

area and that feeding and courtship behavior have been observed in the area.

There are three distinct populations of right whales inhabiting the North Pacific, North Atlantic and the Southern Hemisphere. Both the North Atlantic and North Pacific stocks have previously been described as a single species, *Eubalaena glacialis* (the northern right whale). Recent genetic studies provide evidence supporting species status for both North Atlantic and North Pacific right whales. NMFS will be conducting a review to determine whether the North Pacific stock should be reclassified as *Eubalaena japonica*.

The North Pacific stock is estimated to have once numbered at least 11,000 animals. These whales were heavily exploited by commercial whaling, and remain severely depleted. No reliable population estimate presently exists for this stock, although it is likely fewer than 500.

The North Pacific stock has historically occurred across the North Pacific, north of 35° N, with concentrations in the Gulf of Alaska, eastern Aleutian Islands, south-central Bering Sea, Sea of Okhotsk, and the Sea of Japan. Sightings of these whales have been rare and sporadic in recent times, although a small number of whales have been seen in the south-central Bering Sea each July since 1996. This petition is based largely on these repeated sightings, during which right whales were observed feeding and engaging in courtship behavior.

Critical habitat has been designated for northern right whales in the Atlantic Ocean, consisting of three areas off the northeastern and southeastern United States. The 1991 recovery plan for northern right whales recommended that a separate recovery plan be prepared for the North Pacific stock "when population numbers are available," and that the plan identify habitats essential or important to survival and recovery. No such plan exists today, and critical habitat has not been identified for the North Pacific stock.

The area recommended by the petitioner for designation has been recognized as a region of the Bering Sea in which right whales have traditionally occurred. Based on commercial whaling information, summering grounds for right whales in the Bering Sea were principally located in a triangular area of the southeastern Bering Sea between Atka, St. Matthew, and Nunivak Island, lying largely within, and to the south of, the recommended critical habitat. The Bering Sea shelf is apparently still used as summer feeding areas for some right

whales, as observed in 1997, when researchers collected plankton samples near feeding right whales in the southeastern Bering Sea, suggesting that these whales have shifted both their foraging ground, (from the shelf break and deeper waters) and their prey species.

In recent years, the Bering Sea has experienced large changes, attributed in part to climatic change which has resulted in a general warming pattern since the mid-1970s. Unusual blooms of phytoplankton have been noted here, and, in 1997, a large bloom occurred in the southeastern Bering Sea, which was associated with concentrations of feeding right whales. The petitioner, however, notes that the presence of these whales in subsequent years, when blooms were not evident, suggests that these waters provide productive foraging habitat under normal oceanic conditions as well.

The location of calving grounds for this stock is unknown. Breeding and calving of North Pacific right whales were assumed to have occurred during winter outside Alaskan waters. The recent observations of courtship behavior do not necessarily indicate that this area is used for breeding.

Response to Petition

NMFS has reviewed the petition, the literature cited in the petition, and other literature and available information. On the basis of that information, NMFS finds that the petition presents substantial scientific information indicating that the requested action may be warranted. NMFS's finding is based in part on our concurrence with petitioner's statement that recent sightings of this stock have occurred in the area, that this region of the Bering Sea experiences intensive use by commercial shipment and fishing vessels, and that the 1991 recovery plan for northern right whales recommended that this stock be protected through "vigorous application of existing laws."

Authority: 16 U.S.C. 1531, *et seq.*

Dated: May 25, 2001.

John Oliver,

*Acting Deputy Assistant for Fisheries,
National Marine Fisheries Service.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 050901F]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Rocket Launches

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

ACTION: Notice of issuance of modification and annual renewal of a letter of authorization.

SUMMARY: In accordance with provisions of the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that a modification and annual renewal to a Letter of Authorization (LOA) to take small numbers of marine mammals incidental to rocket launches at Vandenberg Air Force Base (VAFB) and on the Northern Channel Islands has been issued to the 30th Space Wing, U.S. Air Force.

DATES: Effective from May 31, 2001, until May 31 2002.

ADDRESSES: The letter of authorization and supporting documentation are available for review during regular business hours at the following offices: Marine Mammal Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3225, and the Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802.

FOR FURTHER INFORMATION CONTACT: Simona P. Roberts, Office of Protected Resources, NMFS, (301) 713-2322, ext. 106, or Christina Fahy, Southwest Region, NMFS, (562) 980-4023.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs NMFS to allow, on 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 specified geographical region if certain findings are made and regulations are issued. Under the MMPA, the term "taking" means to harass, hunt, capture, or kill or to attempt to harass, hunt, capture, or kill marine mammals.

Permission may be granted for periods up to 5 years if NMFS finds, after notification and opportunity for public comment, that the taking will have a negligible impact on the species or

stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of the species or stock(s) for 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 must include requirements pertaining to the monitoring and reporting of such taking. Regulations governing the taking of seals and sea lions incidental to missile and rocket launches, aircraft flight test operations, and helicopter operations at Vandenberg were published on March 1, 1999 (64 FR 9930), and remain in effect until December 31, 2003.

In accordance with the MMPA, as amended, and implementing regulations, a 1-year LOA to take small numbers of seals and sea lions was issued on May 31, 2000, to the 30th Space Wing (65 FR 37361).

Summary of Request

On February 5, 2001, the 30th Space Wing, U.S. Air Force, requested a modification to their LOA issued on May 31, 2000. The letter requested modifications to the launch schedule and revisions to the LOA's current monitoring requirements, specifically: (1) to eliminate the number of launches specified for each type of launch vehicle (Titan II, Titan IV, Lockheed-Martin, Delta II, Taurus, Atlas, and Minotaur) to more accurately reflect the year to year variability of launch vehicle type; (2) to clarify that space launches occur from both North and South Vandenberg; (3) to increase the observation period prior to launches from 48 hours before any planned launch time to 72 hours before any planned launch time; (4) to include monitoring over a 2-week period during pupping season following any launches of government and commercial space vehicles, not just following Titan II and Titan IV launches as the current LOA requires; and, (5) to change the criterion for monitoring pinnipeds on the Northern Channel Islands from when sonic booms are predicted to be "focused" or greater than 2 pounds per square foot (psf) to criterion for monitoring pinnipeds on the Northern Channel Islands when predicted sonic booms are greater than 1 psf. A final modification request to conduct observations on harbor seal and other pinniped activity only during the harbor seal pupping season (March-June), as opposed to during any launch, was

inconsistent with the 5-year programmatic implementing regulations (64 FR 9930). Due to this discrepancy, NMFS determined that this final request must be denied because it first requires modification of the current regulations governing space vehicle and test flight activities (50 CFR 216.120-128). In addition to these requested modifications to the launch schedule and monitoring requirements, the 30th Space Wing also requested renewal of their 1-year LOA for the year 2001-2002.

Comments

On March 19, 2001 (66 FR 15406) NMFS published a notice of proposed modification and annual renewal and a 30-day public comment period was provided on the proposed modifications and annual renewal. During the 30-day public comment period no comments were received.

Authorization

In recognition of the timely receipt and acceptance of the reports required under 50 CFR 216.125(d) and a determination that the mitigation measures required pursuant to 50 CFR 216.124 and the LOA have been undertaken, NMFS has renewed and made the requested modifications to the 1-year LOA. Issuance of this LOA is based on a finding that the total takings will have no more than a negligible impact on the seal and sea lion populations off the Vandenberg coast and on the Northern Channel Islands.

Dated: May 23, 2001.

Wanda L. Cain,

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

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DEPARTMENT OF DEFENSE

Office of the Secretary

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense (Personnel and Readiness).

ACTION: Notice.

In compliance with the Paperwork Reduction Act of 1995, as amended, section 3506(c)(2)(A) of title 44, United States Code, the Office of the Under Secretary of Defense (Personnel and Readiness) announces the following proposal to renew public information collection forms and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information

is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 31, 2001.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to the Office of the Under Secretary of Defense (Personnel and Readiness) Department of Defense Education Activity, 4040 N. Fairfax Drive, Arlington, VA 22203, Attn: Ms. Sara Riggs.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address or call at (703) 696-3067 ext. 2652.

Title, Associated Form, and OMB Control Number: Employment Opportunities for Educators; DS Forms 5010, 5011, 5012 and 5013; OMB Number 0704-0370.

Needs and Uses: The information collected by these forms concerns applicants for educator positions within the Department of Defense Dependent Schools. The information is used to verify employment history of educator applicants and to determine creditable previous experience for pay-setting purposes for candidates selected for educator positions. In addition, the information is used to ensure the selection for employment with the Department of Defense Dependents Schools or individuals possessing the abilities and personal traits that give promise of outstanding success under the unusual circumstances they will find working abroad. Information gathered is also used to ensure that the Department of Defense Dependents Schools personnel practices meet the requirements of Federal law. Completion of the forms is entirely voluntary.

Affected Public: Individuals or households.

Annual Burden Hours: 11,200.

Number of Respondents: 24,000.

Responses Per Respondent: 1.

Average Burden Per Response: 28 minutes.

Frequency: Annually.