

In its original application, the Navy proposed to shock test the USS SEAWOLF by detonating a single 4,536-kg (10,000-lb) explosive charge near the submarine once per week over a 5-week period between April 1 and September 30, 1997. If the Mayport, FL, site is selected, the shock tests would be conducted between May 1 and September 30, 1997 in order to minimize risk to sea turtles. Detonations would occur 30 m (100 ft) below the ocean surface in a water depth of 152 m (500 ft). The USS SEAWOLF would be underway at a depth of 20 m (65 ft) at the time of the test. For each test, the submarine would move closer to the explosive so the submarine would experience a more severe shock.

As part of a separate review under the National Environmental Policy Act, two sites, Mayport, FL and Norfolk, VA, are being considered by the Navy for the USS SEAWOLF shock test effort. The Mayport site is located on the continental shelf of Georgia and northeast Florida and the Norfolk site is located on the continental shelf offshore of Virginia and North Carolina. The Mayport site is the preferred location by the Navy because of a lower abundance of marine mammals at that site. Because of the potential impact on marine mammals, the Navy has requested NMFS to grant an exemption under section 101(a)(5)(A) of the MMPA that would authorize the incidental taking and issue regulations governing the take.

On August 2, 1996 (61 FR 40377), NMFS published a proposed rule to issue an incidental small take exemption under the MMPA to take a small number of marine mammals incidental to shock testing the USS SEAWOLF submarine in the offshore waters of the U.S. Atlantic coast in 1997. A correction notice on the proposed regulations was published on August 23, 1996 (61 FR 43517). The comment period for the proposed rule closed on September 17, 1996. During the 45-day comment period, NMFS received 5 letters commenting on the rule. These comments, and relevant comments received as a result of this notice, will be addressed in the notice of final determination which will be published in the **Federal Register**.

Summary of Request

On March 11, 1997, the U.S. Navy submitted a petition to NMFS amending its June 7, 1996, application and requesting a modification to the proposed regulations for an incidental small take exemption under the MMPA to take a small number of marine mammals incidental to shock testing the USS SEAWOLF submarine in the

offshore waters of the U.S. Atlantic coast in 1997. The petition states that the U.S. Navy, for reasons unrelated to the environment, will not be able to conduct the shock trial from April 1, 1997, through September 30, 1997, and requests that the period of effectiveness for the regulations and the shock trial be extended until 1999. No modification to the proposed seasonal restriction (which would prohibit any marine mammal takings from October 1 through March 31 at the Norfolk site and from October 1 through April 30 at the Mayport site) to protect marine mammal and sea turtle species is requested. Because section 101(a)(5)(A) of the MMPA provides for small take authorizations to be effective for periods up to 5 years, NMFS believes that granting this request to modify the effective date of the proposed rule is warranted.

Classification

This action has been determined to be not significant for purposes of E.O. 12866.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Small Business Administration that the August 2, 1996, proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities since it would apply only to the U.S. Navy and would have no effect, directly or indirectly, on small businesses. Extending the effective date for the rule has no effect on the economic impact or on who would be impacted.

This proposed rule does not contain a collection-of-information requirement subject to the provisions of the Paperwork Reduction Act.

List of Subjects in 50 CFR Part 216

Administrative practice and procedure, Imports, Indians, Marine mammals, Penalties, Reporting and recordkeeping requirements, Transportation.

Dated: April 22, 1997.

Nancy Foster,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For reasons set forth in the preamble, 50 CFR part 216 is proposed to be amended as follows:

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

1. The authority citation for part 216 continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.* unless otherwise noted.

2. Subpart O is amended by adding § 216.162 to read as follows:

Subpart O—Taking of Marine Mammals Incidental to Shock Testing the USS SEAWOLF by Detonation of Conventional Explosives in the Offshore Waters of the U.S. Atlantic Coast

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§ 216.162 Effective dates.

Regulations in this subpart are effective from April 1 through September 30, 1998, and April 1 through September 30, 1999.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

[I.D. 040797B]

Listing Endangered and Threatened Species and Designating Critical Habitat: Petition To Revise Critical Habitat Designation for Snake River Spring/Summer Chinook Salmon in Idaho

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

ACTION: Notice of finding and request for information.

SUMMARY: NMFS has received a petition to revise critical habitat for Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*) to not include Napias Creek, a tributary to the Salmon River, located in the State of Idaho. NMFS has determined that the petition presents substantial scientific information indicating that the petitioned revision may be warranted. Therefore, NMFS is initiating a review to determine if the petitioned action is warranted. NMFS is soliciting information and comments on the petitioned revision.

DATES: Information and comments on the revision must be received by June 27, 1997.

ADDRESSES: Information and comments on this action should be submitted to Garth Griffin, Protected Species Program, NMFS, 525 NE Oregon Street, Suite 500, Portland, OR 97232.

FOR FURTHER INFORMATION CONTACT: Garth Griffin, NMFS, Northwest Region, (503) 231-2005 or Marta Nammack, NMFS, Office of Protected Resources, (301) 713-1401.

SUPPLEMENTARY INFORMATION:

NMFS proposed listing Snake River spring/summer chinook salmon (56 FR 29542) as a threatened species under the Endangered Species Act (ESA) on June 27, 1991. The final determination listing Snake River spring/summer chinook salmon as threatened was published on April 22, 1992 (57 FR 14653) and corrected on June 3, 1992 (57 FR 23458). Critical habitat was designated for Snake River spring/summer chinook salmon on December 28, 1993 (58 FR 68543). An emergency reclassification of spring/summer chinook salmon was published on August 18, 1994, (59 FR 42529) and expired twelve months later.

Section 4(b)(3)(D) of the ESA contains provisions concerning petitions from interested persons requesting the Secretary of Commerce (Secretary) to

revise a critical habitat determination. Section 4(b)(3)(D)(i) of the ESA requires that, to the maximum extent practicable, within 90 days after receiving such a petition, the Secretary make a finding whether the petition presents substantial scientific information indicating that the petitioned action may be warranted.

On January 6, 1997, the Secretary received a petition from Meridian Gold Company to revise critical habitat for Snake River spring/summer chinook salmon in Napias Creek, a tributary to the Salmon River, located near Salmon, ID. Copies of this petition are available (see **ADDRESSES**). The Assistant Administrator for Fisheries, NOAA, has determined that the petition presents substantial scientific information

indicating that a revision may be warranted pursuant to the criteria specified in 50 CFR 424.14(c)(2). In accordance with section 4(b)(3)(D)(ii) of the ESA, the Secretary will make his determination whether a revision is warranted within 12 months from the date the petition was received (January 6, 1997). Interested parties are encouraged to provide comments and additional information on this action (see **DATES AND ADDRESSES**).

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

Dated: April 21, 1997.

Hilda Diaz-Soltero,

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

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