

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427-8401; fax (301) 713-0376; and Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, FL 33701; phone (727) 824-5312; fax (727) 824-5309.

Written comments on this application should be submitted to the Chief, Permits, Conservation and Education Division:

- By email to

NMFS.Pr1Comments@noaa.gov (include the File No. in the subject line of the email),

- By facsimile to (301) 713-0376, or
- At the address listed above.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits, Conservation and Education Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT:

Amy Hapeman or Colette Cairns, (301) 427-8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222-226).

The applicant requests a 5-year permit to continue long-term research on the demographics and movements of green, loggerhead, hawksbill, and Kemp's ridley sea turtles in the Key West National Wildlife Refuge and extend this work to an additional study area, the Big Bend of Florida. The objectives of the research are to: (1) Obtain information on sea turtle abundance, size frequencies, and sex ratios; (2) determine the genetic origin of sea turtle populations in the region; (3) continue to monitor turtle foraging habits; (4) track prevalence of fibropapillomatosis in sea turtles; (5) track green sea turtle movements west of the Marquesas Keys; and (6) identify habitat preferences of hawksbill sea turtles in the Key West National Wildlife Refuge. Up to 160 green, 160 loggerhead, 75 hawksbill, and 66 Kemp's ridley sea turtles would be captured annually for flipper and passive integrated transponder tagging, blood and tissue sampling, morphometrics, photography, and weights. A subset of sea turtles would be lavaged and/or satellite tagged. In addition to captures, researchers would conduct vessel surveys to observe and count sea turtles in the area.

Dated: February 29, 2012.

P. Michael Payne,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XB053

Endangered Species; File Nos. 15661, 10027, and 15685

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

ACTION: Issuance of permits and permit modification.

SUMMARY: Notice is hereby given that NMFS has issued two permits and one permit modification to take green (*Chelonia mydas*) and hawksbill (*Eretmochelys imbricata*) sea turtles for scientific research. See **SUPPLEMENTARY INFORMATION** for information regarding permittees.

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

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427-8401; fax (301) 713-0376; and

Pacific Islands Region, NMFS, 1601 Kapiolani Blvd., Rm. 1110, Honolulu, HI 96814-4700; phone (808) 944-2200; fax (808) 973-2941.

FOR FURTHER INFORMATION CONTACT:

Amy Hapeman or Colette Cairns, (301) 427-8401.

SUPPLEMENTARY INFORMATION: On May 11, 2011, notice was published in the **Federal Register** (76 FR 27306) that a request for a scientific research permit to take green and hawksbill sea turtles had been submitted by the Commonwealth of the Northern Mariana Islands (CNMI) Division of Fish and Wildlife, (Arnold Palacios, Responsible Party). On June 15, 2011, notice was published in the **Federal Register** (76 FR 34967) that a request for a scientific research permit modification to take green sea turtles had been submitted by the Center for Biodiversity and Conservation, American Museum of Natural History (AMNH; Responsible Party: Eleanor Sterling, Ph.D.). On June 20, 2011, notice was published in the

Federal Register (76 FR 35842) that a request for a scientific research permit to take green and hawksbill sea turtles had been submitted by the NMFS Pacific Islands Fisheries Science Center (PIFSC; Samuel Pooley, Ph.D., Responsible Party). The requested permits and permit modification have been issued under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226). The following summarizes each permit.

The CNMI was issued a five-year permit, No. 15661, to conduct research on sea turtles to characterize population structure, size class composition, foraging ecology, and migration patterns for green and hawksbill sea turtles in the Northern Mariana Islands. Authorized research consists of counts and hand captures of sea turtles during vessel surveys. Captured sea turtles may be measured, weighed, flipper tagged, passive integrated transponder (PIT) tagged, temporarily marked, tissue sampled, photographed, and released. A subset of the turtles may be satellite tagged before release and then tracked from the vessel. A small number of sea turtle carcasses, tissues or parts may be opportunistically salvaged each year.

The AMNH was issued a modification to Permit No. 10027-03, originally issued on July 30, 2008 (73 FR 44224). Permit No. 10027-03 authorized the AMNH to study the population biology and connectivity of green and hawksbill sea turtles focusing on distribution and abundance, ecology, health, and threats to sea turtles at the Palmyra Atoll in the Pacific Ocean. This modification, Permit No. 10027-04, increases the number of green sea turtles taken during research and the number of green sea turtles that may be sonic tagged annually. These data will help determine if temporal, stage-specific, or sex-specific movement patterns exist for the population of sea turtles at Palmyra. The modified permit expires on July 31, 2013.

The PIFSC was issued a five-year permit, No. 15685, to continue long-term monitoring of green and hawksbill sea turtles in the Hawaiian Islands to determine growth rates, health status, stock and population structure, foraging ecology, habitat use, and movements. Researchers may capture, measure, flipper and PIT tag, weigh, biologically sample (tissue, blood, scute, and lavage), and attach transmitters to green and hawksbill sea turtles before release.

Issuance of the permits, as required by the ESA, was based on a finding that such permits (1) were applied for in

good faith, (2) will not operate to the disadvantage of such endangered or threatened species, and (3) are consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: February 28, 2012.

P. Michael Payne,

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

[FR Doc. 2012-5307 Filed 3-2-12; 8:45 am]

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DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

[Docket No. 120214135-2135-01]

RIN 0660-XA27

Multistakeholder Process To Develop Consumer Data Privacy Codes of Conduct

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Request for public comments.

SUMMARY: The National Telecommunications and Information Administration (NTIA) is requesting comment on substantive consumer data privacy issues that warrant the development of legally enforceable codes of conduct, as well as procedures to foster the development of these codes. NTIA invites public comment on these issues from all stakeholders with an interest in consumer data privacy, including the commercial, academic and civil society sectors, and from federal and state enforcement agencies.

DATES: Comments are due on or before 5 p.m. Eastern Daylight Savings Time on March 26, 2012.

ADDRESSES: Written comments may be submitted by email to privacyrfc2012@ntia.doc.gov. Comments submitted by email should be machine-searchable and should not be copy-protected. Written comments also may be submitted by mail to 1401 Constitution Avenue NW., Room 4725, Washington, DC 20230. Responders should include the name of the person or organization filing the comment, as well as a page number, on each page of their submissions. All comments received are a part of the public record and will generally be posted to <http://www.ntia.doc.gov/category/internet-policy-task-force> without change. All personal identifying information (for example, name, address, etc.) voluntarily submitted by the commenter

may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. NTIA will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT:

Aaron Burstein, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 4725, Washington, DC 20230; telephone (202) 482-1055; email aburstein@ntia.doc.gov. Please direct media inquiries to NTIA's Office of Public Affairs, (202) 482-7002.

SUPPLEMENTARY INFORMATION:

Background

The Executive Office of the President released *Consumer Data Privacy in a Networked World: A Framework for Protecting Privacy and Promoting Innovation in the Global Digital Economy* (the "Privacy and Innovation Blueprint") on February 23, 2012. Two central elements of the Privacy and Innovation Blueprint are: (1) A Consumer Privacy Bill of Rights, which is a set of principles the Administration believes should govern the handling of personal data in commercial sectors that are not subject to existing Federal privacy statutes; and (2) a multistakeholder process, which NTIA will convene, to develop legally enforceable codes of conduct that specify how the Consumer Privacy Bill of Rights applies in specific business contexts.

These discussions will be open to participation by all interested stakeholders, transparent, and consensus-driven.¹ Open participation is necessary to ensure that codes of conduct reflect input from the broad array of stakeholders that have interests in putting the Consumer Privacy Bill of Rights into practice. Any person or organization may choose to participate, no one is under an obligation to participate once discussions have started, and NTIA anticipates that there will be opportunities to join a process once it is underway. Transparency is necessary to allow those who do not participate in the process to understand

¹ Privacy and Innovation Blueprint at 2, available at <http://www.whitehouse.gov/sites/default/files/privacy-final.pdf> (proposing a privacy multistakeholder process that consists of "open, transparent forums in which stakeholders who share an interest in specific markets or business contexts will work toward consensus on appropriate, legally enforceable codes of conduct"); *id.* at 23-25, 37 (discussing importance of consensus in multistakeholder processes that develop Internet policy and standards).

how participants reached their decisions. Consensus of a broad set of stakeholders, achieved through a transparent process, will lend legitimacy to the code of conduct. At the same time, consensus will encourage companies to adopt codes of conduct; the decision to adopt a code of conduct is voluntary, and companies are unlikely to adopt a code about which they have serious reservations.²

The privacy multistakeholder process is voluntary. A code of conduct will not be binding on a company unless and until that company affirmatively commits to follow it. NTIA expects that a company's public commitment to follow a code of conduct will be legally enforceable, provided the company is subject to the Federal Trade Commission's jurisdiction.³ Enforceable codes of conduct based on the principles set forth in the Consumer Privacy Bill of Rights will provide consumers clear, understandable baseline protections and give businesses greater certainty about how agreed upon privacy principles apply to them. Companies will build consumer trust by engaging directly with consumers and other stakeholders during the process and adopting a code of conduct that stakeholders develop through this process.⁴ Moreover, in any enforcement action based on conduct covered by a code, the FTC would likely consider a company's adherence to such a code favorably.⁵

NTIA's role in the privacy multistakeholder process will be to provide a forum for discussion and consensus-building among stakeholders. In situations in which stakeholders disagree over how best to interpret the Consumer Privacy Bill of Rights, NTIA's role, as explained in the Privacy and Innovation Blueprint, "will be to help the parties reach clarity on what their positions are and whether there are options for compromise toward consensus, rather than substituting its own judgment."⁶ Furthermore, stakeholder groups convened to develop codes of conduct will not be advisory committees, as neither NTIA nor any other Federal agency or office will seek consensus advice or recommendations

² See Privacy and Innovation Blueprint at 23-24, 37 (discussing importance of consensus in multistakeholder processes).

³ Currently, the Federal Trade Commission (FTC) brings cases based on violations of a company's public commitments in its privacy statements under the FTC's authority to prevent deceptive acts or practices. See 15 U.S.C. 45. A code of conduct developed through a multistakeholder process likely would be enforceable under this authority.

⁴ Privacy and Innovation Blueprint at 24.

⁵ *Id.*

⁶ *Id.* at 27.