

base an impact determination. In addition to considering estimates of the number of marine mammals that might be “taken” through behavioral harassment, NMFS must consider other factors, such as the likely nature of any responses (their intensity, duration, etc.), the context of any responses (critical reproductive time or location, migration, etc.), or any of the other variables mentioned in the first paragraph (if known), as well as the number and nature of estimated Level A takes, the number of estimated mortalities, and effects on habitat.

The aforementioned additional mitigation and monitoring measures will increase the buffer zone to account for marine mammal movement and increase marine mammal visual monitoring efforts to ensure that no marine mammal would be in a zone where injury and/or mortality could occur as a result of time-delayed detonation.

In addition, the estimated exposures are based on the probability of the animals occurring in the area when a training event is occurring, and this probability does not change based on the use of TDFDs or implementation of mitigation measures (i.e., the exposure model does not account for how the charge is initiated and assumes no mitigation is being implemented). Therefore, the potential effects to marine mammal species and stocks as a result of the proposed mine neutralization training activities are the same as those analyzed in the final rules governing the incidental takes for these activities. Consequently, NMFS believes that the existing analyses in the final rules do not change as a result of the proposed LOA to include mine neutralization training activities using TDFDs.

Further, there will be no increase of marine mammal takes as analyzed in previous rules governing NMFS issued incidental takes that could result from the Navy’s training activities within these Range Complexes by using TDFDs.

Based on the analyses of the potential impacts from the proposed mine countermeasure training exercises conducted within the MIRC, especially on the proposed improvement on marine mammal monitoring and mitigation measures, NMFS has preliminarily determined that the modification of the Navy’s current LOA to include taking of marine mammals incidental to mine neutralization training using TDFD within the MIRC will have a negligible impact on the marine mammal species and stocks present in these action areas, provided

that additional mitigation and monitoring measures are implemented.

#### ESA

There are five marine mammal species that are listed as endangered under the ESA with confirmed or possible occurrence in the MIRC: Humpback whale, blue whale, fin whale, sei whale, and sperm whale.

Pursuant to Section 7 of the ESA, NMFS has begun consultation internally on the issuance of the modified LOAs under section 101(a)(5)(A) of the MMPA for these activities. Consultation will be concluded prior to a determination on the issuance of the modified LOAs.

#### National Environmental Policy Act (NEPA)

NMFS participated as a cooperating agency on the Navy’s Final Environmental Impact Statements (FEIS’s) for the MIRC. NMFS subsequently adopted the Navy’s EIS’s for the purpose of complying with the MMPA. For the modification of the LOA, which include TDFDs, but also specifically add monitoring and mitigation measures to minimize the likelihood of any additional impacts from TDFDs, NMFS has determined that there are no changes in the potential effects to marine mammal species and stocks as a result of the proposed mine neutralization training activities using TDFDs. Therefore, no additional NEPA analysis will be required, and the information in the existing EIS’s remains sufficient.

#### Preliminary Determination

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat and dependent upon the implementation of the mitigation measures, NMFS preliminarily finds that the total taking from Navy mine neutralization training exercises utilizing TDFDs in the MIRC will have a negligible impact on the affected marine mammal species or stocks. NMFS has proposed issuing the modified LOA to allow takes of marine mammals incidental to the Navy’s mine neutralization training exercises using TDFDs, provided that the proposed improvements to the monitoring and mitigation measures are implemented.

Dated: June 1, 2012.

**Helen M. Golde,**

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

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## CONSUMER PRODUCT SAFETY COMMISSION

### Sunshine Act Meeting

**TIME AND DATE:** Wednesday, June 13, 2012, 10 a.m.–11 a.m.

**PLACE:** Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, Maryland.

**STATUS:** Commission Meeting—Open to the Public.

#### MATTERS TO BE CONSIDERED:

*Briefing Matter:* Play Yards—Final Rule.

A live webcast of the Meeting can be viewed at [www.cpsc.gov/webcast](http://www.cpsc.gov/webcast).

For a recorded message containing the latest agenda information, call (301) 504–7948.

#### CONTACT PERSON FOR MORE INFORMATION:

Todd A. Stevenson, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504–7923.

Dated: June 5, 2012.

**Todd A. Stevenson,**  
*Secretary.*

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket No. USA–2007–0014]

### Submission for OMB Review; Comment Request

**ACTION:** Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

**DATES:** Consideration will be given to all comments received by July 9, 2012.

*Title and OMB Number:* Assessing Human Response to Military Impulse Noise; OMB Control Number 0710–TBD.

*Type of Request:* Reinstatement.

*Number of Respondents:* 958.

*Responses per Respondent:* 15.64.

*Annual Responses:* 14,983.

*Average Burden per Response:* 0.0792 hours.

*Annual Burden Hours:* 1,187.

*Needs and Uses:* This information collection requirement is necessary to obtain information on the relationship between community annoyance and complaints, related to impulsive noise from military installations. The