

## Determinations

NMFS has determined that the impact of conducting the low-energy marine seismic survey in the Northwest Atlantic Ocean may result, at worst, in a temporary modification in behavior (Level B harassment) of small numbers of marine mammals. Further, this activity is expected to result in a negligible impact on the affected species or stocks. The provision requiring that the activity not have an unmitigable impact on the availability of the affected species or stock for subsistence uses is not implicated for this action.

For reasons stated previously in this document, this determination is supported by:

(1) The likelihood that, given sufficient notice through relatively slow ship speed, marine mammals are expected to move away from a noise source that is annoying prior to its becoming potentially injurious;

(2) The fact that cetaceans would have to be closer than 40 m (131 ft) in deep water, 60 m (197 ft) in intermediate depths, and 296 m (971 ft) in shallow water when the two GI airguns are in use from the vessel to be exposed to levels of sound (180 dB) believed to have even a minimal chance of causing PTS;

(3) The fact that pinnipeds would have to be closer than 10 m (33 ft) in deep water, 15 m (49 ft) in intermediate depths, and 147 m (482 ft) in shallow water when the two GI airguns are in use from the vessel to be exposed to levels of sound (190 dB) believed to have even a minimal chance of causing PTS;

(4) The fact that cetaceans would have to be closer than 23 m (76 ft) in deep water, 35 m (115 ft) in intermediate depths, and 150 m (492 ft) in shallow water when the single GI airgun is in use from the vessel to be exposed to levels (180 dB) believed to have even a minimal chance of causing PTS;

(5) The fact that pinnipeds would have to be closer than 8 m (26 ft) in deep water, 12 m (39 ft) in intermediate depths, and 95 m (312 ft) in shallow water when the single GI airgun is in use from the vessel to be exposed to levels (190 dB) believed to have even a minimal chance of causing PTS.

(6) The fact that marine mammals would have to be closer than 350 m (1,148 ft) in deep water, 525 m (1,722 ft) at intermediate depths, and 1,029 m (3,376 ft) in shallow water when the two GI airguns are in use from the vessel to be exposed to levels of sound (160 dB) believed to have even a minimal chance at causing TTS;

(7) The fact that marine mammals would have to be closer than 220 m (721

ft) in deep water, 330 m (1,083ft) at intermediate depths, and 570 m (1,870 ft) in shallow water when the single GI airgun is in use from the vessel to be exposed to levels of sound (160 dB) believed to have even a minimal chance at causing TTS; and

(8) The likelihood that marine mammal detection ability by trained observers is high at those short distances from the vessel and will trigger shut-downs to prevent injury, and due to the implementation of the other mitigation measures such as ramp-ups. As a result, no take by injury or death is anticipated, and the potential for temporary or permanent hearing impairment is very low and will be avoided through the incorporation of the proposed mitigation measures.

While the number of marine mammals potentially incidentally harassed will depend on the distribution and abundance of marine mammals in the vicinity of the survey activity, the number of potential harassment takings is estimated to be small, less than a few percent of any of the estimated population sizes, and has been mitigated to the lowest level practicable through incorporation of the measures mentioned previously in this document.

## Authorization

As a result of these determinations, NMFS issued an IHA to Rice for conducting a low-energy marine seismic survey in the Northwest Atlantic Ocean in August, 2009, including the previously mentioned mitigation, monitoring, and reporting requirements.

Dated: August 11, 2009.

**James H. Lecky,**

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

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## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### Materials Technical Advisory Committee; Notice of Partially Closed Meeting

The Materials Technical Advisory Committee will meet on September 10, 2009, 10 a.m., Herbert C. Hoover Building, Room 3884, 14th Street between Constitution & Pennsylvania Avenues, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export

controls applicable to materials and related technology.

## Agenda

### Open Session

1. Opening Remarks and Introduction.
2. Presentation on recently mandated changes to the interagency Commodity Jurisdiction review process.
3. Report on recent changes to the Commerce Control List based on Australia Group Regime list changes.
4. Report of Composite Working group and ECCN review subgroup.
5. New business.
6. Public comments from teleconference and physical attendees.
7. Closed session to follow.

### Closed Session

8. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 section 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at [Yspringer@bis.doc.gov](mailto:Yspringer@bis.doc.gov) no later than September 3, 2009.

A limited number of seats will be available during the public session of the meeting. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the materials should be forwarded prior to the meeting to Ms. Springer via e-mail.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on October 1, 2008, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended, that the portion of the meeting dealing with matters the premature disclosure of which would likely frustrate the implementation of a proposed agency action as described in 5 U.S.C. 552b(c)(9)(B) shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 § 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482-2813.

Dated: August 12, 2009.  
**Yvette Springer**,  
*Committee Liaison Officer.*  
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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN: 0648-XR00**

**New England Fishery Management Council; Public Meeting**

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

**ACTION:** Notice of a public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop Survey Advisory Panel, in September, 2009, to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

**DATES:** This meeting will be held on Thursday, September 3, 2009 at 9 a.m.

**ADDRESSES:** This meeting will be held at the Hotel Providence, 139 Mathewson Street, Providence, RI 02903; telephone: (401) 861-8000; fax: (401) 861-8002.

*Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465-0492.

**SUPPLEMENTARY INFORMATION:** The Advisory Panel will review and discuss the results from the 2009 regular and experimental scallop surveys. Recommendations for calibration peer review, 2010 survey research, and integrated survey methodology may be developed. The panel may recommend changes to scallop survey research priorities. Other related scallop survey and research set aside issues may be discussed.

Although non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during this meeting. Actions will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

**Special Accommodations**

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard, Executive Director, at (978)

465-0492, at least 5 days prior to the meeting date.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: August 12, 2009.

**William D. Chappell**,

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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**DEPARTMENT OF COMMERCE**

**Economic Development Administration**

**Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance**

**AGENCY:** Economic Development Administration, Department of Commerce.

**ACTION:** Notice and opportunity for public comment.

Pursuant to Section 251 of the Trade Act of 1974 (19 U.S.C. 2341 *et seq.*), the Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. EDA has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to the total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT  
 [July 7, 2009 through August 6, 2009]

Firm	Address	Date accepted for filing	Products
Mastercraft Specialties, Inc. ....	800 Maple Street, Red Lion, PA 17356.	7/24/2009	Furniture for college and military dormitories; healthcare/nursing home furniture for patient rooms; store fixtures and point of purchase displays.
SideLifts, Inc. ....	1208 B Badger Street, Yorkville, IL 60560.	7/9/2009	Electric four-directional lift truck.
Federal Tool & Engineering, LLC.	N52 W5338 Portland Road, Cedarburg, WI 53095.	7/23/2009	Welded, machined, stamped, fabricated and assembled metal components.
J.B. Hill Boot Company .....	335 H. Clark Dr., El Paso, TX 79905.	7/23/2009	Leather footwear, cowboy boots.
Dymotek Corporation .....	7 Main Street, Ellington, CT 06029.	7/23/2009	Dynamic molding technologies, core capabilities, secondary services and support systems.
Tru-Flex Metal Hose Corporation.	2391 S. State Road 263, West Lebanon, IN 47991.	7/30/2009	Flexible metal hoses, piping, connectors and associated products.
Precision Inc. D.B.A. Precision Pulley & Idler.	300 SE., 14th Street, Pella, IA 50219.	7/20/2009	Conveyor pulleys and idlers.
Overton & Sons Tool & Die, Company, Inc..	1250 S. Old State Road 67, Mooresville, IN 46158.	7/20/2009	Metal tools.
Conitex Sonoco, Inc. ....	1302 Industrial Pike, Gastonia, NC 28052-0010.	7/21/2009	Paper cones and tubes for spun yarn, and corrugated pallets.
C.R. Hudgins Plating, Inc. ....	3600 Candler's Mtn. Rd., Lynchburg, VA 24506.	7/29/2009	Electroplating, coating and anodizing metals services.