

of the potential for underestimating mortality and serious injury. First, PBR is based upon conservative estimates of abundance and  $R_{max}$  and has a recovery factor of 0.1. Second, the PBR approach was thoroughly tested in simulation trials and found to be robust to over-estimates of  $R_{max}$ , underestimates of mortality, and low precision of abundance and mortality estimates. Finally, the annual rate of increase of the stock observed in Hawaii is reported in the SAR to be 7 percent. Accordingly, in spite of all factors, human-caused (including commercial fisheries) and natural, that may be affecting humpback whales in the North Pacific Ocean, this stock is increasing rapidly. For these reasons, NMFS maintains that the negligible impact determination is based upon reasonable precaution. (Also, see Comment 4 and the associated response.)

*Comment 9:* HSUS stated that NMFS wrongly claims that the obligations to develop and implement a TRP are subject to the availability of funding. Rather, the MMPA requires NMFS to develop and implement a TRP for each strategic stock of marine mammals that interacts with fisheries that have frequent (Category I) or occasional (Category II) incidental mortality and serious injury of marine mammals. Further, MMPA section 101(a)(5)(E) clearly requires that a TRP regardless of what priority NMFS assigns its development must be in existence before incidental take may be authorized. If NMFS cannot develop or, at least initiate development of, a TRP because it lacks funding, it cannot authorize incidental take. It would be a simple matter for NMFS to convene a working group of the existing Take Reduction Team (TRT) for false killer whales, which includes the Hawaii-based longline fisheries, to recommend measures to reduce likelihood of interactions with humpbacks.

*Response:* The CNP stock of humpback whales is strategic. The Hawaii-based longline fisheries are Category I (deep-set fishery) and Category II (shallow-set fishery). Moreover, the List of Fisheries for 2009 and 2010 noted that CNP stock of humpback whales was the marine mammal species or stock for which the shallow-set fishery had occasional mortality and serious injury.

However, NMFS' analysis of the MMPA requirements and the available information does not support developing a TRP for humpback whales. The CNP stock of humpback whales is strategic because humpback whales were listed as an endangered species under the ESA due to the effects of

commercial whaling that ceased before the MMPA was passed. Current human-caused mortality of CNP humpback whales is negligible, particularly mortality and serious injury resulting from longline fishing.

MMPA 118(f)(2) provides that the goal of a TRP for a strategic stock is reduce within 6 months of implementation the serious injury and mortality in the course of commercial fishing operations to levels less than PBR. The long-term goal of the plan is to reduce, within 5 years of its implementation, the incidental mortality and serious injury in the course of commercial fishing operations to insignificant levels approaching a zero mortality and serious injury rate. Not only does the best available information indicate that neither the deep-set nor shallow-set longline fishery incidentally kills or seriously injures humpback whales at levels that would require a TRP to be developed and implemented. The 2009 SAR for the CNP stock of humpback whales, which became available after the 2010 LOF was prepared, shows that there is no mortality and serious injury of humpback whales incidental to the deep-set longline fishery, and the PBR for the stock is 20.4. Information discussed in the notice of the proposed permit and negligible impact determination shows that mortality and serious injury of CNP humpback whales incidental to the shallow-set longline fishery (0.2 whales per year) is less than 1 percent of the PBR of the stock.

Also, MMPA section 118(f) provides that if there is insufficient funding available to develop and implement a take reduction plan for stocks that interact with commercial Category I and II fisheries, the Secretary shall give highest priority to the development of TRP's for species or stocks whose level of incidental mortality and serious injury exceeds PBR, those that have small population size, and those that are declining most rapidly. NMFS has evaluated availability of TRT funding for the humpback whale under the statutory criteria and determined that there is insufficient funding available for a TRT. Accordingly NMFS concludes that MMPA section 118 does not require a TRP to address mortality and serious injury of CNP humpback whales incidental to either the deep-set or shallow-set longline fishery at this time.

A TRP for CNP humpback whales is a low priority, and MMPA section 118 does not require a TRP in this case. However, NMFS considered, as HSUS suggested, including humpback whales within the scope of the TRP being developed for false killer whales. NMFS

is aware that interactions between odontocetes, including false killer whales, and these Hawaii-based longline fisheries appear related to depredation of bait or catch in the fisheries. Humpback whale entanglement is more likely due to accidental encounters with fishing gear than depredation. Accordingly, NMFS concluded that including humpback whales within the scope of the TRP would likely detract from the focus of the TRP, which is to reduce mortality and serious injury of false killer whales incidental to the deep-set longline fishery.

Dated: May 24, 2010.

**James H. Lecky,**

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

[FR Doc. 2010-12916 Filed 5-27-10; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Civil Nuclear Trade Advisory Committee Public Meeting

**AGENCY:** International Trade Administration, DOC.

**ACTION:** Notice of Federal Advisory Committee Meeting.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of the next meeting of the Civil Nuclear Trade Advisory Committee (CINTAC). The members will discuss issues outlined in the following agenda.

**DATES:** The meeting is scheduled for: Tuesday, June 15, 2010, from 1 p.m. to 4 p.m. Eastern Daylight Time (EDT).

**ADDRESSES:** The meeting will be held at the U.S. Department of Commerce, Herbert Clark Hoover Building, 1401 Constitution Ave, NW., Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** Ms. Sarah Lopp, Office of Energy & Environmental Industries, International Trade Administration, Room 4053, 1401 Constitution Ave, NW., Washington, DC 20230. (Phone: 202-482-3851; Fax: 202-482-5665; e-mail: [Sarah.Lopp@trade.gov](mailto:Sarah.Lopp@trade.gov)).

#### **SUPPLEMENTARY INFORMATION:**

*Background:* The CINTAC was established under the discretionary authority of the Secretary of Commerce and in accordance with the Federal Advisory Committee Act (5 U.S.C. App.), in response to an identified need for consensus advice from U.S. industry to the U.S. Government regarding the development and administration of

programs to expand United States exports of civil nuclear goods and services in accordance with applicable United States regulations, including advice on how U.S. civil nuclear goods and services export policies, programs, and activities will affect the U.S. civil nuclear industry's competitiveness and ability to participate in the international market.

*Topics to be considered:* The agenda for the June 15, 2010, CINTAC meeting is as follows:

1. Welcome and introduction of members attending for the first time.
2. Discussion of civil nuclear trade priority issues.
3. Discussion of subcommittee work progress on domestic competitiveness, technologies, treaties and regulations, advocacy, and talent and education.

*Public Participation:* The meeting will be open to the public and the room is disabled-accessible. Public seating is limited and available on a first-come, first-served basis. Members of the public wishing to attend the meeting must notify Ms. Sarah Lopp at the contact information above by 5 p.m. EDT on Friday, June 11, 2010, in order to pre-register for clearance into the building. Please specify any requests for reasonable accommodation at least five business days in advance of the meeting. Last minute requests will be accepted, but may be impossible to fill.

A limited amount of time will be available for pertinent brief oral comments from members of the public attending the meeting. To accommodate as many speakers as possible, the time for public comments will be limited to two (2) minutes per person, with a total public comment period of 30 minutes. Individuals wishing to reserve speaking time during the meeting must contact Ms. Lopp and submit a brief statement of the general nature of the comments and the name and address of the proposed participant by 5 p.m. EDT on Friday, June 11, 2010. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, the International Trade Administration (ITA) may conduct a lottery to determine the speakers. Speakers are requested to bring at least 20 copies of their oral comments for distribution to the participants and public at the meeting.

Any member of the public may submit pertinent written comments concerning the CINTAC's affairs at any time before and after the meeting. Comments may be submitted to the Civil Nuclear Trade Advisory Committee, Office of Energy and Environmental Industries, Room 4053,

1401 Constitution Ave NW., Washington, DC 20230. To be considered during the meeting, comments must be received no later than 5 p.m. EDT on Friday, June 11, 2010, to ensure transmission to the Committee prior to the meeting. Comments received after that date will be distributed to the members but may not be considered at the meeting.

Copies of CINTAC meeting minutes will be available within 90 days of the meeting.

**Thomas Sobotta,**

*Deputy Assistant Secretary for Manufacturing, Acting.*

[FR Doc. 2010-12814 Filed 5-27-10; 8:45 am]

**BILLING CODE 3510-DR-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XW66**

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

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

**ACTION:** Notice; public meeting.

**SUMMARY:** The New England Fishery Management Council's (Council) VMS/Enforcement Committee will meet to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

**DATES:** The meeting will be held on Monday, June 21, 2010 at 9:30 a.m.

**ADDRESSES:** The meeting will be held at the Eastland Park Hotel, 157 High Street, Portland, ME 04101; telephone: (207) 775-5411; fax: (207) 775-1066.

*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 items of discussion in the committee's agenda are as follows:

1. Enforcement of sectors; how to improve dockside monitoring; one landing per calendar day vs. 24 hours; discuss including two state enforcement people on the committee; marking of fixed fishing gear regulations and also discuss possibly reviewing and eliminating unnecessary or duplicative regulations.

2. Other business.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action 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 Fishery Conservation and Management 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 (see **ADDRESSES**) at least 5 days prior to the meeting date.

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

Dated: May 25, 2010.

**Tracey L. Thompson,**

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

[FR Doc. 2010-12935 Filed 5-27-10; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XW65**

#### 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's (Council) Groundfish Committee will meet to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

**DATES:** The meeting will be held on Wednesday, June 16, 2010 at 9 a.m.

**ADDRESSES:** The meeting will be held at the Holiday Inn, 31 Hampshire Street, Mansfield, MA 02048; telephone: (508) 339-2200; fax: (508) 339-1040.

*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 items of discussion in the committee's agenda are as follows: