

sonar developed by a North Atlantic Treaty Organization (NATO) undersea research lab in Italy. The sonar uses a non-directional sound source and a sophisticated directional receiver. This permit application covers research to test how well this whale finder detects whales in the Mediterranean Sea.

Project 1 will involve applying DTAGs to a variety of whale and dolphin species to study the baseline behavior of animals tagged throughout the North Atlantic. The endangered species that the applicant plans to tag are: humpback (*Megaptera novaeangliae*), sei (*Balaenoptera borealis*), fin (*Balaenoptera physalus*), blue (*Balaenoptera musculus*), and sperm (*Physeter macrocephalus*) whales. There are three main goals of Project 1: (1) to obtain continuous sampling of marine mammal vocal and motor behavior, (2) to determine correction factors that can be applied to visual sighting data to better estimate population and stock abundance, and (3) to serve as a control group for Projects 2 and 3, described below.

The goals of Project 2 are: (1) To validate the effectiveness of a high-frequency whale-finding sonar developed by a NATO research lab to detect marine mammals based on species, size, and orientation of the animal in the water, and (2) to determine what sound levels heard by an animal may cause a change in its behavior. Project 2 research will be conducted in the Mediterranean Sea and will focus on sperm whales, however, other species of whales such as fin and minke (*Balaenoptera acustostrata*) and dolphin species will also be tagged. For Project 2, DTAG-tagged animals will be exposed to sounds at received levels of 120–160 dB re 1  $\mu$ Pa rms for testing short sounds of a whale-finding sonar. Pre-recorded sperm whale vocalizations (codas) will also be transmitted to serve as control playbacks. Because monitoring techniques for loud operations such as rig removal and ship shock trials have typically consisted of visual observations and passive acoustic listening, and these methods are not 100 percent effective (e.g., at night, during poor weather, when animals are silent), there is a need for a more effective tool to detect the presence of marine mammals in the vicinity of such loud noises. This need for a detection tool has led to the development of low power, mid or high frequency sonars that can detect marine mammals within a range of 1–2 km. If found to be effective this whale-finding sonar could be used to search an area for marine mammals, similar to the sonar used to locate schools of fish. If animals are

detected in the vicinity of a potentially harmful operation, such as an underwater explosion, the event could be halted until the animals are safely out of range.

In Project 3, the applicant will study the responses of tagged sperm whales to short impulses from airgun arrays in the Gulf of Mexico. Technological advances in the oil and gas industry are allowing exploration and drilling in much deeper waters than in the past, which may have an increased impact on deep diving marine mammals such as sperm whales. Most projections predict strong expansion of industry activities into deep waters of the Gulf of Mexico where sperm whales reside. The seismic industry uses arrays of airguns to direct sound energy downwards into geological strata below the seafloor. Because sperm whales spend most of their time below the surface it is not known how they react to the sounds of the seismic surveying. The applicant proposes to use the DTAG to study how likely sperm whales are to silence, move away, or show other disruption of behavior when they are exposed to impulse sounds from an airgun array versus natural control sounds. Animals will be exposed to airgun sounds at received levels no higher than 180 dB re 1  $\mu$ Pa rms. Sperm whale codas will serve as the control playbacks. This project will involve visual observations of surfacing sperm whales, passive acoustic tracking of diving sperm whales, and tagging sperm whales with DTAGs. Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301) 713-0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or by other electronic media.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application and the draft environmental assessment to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: April 18, 2003.

**Stephen L. Leathery,**

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

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## CONSUMER PRODUCT SAFETY COMMISSION

### Public Field Hearing Concerning All-Terrain Vehicles

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice of public field hearing.

**SUMMARY:** The Consumer Product Safety Commission ("CPSC" or "Commission") will conduct a public field hearing in Morgantown, West Virginia on June 5, 2003 to obtain information and views from the public concerning all-terrain vehicles ("ATVs"). The Commission conducted several field hearings on ATVs in 1985.

From 1997 to 2001 the estimated number of ATV-related injuries treated in hospital emergency rooms rose from 54,700 to 111,700 (a 104% increase). Deaths have also been increasing and the Commission staff has estimated that there were 547 deaths associated with the use of ATVs in 2000. From 1997 to 2001 the estimated number of ATV drivers rose from 12 million to 16.3 million (a 36% increase), the estimated total number of driving hours rose from 1575 million to 2364 million (a 50% increase), and the estimated number of ATVs rose from 4 million to 5.6 million (a 40% increase). None of the increases in these measures of exposure to the risk of operating ATVs accounts for the increases in the number of injuries during the same time period.

The Commission requests members of the public to participate in this hearing. The Commission is particularly interested in participation from users of ATVs (both recreational and occupational); persons who have been involved in accidents or have been injured while riding ATVs; state and local government officials or organizations involved with ATVs; medical professionals and emergency service providers; safety and design engineers; and manufacturers, distributors and dealers of ATVs.

**DATES:** The hearing will be held on June 5, 2003, beginning at 10 a.m. and will continue until 7 p.m. The Commission will recess for lunch on or about 12 noon. Requests to make oral presentations, and 10 copies of the text of the presentation, must be received by

the CPSC Office of the Secretary no later than May 29, 2003. Persons making presentations at the meeting should provide an additional 10 copies for dissemination on the date of the meeting. The Commission reserves the right to limit the number of persons who make presentations and the duration of their presentations. To prevent duplication in presentations, groups may be directed to designate a spokesperson.

Written submissions, in addition to, or instead of, an oral presentation may be sent to the address listed below and will be accepted until July 5, 2003.

**ADDRESSES:** The meeting will be held at West Virginia University, Health Sciences Campus, Robert C. Byrd Health Science Center, Medical Center Drive, Morgantown, WV 26506. Requests to make oral presentations, and texts of oral presentations should be captioned "ATV Hearing" and mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, or delivered to that office, room 502, 4330 East-West Highway, Bethesda, Maryland 20814. Requests and texts of oral presentations may also be submitted by facsimile to (301) 504-0127 or by e-mail to [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov).

**FOR FURTHER INFORMATION CONTACT:** For information about the schedule for submission of requests to make oral presentations and submission of texts of oral presentations, contact Rockelle Hammond, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-6833; fax (301) 504-0127; e-mail [rhammond@cpsc.gov](mailto:rhammond@cpsc.gov).

**SUPPLEMENTARY INFORMATION:**

**A. Background**

The question of ATV safety has been an issue of interest to the Commission since the 1980's. In 1985, the Commission held several hearings in locations around the country to solicit views from the public on how to address hazards posed by ATVs. In 1987, the Commission filed a lawsuit under section 12 of the Consumer Product Safety Act ("CPSA") to declare ATVs an imminently hazardous consumer product. 15 U.S.C. 2061(b)(1). The lawsuit was settled in 1988 by Consent Decrees between the Commission and ATV distributors that were effective for 10 years. The Consent Decrees contained provisions addressing both three-wheel and four-wheel ATVs. After the Consent Decrees expired, the Commission entered into "ATV Action Plans" with individual distributors who had been subject to the Consent Decrees and three other

distributors who had entered into the market subsequently. Since the expiration of the Consent Decrees, the Commission has continued to gather information about ATV-related injuries and deaths. The Commission is interested in obtaining information and views from the public about ATV safety and ideas for approaches that may address ATV-related injuries and deaths.

The Commission is aware that the sales and size of ATVs have been increasing in recent years. The Commission's data indicate that between 1982 and 2001 there were reports of 4,541 ATV-related deaths. Of these deaths, 1,714 (or 38%) were to children under 16 years old. In the year 2001, there were 111,700 people taken to emergency rooms for ATV-related injuries, of which 34,800 were under 16 years old. The Commission staff completed a risk analysis earlier this year examining some of the factors and circumstances involved in ATV incidents. This risk analysis revealed a number of factors to be considered in determining why the numbers of injuries associated with ATV operation is increasing faster than the exposure to ATVs: (1) the increase in injuries has been greater to riders aged 16 and above, and (2) the increase in injuries associated with the use of ATVs with engine sizes 400cc and above has been greater than those associated with the use of ATVs with smaller engine sizes. In addition, the market for used ATVs appears to have grown significantly, in terms of gross numbers. The Commission is interested in learning whether these factors, a combination of them, or other factors, are causing ATV injuries to increase faster than ATV sales and use.

The Commission is concerned about the dramatic increase in ATV-related injuries and the continued increase in ATV-related deaths and believes that holding a hearing will provide an opportunity for the interested public to share their concerns about ATVs and ATV safety.

The Commission has a petition from the Consumer Federation of America and other groups (Petition CP-02-4/HP-02-1) requesting that the Commission ban the sale of adult-size four-wheel ATVs sold for the use of children under 16 years of age. The Commission requested and received written comments on the petition (67 FR 64353 and 67 FR 78776). These comments are posted on our Web site, <http://www.cpsc.gov>. This hearing will provide an additional opportunity for the public to express their views about this petition.

**B. The Public Hearing**

The purpose of the public hearing is to provide a forum for oral presentations concerning ATVs. Specifically, the Commission requests comments from interested stakeholders and citizens on the following areas of interest:

1. Local and state ATV use restrictions, regulations and licensing activities and their impact upon ATV safety.
2. Current ATV use patterns (recreational, industrial, agricultural, or other uses), and injuries and safety issues related to those specific uses.
3. Information from ATV owners and users regarding ATV use, safety issues, accidents and injuries, minimum riding and purchasing age requirements, and future government action.
4. Current local, state and industry safety efforts and training programs.
5. Information from ATV manufacturers and dealers regarding the availability and use of safety training for ATV purchasers, and ATV consumer purchasing patterns (age of purchasers, model type and size, experienced vs. inexperienced riders, etc.).
6. Whether factors such as the rider's age, ATV engine size, and/or the large used ATV sales market (or any other factors) have influenced the increase in injuries and deaths observed by the Commission staff during its recent ATV risk analysis study.
7. Whether there should be a performance standard for ATVs and what requirements related to safety should be included.

Participation in the hearing is open. See the DATES section of this notice for information on making requests to give oral presentations at the hearing and on making written submissions.

Dated: April 18, 2003.

**Todd A. Stevenson,**

*Secretary, Consumer Product Safety Commission.*

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**DEPARTMENT OF DEFENSE**

**Office of the Secretary**

**The Joint Staff, National Defense University, Board of Visitors Meeting**

**AGENCY:** National Defense University.

**ACTION:** Notice of open meeting.

**SUMMARY:** The President, National Defense University (NDU) has scheduled a meeting of the Board of Visitors (BOV).

**DATES:** The meeting will be held on April 28th and 29th 2003, from 13:00 to 16:00 on the 28th and continuing on the 29th from 08:30 to 14:30.

**ADDRESSES:** The Board will meet in Room 155, Marshall Hall, building 62, National Defense University, 300 5th