

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 Sloan or Laura Morse, (301) 713-2289.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The objective of the proposed research is to use chemical signals to provide insight into the dietary preferences and feeding ecology of Antarctic marine mammals by analyzing seal and whale samples for persistent organic pollutants, mercury, and stable isotopes. The following archived samples will be imported from the Swedish Museum of Natural History: fur, blood, and fat biopsies from up to 300 crabeater seals (*Lobodon carcinophaga*), 200 Weddell seals (*Leptonychotes weddellii*), 50 Ross seals (*Ommatophoca Rossii*), 25 leopard seals (*Hydrurga leptonyx*), and 20 killer whales (*Orcinus orca*) that were collected in Antarctica in 1987-1988, 2008-2009, and 2010-2011. The requested duration of the import permit is 5 years.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

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

Dated: May 11, 2011.

**P. Michael Payne,**

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

[FR Doc. 2011-12056 Filed 5-16-11; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XX57**

#### Fisheries of the Pacific Region; Western Pacific Region

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

**ACTION:** Notification of determination of overfishing or an overfished condition.

**SUMMARY:** This action serves as a notice that NMFS, on behalf of the Secretary of Commerce (Secretary), has determined that Pacific bluefin tuna, (*Thunnus orientalis*) which is jointly managed by the Pacific Fishery Management Council (Pacific Council) and the Western Pacific Fishery Management Council (Western Pacific Fishery Management Council (Western Pacific Council)), is subject to overfishing.

NMFS notifies the appropriate fishery management council (Council) whenever it determines that; overfishing is occurring, a stock is in an overfished condition, or a stock is approaching an overfished condition.

**FOR FURTHER INFORMATION CONTACT:** Mark Nelson, (301) 713-2341.

**SUPPLEMENTARY INFORMATION:** Pursuant to sections 304(e)(2) and (e)(7) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), 16 U.S.C. 1854(e)(2) and (e)(7), and implementing regulations at 50 CFR 600.310(e)(2), NMFS, on behalf of the Secretary, notifies Councils whenever it determines; a stock or stock complex is approaching an overfished condition, a stock or stock complex is overfished, or existing action taken to prevent previously identified overfishing or rebuilding a previously identified overfished stock or stock complex has not resulted in adequate progress. NMFS also notifies Councils when it determines a stock or stock complex is subject to overfishing.

On April 7, 2011, NMFS informed both the Pacific Council and the Western Pacific Council that the Southwest Fisheries Science Center had found that overfishing is occurring on Pacific bluefin tuna. However, their analysis found that the stock was not in an overfished condition.

Pacific bluefin tuna is considered to be a single North Pacific-wide stock. Its conservation and management are the responsibility of the Western and Central Pacific Fisheries Commission and the Inter-American Tropical Tuna

Commission. The United States is a member of both regional fishery management organizations. Although both regional fisheries management organizations have internationally agreed upon management measures in place for bluefin tuna, these measures are inadequate to end overfishing for the purposes of the MSA and its implementing regulations. Therefore, the Councils are not required to prepare an FMP amendment to end overfishing, but must undertake action under MSA section 304(i)(2). This section requires the Council, or the Secretary, to develop domestic regulations to address the relative impact or the domestic fishing fleet; and to develop recommendations for the Secretary of State, and to Congress, to address international actions to end overfishing.

Dated: May 11, 2011.

**Emily H. Menashes,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XA384**

#### Marine Mammals; File No. 16053

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

**ACTION:** Notice; receipt of application.

**SUMMARY:** Notice is hereby given that Paul E. Nachtigall, PhD, Marine Mammal Research Program Hawaii Institute of Marine Biology, P.O. Box 1106, Kailua, Hawaii 96734, has applied in due form for a permit to conduct scientific research on cetaceans stranded or in rehabilitation facilities in the U.S.

**DATES:** Written, telefaxed, or e-mail comments must be received on or before June 16, 2011.

**ADDRESSES:** The application and related documents are available upon written request or by appointment in the offices listed at the end of the **SUPPLEMENTARY INFORMATION**.

Written comments on this application should be submitted to the Chief, Permits, Conservation and Education Division, at the address listed in the **SUPPLEMENTARY INFORMATION** below. Comments may also be submitted by facsimile to (301) 713-0376, or by e-mail to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov).