NMFS' 2007 SURTASS LFA sonar regulations, the Navy submitted an annual report (No. 3) for SURTASS LFA sonar operations during 2009–2010. The Navy also submitted a comprehensive report on SURTASS LFA sonar operations and the mitigation and monitoring activities conducted under the LOAs issued under its previous rule for the 2002 through 2007 period. A copy of these reports can be viewed and/or downloaded at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications>. Based on these reports, the Navy has conducted the specified activities in the manner described in the regulations and LOAs, and has implemented the required mitigation and monitoring measures. Additionally, marine mammal detections and behavioral observations suggest that the actual impacts of SURTASS LFA sonar operation and training fall within the scope and nature of those analyzed and anticipated by the regulations and LOAs.

In accordance with the current SURTASS LFA sonar regulations (50 CFR 216.186), the Navy has submitted classified quarterly mission reports. Under the first three LOA periods in the current rule, the Navy has not exceeded the take authorized by NMFS. Based on the submitted quarterly reports for the 2010 LOAs, NMFS does not expect the Navy to exceed authorized take (requested and authorized) based on the Navy's 2010 application. The annual report (No. 4) for the 2010–2011 LOAs is due on September 30, 2011. Upon receipt, NMFS will post this annual report at <http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications>.

## Authorization

NMFS has issued four LOAs to the U.S. Navy, authorizing the incidental harassment of marine mammals, incidental to operating the four SURTASS LFA sonar systems for training, testing and routine military operations. Issuance of these four LOAs is based on findings, described in the preamble to the final rule (72 FR 46846, August 21, 2007) and supported by information contained in the Navy's required reports on SURTASS LFA sonar, that the activities described under these four LOAs will have no more than a negligible impact on marine mammal stocks and will not have an unmitigable adverse impact on the availability of the affected marine mammal stocks for subsistence uses.

These LOAs remain valid through August 15, 2012, provided the Navy remains in conformance with the conditions of the regulations and the LOAs, and the mitigation, monitoring, and reporting requirements described in 50 CFR 216.184–216.186 (72 FR 46846, August 21, 2007) and in the LOAs are undertaken.

Dated: August 12, 2011.

**James H. Lecky,**

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

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## DEPARTMENT OF DEFENSE

### Department of the Navy

#### Nominations for Membership on the Ocean Research Advisory Panel

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Notice.

**SUMMARY:** The Ocean Research Advisory Panel (ORAP) is soliciting nominations for new members.

**DATES:** Nominations should be submitted no later than September 15, 2011.

**ADDRESSES:** Nominations should be submitted via e-mail to CDR Stephen D. Martin, U.S. Navy, at [stephen.d.martin@navy.mil](mailto:stephen.d.martin@navy.mil).

*Contact Information:* Office of Naval Research, 875 North Randolph Street Suite 1425, Attn: ONR Code 322B Room 1075, Arlington, VA 22203, telephone 703–696–4395.

**FOR FURTHER INFORMATION CONTACT:** Dr. Charles L. Vincent, Office of Naval Research, 875 North Randolph Street Suite 1425, Arlington, VA 22203–1995, telephone 703–696–4120.

**SUPPLEMENTARY INFORMATION:** ORAP is a statutorily mandated federal advisory committee that provides senior advice to the National Ocean Research Leadership Council (NORLC), the governing body of the National Oceanographic Partnership Program (NOPP). Under the National Ocean Policy, the National Ocean Council (NOC) Deputy-level Committee has assumed the responsibilities of the NORLC. ORAP provides independent advice and guidance to the NOC. The NOC routinely provides guidance and direction on the areas for which it seeks advice and recommendations from ORAP. ORAP also advises on selection of projects and allocation of funds for NOPP.

*Panel Member Duties and Responsibilities:* Members of the panel

represent the National Academy of Sciences, the National Academy of Engineering, the Institute of Medicine, ocean industries, state governments, academia and others, including individuals who are eminent in the fields of marine science, marine policy, or related fields, including ocean resource management. Members are appointed annually and may serve a term of four years, and are not normally compensated except for travel expenses and per diem while away from their homes in performance of services for the panel.

The panel meets for at least one two-day public meeting per year, but possibly meets three times per year, on dates agreeable by the panel members; attendance at meetings is expected. Intercessional activities not involving formal decisions or recommendations may be carried out electronically, and the panel may establish sub-panels composed of less than full membership to carry out panel duties.

**Nominations:** Any interested person or organization may nominate qualified individuals (including one's self) for membership on the panel. Nominated individuals should have extended expertise and experience in the field of ocean science and/or ocean resource management. Nominations should be identified by name, occupation, position, address, telephone number, e-mail address, and a brief paragraph describing their qualifications in the context of the ORAP Charter, that can be found on-line at (<http://www.nopp.org/committees/orap/>), and ability to represent a stakeholder group. Nominations should also include a résumé or curriculum vitae.

**Process and Deadline for Submitting Nominations:** Submit nominations via e-mail to CDR Stephen Martin ([stephen.d.martin@navy.mil](mailto:stephen.d.martin@navy.mil)) no later than September 15, 2011. ORAP nomination committees under the direction of the National Ocean Council will evaluate the nominees identified by respondents to this Federal Register notice and down-select to a short-list of available candidates (150% of the available open positions for consideration). These selected candidates will be required to fill-out the "Confidential Financial Disclosure Report" OGE form 450. This confidential form will allow Government officials to determine whether there is a statutory conflict between a person's public responsibilities and private interests and activities, or the appearance of a lack of impartiality, as defined by federal regulation. The form and additional guidance may be viewed at:

([http://www.usoge.gov/forms/oge450\\_pdf/oge450\\_automated.pdf](http://www.usoge.gov/forms/oge450_pdf/oge450_automated.pdf)).

In accordance with section 7903 of title 10, United States Code, the short-list of candidates will then be submitted for approval by the Secretaries of the Navy and Defense who are the appointing officials for their consideration. At this time, six openings are envisioned on the Panel and the final set of nominees will seek to balance a range of geographic and sector representation and experience. Applicants must be U.S. citizens. Successful nominees must provide detailed information required to evaluate potential conflicts of interest. Typically the time required to achieve the final appointments to the Panel is 10–12 months. Members of the Panel serve as Special Government Employees who volunteer their time but whose travel costs for Panel business is provided by the Government. ORAP is a Federal Advisory Committee and operates under the principles of open and transparent development of advice to the government.

The selection of new panel members will be based on the nominee's qualifications to provide senior advice to the NOC; the availability of the potential panel member to fully participate in the panel meetings; absence of any conflict of interest or appearance of lack of impartiality, and lack of bias; the candidates' areas of expertise and professional qualifications; and achieving an overall balance of different perspectives, geographic representation, and expertise on the panel.

Dated: August 11, 2011.

**J. M. Beal**

*Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.*

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## DEPARTMENT OF EDUCATION

### Notice of Proposed Information Collection Requests

**AGENCY:** Department of Education.

**ACTION:** Comment Request.

**SUMMARY:** The Department of Education (the Department), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collection of information. This helps the Department assess the impact of its information collection requirements and minimize

the reporting burden on the public and helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before October 17, 2011.

**ADDRESSES:** Comments may be submitted electronically to [FAFSA.Comments@ed.gov](mailto:FAFSA.Comments@ed.gov). We ask that you copy them to [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov) or mail to U.S. Department of Education, UCP Building, 1830 First Street, NE., Washington, DC 20202–4357. Please note that written comments received in response to this notice will be considered public records.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that Federal agencies provide interested parties an early opportunity to comment on information collection requests. The Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. The Department of Education is especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: August 12, 2011.

**Darrin A. King,**

*Director, Information Collection Clearance Division, Privacy, Information and Records Management Services.*

As required by the Paperwork Reduction Act of 1995, this notice requests comments on the 2012–2013 versions of the forms used by individuals applying for Federal student aid including the Free Application for Federal Student Aid (FAFSA) and the Student Aid Report (SAR).