

The revised final technical report, including all monitoring results during the authorization, will be due 90 days after the end of the 1-year IHA period.

Consultation

NAWCWD Point Mugu has not requested the take of any listed species. Therefore, NMFS has determined that a section 7 consultation under the Endangered Species Act is not required at this time.

Although sea otters are not within the jurisdiction of NMFS, the U.S. Fish and Wildlife Service (FWS) established an experimental population of California sea otters at SNI. The FWS, for purposes of defense-related actions within the SNI translocation zone, has designated sea otters as an experimental population that are to be treated as if they were proposed for listing under the ESA and are subject to the informal consultation process under section 7(a)(4) of the ESA. The Navy has consulted with FWS regarding the take of sea otters incidental to missile launch operations on San Nicolas Island. However, no takes of sea otters are expected as a result of launch activities.

National Environmental Policy Act (NEPA)

In July 2000, NAWCWD Point Mugu issued a Draft Environmental Impact Statement/Overseas Environmental Impact Statement (DEIS) to assess the effects of its ongoing and proposed operations in the Sea Range off Point Mugu. While this DEIS analyzes other activities beyond the scope of this IHA request, Section 4.7 describes launches of target missiles from SNI and notes that these launches sometimes cause pinnipeds hauled out on beaches on the western end of SNI to move into the water. Accordingly, the U.S. Navy determined that it should request this 1-year IHA to ensure that its planned missile launch operations are conducted in full compliance with the MMPA.

An Environmental Assessment (EA) has been prepared that examines the environmental consequences of issuing an IHA for take by harassment of small numbers of several pinniped species incidental to conducting 20 missile and target launch operations from San Nicolas Island, California for a 1-year period (2001-2002). This environmental review process has led NMFS to conclude that issuance of an IHA for these activities will not have a significant effect on the human environment. Therefore, preparation of an environmental impact statement on these actions is not required by Section 102(2) of the National Environmental Policy Act or its implementing

regulations. Copies of the EA and the Finding of No Significant Impact are available upon request (see **ADDRESSES**).

Coastal Zone Management Act Consistency

On February 14, 2001, by a unanimous vote, the State of California Coastal Commission concluded that, with the monitoring and mitigation commitments the Navy has incorporated into their various testing and training activities on the Point Mugu Sea Range, including activities on San Nicolas Island, and including the commitment to enable continuing Commission staff review of finalized monitoring plans and ongoing monitoring results, the activities are consistent with the marine resources, environmentally sensitive habitat and water quality policies (Sections 30230, 30240, and 30231) of the California Coastal Act.

Determinations

Based on the evidence provided in the application, the EA, and this document, and taking into consideration the comments submitted on the application and proposed authorization notice, NMFS has determined that there will be no more than a negligible impact on marine mammals from the issuance of the harassment authorization to NAWCWD Point Mugu. NMFS is assured that the short-term impact of conducting missile launch operations from SNI in the Channel Islands off southern California will result, at worst, in a temporary modification in behavior by certain species of pinnipeds. While behavioral modifications may be made by these species as a result of launch activities, this behavioral change is expected to have a negligible impact on the pinniped species and stocks.

Since the number of potential harassment takings of northern elephant seals, harbor seals, California sea lions, and northern fur seals is estimated to be small, no take by injury and/or death is anticipated, and the potential for temporary or permanent hearing impairment is low and will be avoided through the incorporation of the mitigation measures mentioned in this document and required under the IHA, NMFS has determined that the requirements of section 101(a)(5)(D) of the MMPA have been met and the authorization can be issued.

Authorization

NMFS has issued an IHA to NAWCWD Point Mugu for 15 launches of Vandal (or similar) missiles and 5 launches of smaller subsonic targets from San Nicolas Island, CA for a 1-year period, provided the mitigation,

monitoring, and reporting requirements described in this document and the IHA are undertaken.

Dated: August 1, 2001.

Donald Knowles,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 080101B]

Marine Mammals; File No. 774-1634-00

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

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that Dr. Stephen B. Reilly, Director, IDCPA Research Program, Southwest Fisheries Science Center, National Marine Fisheries Service, P.O. Box 271, La Jolla, California 92038 (Principal Investigator: Dr. Karin Forney), has been issued a permit to take spinner dolphins (*Stenella longirostris*) and Pantropical spotted dolphin (*S. attenuata graffmani*), and other small cetaceans for purposes of scientific research.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 713-2289; fax (301) 713-0376; and

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562) 980-4001; fax (562) 980-4018.

FOR FURTHER INFORMATION CONTACT: Ruth Johnson, Tammy Adams (301) 713-2289, and Nicole Le Boeuf (301) 713-2322.

SUPPLEMENTARY INFORMATION: On June 6, 2001, notice was published in the **Federal Register** (66 FR 30428) that a request for a scientific research permit to take species listed above had been submitted by the above-named organization. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 et seq.), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Dated: August 3, 2001.

Ann D. Terbush,

*Chief, Permits and Documentation Division,
Office of Protected Resources, National
Marine Fisheries Service.*

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COMMODITY FUTURES TRADING COMMISSION

Privacy Act of 1974; Systems of Records; Biennial Publication

AGENCY: Commodity Futures Trading Commission.

ACTION: Publication of annual notice of the existence and character of each system of records that the Commodity Futures Trading Commission ("Commission") maintains that contains information about individuals.

SUMMARY: The purpose of this notice is to announce the existence and character of the systems of records of the Commodity Futures Trading Commission as required by the Privacy Act of 1974, Public Law 93-579, 5 U.S.C. 552a.

Pursuant to 5 U.S.C. 552a(f), the Commission, on August 8, 1975, promulgated rules relating to records maintained by the Commission concerning individuals (40 FR 41056). The rules as amended (17 CFR part 146) address an individual's rights to know what information the Commission has in its files concerning the individual; to have access to those records; to petition the Commission to have inaccurate or incomplete records amended or corrected; and not to have personal information disseminated to unauthorized persons. The full text of the Commission's rules implementing the Privacy Act can be found in 17 CFR part 146.

Under 17 CFR 146.11(a), the Commission is required to publish biennially a notice of the existence and character of each system of records it maintains that contains information about individuals. This notice implements this requirement and, when read together with the Commission's rules, will provide individuals with the information that they need to exercise fully their rights under the Privacy Act.

FOR FURTHER INFORMATION CONTACT:

Edward W. Colbert, Deputy Secretary to the Commission, Freedom of Information Act, Privacy Act and Government in the Sunshine Act Compliance Office, (202) 418-5105, or Stacy Dean Yochum, Counsel to the Executive Director, (202) 418-5157, Commodity Futures Trading

Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581.

SUPPLEMENTARY INFORMATION:

Content of Systems Notices

Each of the notices contains the following information:

1. The name of the system;
2. The location of the system;
3. The categories of individuals on whom records are maintained in the system;
4. The categories of records maintained in the system;
5. The authority for maintaining the system;
6. The routine uses of records maintained in the system, including the categories of users and the purposes of such uses;
7. The policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system;
8. The title and business address of the system manager, the agency official who is responsible for the system of records;
9. The agency procedures by which an individual can find out whether the system of records contains a record pertaining to him, how he may gain access to any record pertaining to him contained in the system of records, and how he can contest the content of the records; and
10. The categories of sources of records in the system.

The following four systems of records have been exempted, as set forth in the descriptions of these systems of records, from certain requirements of the Privacy Act, as authorized under 5 U.S.C. 552a(k):

CFTC-9 Confidential information obtained during employee background investigations.

CFTC-10 Investigatory materials compiled for law enforcement purposes.

CFTC-31 Information pertaining to individuals discussed at closed Commission meetings.

CFTC-32 Investigatory materials compiled by the Office of the Inspector General.

The Location of Systems of Records

The Commission offices are in the following locations:

- Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581, Telephone: (202) 418-5000;
- 300 Riverside Plaza, Suite 1600 North, Chicago, Illinois 60606, Telephone: (312) 353-5990;
- 4900 Main Street, Suite 721, Kansas City, Missouri 64112, Telephone: (816) 931-7600;

- One World Trade Center, Suite 3747, New York, New York 10048, Telephone: (212) 466-2061;
- Murdock Plaza, 10900 Wilshire Blvd, Suite 400, Los Angeles, California 90024, Telephone: (310) 235-6783; and
- 510 Grain Exchange Building, Minneapolis, Minnesota 55415, Telephone: (612) 370-3255.

Where a system of records is stored in multiple locations, the notice merely identifies the offices and refers to this introductory section for each address. The Commission's headquarters office is in Washington, DC, and is referred to in the systems notice as the "principal office." The Commission maintains regional offices in Chicago and New York and smaller offices in Kansas City, Minneapolis and Los Angeles. For purposes of this notice, the regional offices and smaller offices are referred to collectively as the "regional offices." "All CFTC offices" means the headquarters office, the regional offices and the smaller offices.

In many cases, records within a system are not available at each of the offices listed in the system notice. For example, case files are maintained in the office where the investigation is conducted, but certain information may be maintained in other offices as well. It is the Commission's responsibility, unless otherwise specified in the system notice, to determine where the particular records being sought are located. However, if the individual seeking the records in fact knows the location, it would be helpful to the Commission if the requester would indicate that location.

Scope and Content of Systems of Records

The Privacy Act applies to personal information about individuals. Personal information subject to the provisions of the Privacy Act may sometimes be found in a system of records that might appear to relate solely to commercial matters. For example, the system of records concerning registration of the various categories of registrants (CFTC-20) contains primarily business information. However, a firm's application for registration contains a few items of personal information concerning key personnel. Because the capability exists through the National Futures Association's computer system to retrieve information from this system of records not only by use of the name of the firm but also by the use of the name of these individuals, this information is within the purview of the Privacy Act. See the definition of system