

National Environmental Policy Act (NEPA) (42 U.S.C. 4231 *et seq.*) and in a biological opinion prepared pursuant to the ESA in October 2009 on this modification. The proposed permit would have no additional impact to the human environment or effects on threatened or endangered species beyond those analyzed in these documents. NMFS now reviews the remaining requirements to issue a permit to take CNP humpback whales incidental to the Hawaii-based longline fisheries.

Recovery Plan. The recovery plan for humpback whales was completed and in place in 1991. This plan has guided ESA recovery efforts for humpback whales globally since that time. Accordingly, the requirement to have a recovery plan in place or being developed is satisfied.

Vessel Registration. MMPA section 118(c)(5)(A) provides that registration of vessels in fisheries should, after appropriate consultations, be integrated and coordinated to the maximum extent feasible with existing fisher licenses, registrations, and related programs. Participants in the Hawaii-based longline fisheries are required to hold a permit under 50 CFR 665.21. The MMPA registration program has been integrated in this permitting system for the Hawaii-based longline fisheries. Accordingly, vessels in the fisheries are registered in accordance with MMPA section 118.

Monitoring Program. As noted above, the Hawaii-based longline fisheries have been observed since the early 1990s. Current levels of observer coverage in the deep-set fishery (20 percent or higher) are adequate to produce reliable estimates; mandatory observer coverage in the shallow-set fishery is 100%. Accordingly, as required by MMPA section 118, a monitoring program is in place.

Take Reduction Plan (TRP). Subject to available funding, MMPA section 118 requires a TRP in cases where a strategic stock interacts with a Category I or II fishery. The CNP stock of humpback whales is considered a strategic stock under the MMPA because humpback whales are listed under the ESA. This strategic stock interacts with the Category I and II Hawaii-based longline fisheries. Currently, there is no TRP for the CNP stock of humpback whales. The short- and long-term goals of a TRP are to reduce mortality and serious injury of marine mammals incidental to commercial fishing. However, the obligations to develop and implement a TRP are subject to the availability of funding. MMPA section 118(f)(3) (16

U.S.C. 1387(f)(3)) contains specific priorities for developing TRPs.

NMFS has insufficient funding available to simultaneously develop and implement a TRP for all stocks that interact with Category I or Category II fisheries. Most recently in March of 2009, NMFS considered multiple quantitative and qualitative factors to identify its priorities for establishing take reduction teams (TRTs) and collecting data. As provided in MMPA section 118(f)(6)(A) and (f)(7), NMFS used the most recent stock assessment reports (SARs) and List of Fisheries (LOF) as the basis to determine its priorities for establishing TRTs and developing TRPs. Through this evaluative process, the CNP stock of humpback whale was rated as "low" priority for establishing a TRT. Indeed, observer reports since 1994 indicate that there have been zero serious injuries or mortalities of a CNP humpback whale in the Hawaii-based deep-set longline fishery, and only one serious injury (and no mortalities) of a CNP humpback whale in the Hawaii-based shallow-set longline fishery. Accordingly, given these factors and NMFS' prioritization process, a TRP will be deferred under section 118 as other stocks have a higher priority for any available funding for establishing new TRPs.

As noted in the summary above, all of the requirements to issue a permit to the Hawaii-based longline fisheries have been satisfied. Accordingly, NMFS proposes to issue a permit to the Hawaii-based deep- and shallow-set longline fisheries for the taking CNP humpback whales incidental to the fisheries' operations. Taking of these whales in the deep-set fishery would be limited to non-lethal taking only (harassment and injury). Taking of these whales in the shallow-set fishery would include non-lethal taking and up to one lethal (serious injury or mortality) take per year in the shallow-set fishery. NMFS solicits public comments on the proposed permit and the preliminary determinations supporting the permit.

References

Allen, B.M. and R.P. Angliss, R.P. 2009. Draft Alaska Marine Mammal Stock Assessments, 2009. U.S. Department of Commerce, National Marine Fisheries Service, Alaska Fisheries Science Center.

Barlow, J., S. Swartz, T. Eagle and P. Wade. 1995. U.S. Marine Mammal Stock Assessments: Guidelines for Preparation, Background, and a Summary of the 1995 Assessments. U.S. Department of Commerce, NOAA-TM-NMFS-SWFS-219.

Carretta, J.V., K.A. Forney, Lowry, M.S., Barlow, J., Baker, J., Johnston, D., Hanson, B., Brownell Jr., R.L., Robbins, J., Mattila, D.K., Ralls, K., Muto, M.M., Lynch, D., and L. Carswell. 2009. Draft U.S. Pacific Marine Mammal Stock Assessments: 2009. Department of Commerce, National Marine Fisheries Service, Southwest Fisheries Science Center.

Forney, K.A. 2009. Draft Serious injury determinations for cetaceans caught in Hawaii longline fisheries during 1994–2008. Working paper reviewed by the Pacific Scientific Review Group (PSRG–2009–9).

Wade, P. R. 1998. Calculating limits to the allowable human-caused mortality of cetaceans and pinnipeds. *Mar. Mamm. Sci.*, 14(1): 1–37.

Wade, P.R. and R. P. Angliss. 1997. Guidelines for assessing marine mammal stocks: report of the GAMMS workshop, April 3–5, 1996, Seattle, Washington. NOAA-TM-NMFS-OPR–12.

Western Pacific Regional Fishery Management Council (WPFMC), 2008. Management Modifications for the Hawaii-based Shallow-set Longline Swordfish Fishery: Proposal to Remove Effort Limit, Eliminate Set Certificate Program, and Implement New Sea Turtle Interaction Caps. Draft Amendment 18 to the Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region Including a Draft Supplemental Environmental Impact Statement. August 12, 2008.

Dated: February 19, 2010.

Helen M. Golde,

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

[FR Doc. 2010–3746 Filed 2–23–10; 8:45 am]

BILLING CODE 3510–22–S

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meetings

TIME AND DATE: Wednesday, February 24, 2010, 2 p.m.–4 p.m.

PLACE: Hearing Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Closed to the Public.

MATTER TO BE CONSIDERED:

Compliance Weekly/Monthly Report—Commission Briefing

The staff will brief the Commission on various compliance matters.

For a recorded message containing the latest agenda information, call (301) 504–7948.

CONTACT PERSON FOR MORE INFORMATION:

Todd A. Stevenson, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814. (301) 504-7923.

Dated: February 16, 2010.

Todd A. Stevenson,
Secretary.

[FR Doc. 2010-3515 Filed 2-23-10; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE**Office of the Secretary****Defense Acquisition University (DAU) Board of Visitors (BoV) Meeting**

AGENCY: Defense Acquisition University, DoD.

ACTION: Meeting notice.

SUMMARY: The next meeting of the Defense Acquisition University (DAU) Board of Visitors (BoV) will be held at DAU Headquarters at Fort Belvoir, Virginia. The purpose of this meeting is to report back to the BoV on continuing items of interest.

DATES: The meeting will be held on February 24, 2010, from 1100 to 1300.

ADDRESSES: The meeting will be held at 9820 Belvoir Road, Fort Belvoir, Virginia 22060.

FOR FURTHER INFORMATION CONTACT: Ms. Christen Goulding at 703-805-5134.

SUPPLEMENTARY INFORMATION: Due to the inclement weather in Washington, DC, the Government was unable to process the **Federal Register** notice for the Defense Acquisition University Board of Visitors' February 24, 2010, meeting as required by 41 CFR 102-3.150(a). Accordingly, the Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102-3.150(b), waives the 15-calendar day notification requirement.

The meeting is open to the public; however, because of space limitations, allocation of seating will be made on a first-come, first served basis. Persons desiring to attend the meeting should contact Ms. Christen Goulding (see **FOR FURTHER INFORMATION CONTACT**).

Dated: February 16, 2010.

Mitchell S. Bryman,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2010-3378 Filed 2-23-10; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE**Office of the Secretary****Federal Advisory Committee; Transformation Advisory Group; Closed Meeting**

AGENCY: Department of Defense (DoD).

ACTION: Notice of advisory committee closed meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act of 1972 (5 U.S.C. App 2, Section 1), the Sunshine in the Government Act of 1976 (5 U.S.C. 552b), and 41 CFR 102-3.150, the Department of Defense announces that the Transformation Advisory Group will hold a closed meeting on March 11, 2010.

DATES: The meeting will be held on March 11, 2010, from 8 a.m. to 3:45 p.m.

ADDRESSES: The meeting will be held at the Admiral Gooding Center, Washington Navy Yard, 1244 Patterson Avenue, SE., Washington, DC 20374.

FOR FURTHER INFORMATION CONTACT: Mr. Steven D. Behel, Designated Federal Officer, (757) 836-5365, 1562 Mitscher Ave., Suite 200, Norfolk, VA 23551-2488, steven.bebel@jfc.com.mil or Mr. Floyd March, Joint Staff, (703) 697-0610.

SUPPLEMENTARY INFORMATION:**Purpose of the Meeting**

The purpose of the meeting is to inform a strategic concept that links ends, ways, and means in a manner that will allow the US military to operate effectively in a future operating environment that is potentially resource constrained.

Agenda

Meeting topics include: Joint Operating Environment, Quadrennial Defense Review, and challenges related to a resourced-constrained future operating environment.

Meeting Accessibility

Pursuant to 5 U.S.C. 552b, and 41 CFR 102-3.155, the Department of Defense has determined that the meeting shall be closed to the public. Per delegated authority by the Chairman, Joint Chiefs of Staff, LTG Keith M. Huber, Deputy Commander, U.S. Joint Forces Command in consultation with his legal advisor, has determined in writing that the public interest requires that all sessions of this meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of Title 5, U.S.C.

Written Statements

Pursuant to 41 CFR 102-3.105(j) and 102-3.140, the public or interested organizations may submit written statements to the membership of the Transformation Advisory Group at any time or in response to the stated agenda of a planned meeting. Written statements should be submitted to the Transformation Advisory Group's Designated Federal Officer; the Designated Federal Officer's contact information can be obtained from the GSA's FACA Database—<https://www.fido.gov/facadatabase/public.asp>.

Written statements that do not pertain to a scheduled meeting of the Transformation Advisory Group may be submitted at any time. However, if individual comments pertain to a specific topic being discussed at a planned meeting then these statements must be submitted no later than 14 business days prior to the meeting in question. The Designated Federal Officer will review all submitted written statements and provide copies to all the committee members.

Dated: February 16, 2010.

Mitchell S. Bryman,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2010-3668 Filed 2-23-10; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE**Office of the Secretary****Federal Advisory Committee; Military Leadership Diversity Commission (MLDC); Meetings**

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, DoD.

ACTION: Meeting notice.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102-3.150, the Department of Defense announces that the Military Leadership Diversity Commission (MLDC) will meet March 16 to 18, 2010. Subject to the availability of space, the March 17 and 18 meetings are open to the public. The March 16 meeting is closed to the public.

DATES: The meetings will be held: March 16, 2010, from 7 p.m. to 9 p.m. (closed Administrative Working Meeting); March 17, 2010, from 8 a.m. to 5:30 p.m. (open); and March 18, 2010, from 8 a.m. to 4:45 p.m. (open).