

*frontalis*) and dwarf (*Kogia simus*) and pygmy (*Kogia breviceps*) sperm whales.

Issuance of the annual LOA to Eglin AFB is based on findings made in the preamble to the final rule that the total takings by this project would result in no more than a negligible impact on the affected marine mammal stocks or habitats and would not have an unmitigable adverse impact on subsistence uses of marine mammals. NMFS also finds that the applicant will meet the requirements contained in the implementing regulations and LOA, including monitoring and reporting requirements. Without any mitigation measures, a small possibility exists for one bottlenose dolphin and one spotted dolphin to be exposed to blast levels from the PSW testing sufficient to cause mortality. Additionally, less than two cetaceans might be exposed to noise levels sufficient to induce Level A harassment (injury) annually, and as few as 31 or as many as 53 cetaceans (depending on the season and water depth) could potentially be exposed (annually) to noise levels sufficient to induce Level B harassment in the form of a temporary loss of hearing sensitivity (also referred to as a temporary threshold shift).

While none of these impact estimates consider the proposed mitigation measures that will be employed by Eglin AFB to minimize potential impacts to protected species, NMFS has authorized Eglin AFB a total of one mortality, two takes by Level A harassment, and 53 takes by Level B harassment (TTS) annually. However, the proposed mitigation measures described in the final rule (71 FR 67810, November 24, 2006) and the LOA are anticipated to both reduce the number of marine mammal takes and lessen the severity of the effects of the takes. These measures include a conservative safety range for marine mammal exclusion; incorporation of aerial and shipboard survey monitoring efforts in the program both prior to and after detonation of explosives; and a prohibition on detonations whenever marine mammals are detected within the safety zone, may enter the safety zone at the time of detonation, or if weather and sea conditions preclude adequate aerial surveillance. This LOA may be renewed annually based on a review of the activity, completion of monitoring requirements, and receipt of reports required by the LOA.

#### Summary of Request

On March 4, 2010, NMFS received a request for an LOA renewal pursuant to the aforementioned regulations that would authorize, for a period not to

exceed 1 year, take of marine mammals, by harassment, incidental to PSW testing and training in the GOM.

#### Summary of Activity and Monitoring Conducted During 2009 and 2010

No PSW tests were conducted during calendar year 2009 or between January and March of 2010. However, the PSW LOA was modified on April 16, 2009, to include Stand-Off Precision Guided Munition (SOPGM) testing. NMFS issued this modification because it was determined that the impacts of SOPGM testing would be significantly smaller than the impacts outlined in the PSW LOA. SOPGM testing utilized two out of the six live shots allowed for the Small Diameter Bomb (SDB) exercise under the PSW LOA. Three Griffin™ SOPGM system missiles with a net explosive weight of 7.5 pounds (TNT equivalent) were fired against two target boats in the GOM on April 29, 2009, and May 5, 2009. No marine mammals were seen during the boat sweep or at release. No evidence of injury or death to marine mammals was noted after either mission.

#### Authorization

The U.S. Air Force complied with the requirements of the 2009 LOA, and NMFS has determined that there was no take of marine mammals by the U.S. Air Force in 2009. Accordingly, NMFS has issued a LOA to Eglin AFB authorizing the take of marine mammals, by harassment, incidental to PSW testing and training in the EGTTT in the GOM. Issuance of this LOA is based on findings described in the preamble to the final rule (71 FR 67810, November 24, 2006) and supported by information contained in Eglin's March 2010 request for a new LOA that the activities described under this LOA will not result in more than the incidental harassment of certain marine mammal species and will have a negligible impact on the affected species or stocks. The provision requiring that the activities not have an unmitigable adverse impact on the availability of the affected species or stock for subsistence uses does not apply for this action.

Dated: March 29, 2010.

**James H. Lecky,**

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

[FR Doc. 2010-7482 Filed 3-30-10; 4:15 pm]

**BILLING CODE 3510-22-S**

#### COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

##### Procurement List Additions and Deletions

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Additions to and Deletions from Procurement List.

**SUMMARY:** This action adds to the Procurement List a product and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes from the Procurement List products previously furnished by such agencies.

**DATES:** *Effective Date:* May 3, 2010.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202-3259.

**FOR FURTHER INFORMATION CONTACT:** Barry S. Lineback, Telephone: (703) 603-7740, Fax: (703) 603-0655, or e-mail [CMTEFedReg@AbilityOne.gov](mailto:CMTEFedReg@AbilityOne.gov).

##### SUPPLEMENTARY INFORMATION:

##### Additions

On 1/15/2010 (75 FR 2510) and 2/5/2010 (75 FR 5970-5971), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed additions to the Procurement List.

The Committee for Purchase From People Who Are Blind or Severely Disabled (Committee) operates pursuant to statutory and regulatory requirements. Committee decisions regarding which items are suitable for addition to the Procurement List are specifically guided by 41 CFR Chapter 51. This regulation states that for a commodity or service to be suitable for addition to the Procurement List, each of the following criteria must be satisfied: Employment potential, nonprofit agency qualifications, capability, and level of impact on the current contractor for the commodity or service. In response to its Notice of Proposed Procurement List Addition, the Committee received comments from five parties relating to the fourth criterion, level of impact.

Comments were received from the incumbent contractor for the facilities management requirement at Fort Lewis, WA. The firm stated that addition of this service to the Procurement List is inconsistent with the Javits-Wagner-O'Day Act policy regarding contracts

currently held within the SBA 8(a) Program. The firm stated that placing this service on the Procurement List would result in "severe adverse impact" and is thus not suitable for addition. The incumbent contractor also asserted that such an action would seem to be contrary to the Regulatory Flexibility Act as it relates to "small entities."

The Committee has considered these comments. The Committee has documentation from the contracting activity showing that the Fort Lewis requirement awarded to the incumbent contractor was explicitly restricted to a one (1) year acquisition and was not permanently placed into the 8(a) Program. Under Committee procedures, this service is eligible for consideration to be added to the Procurement List. The financial information presented by the contractor and calculated according to Committee practice during its impact analysis did not indicate that it would result in "severe adverse impact" under Committee regulations at 41 CFR 51–2.4(a)(4). The contractor was notified of the preliminary determination that impact was not severe in April 2009. In light of this notification, coupled with the contracting activity's communication that the requirement would be limited to one year, the incumbent contractor could not have had a reasonable expectation of further awards or contract option years. The Committee continues to find the proposed action to be consistent with the Regulatory Flexibility Act (RFA) because the particular service being considered for addition to the Procurement List will be provided by qualified nonprofit agencies (or "small entities" under the RFA) employing people who are blind or with other significant disabilities.

Comments were also received from the South Carolina District Office of the Small Business Administration, the National Association of Small Disadvantaged Businesses, and two contractors who perform similar work at another Army installation. Their comments also raise the SBA 8(a) program issue and the negative impact of removing this project from the 8(a) Program.

The Committee has considered these comments. Information provided by the contracting activity states that the ongoing requirement at Fort Lewis was not permanently placed under the SBA 8(a) program and is eligible for consideration to be added to the Procurement List. The requirement for comparable services at McChord AFB is currently performed by a contractor that has graduated from the SBA 8(a) program. In accordance with Committee

practice, the requirement is eligible for consideration to be added to the Procurement List at this juncture. The Committee's action will not affect the McChord AFB contractor's ability to continue to perform the services until expiration of its contract.

When passing the Javits-Wagner-O'Day Act, Congress understood the importance of using the federal procurement process as a means of providing employment opportunities for people who are blind or with other severe disabilities. The proposed addition of this project to the Procurement List will guarantee the creation of jobs for people with severe disabilities, a group whose unemployment rate has been estimated to be approaching 70%. Having reviewed all material information regarding the suitability of this project for the AbilityOne Program, the Committee has determined that the Joint Base Lewis-McChord facilities management service is suitable for addition to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide a product and services and impact of the additions on the current or most recent contractors, the Committee has determined that the product and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

#### **Regulatory Flexibility Act Certification**

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the product and services to the Government.
2. The action will result in authorizing small entities to furnish the product and services to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the product and services proposed for addition to the Procurement List.

#### **End of Certification**

Accordingly, the following product and services are added to the Procurement List:

##### *Product*

NSN: 2090–00–372–6064—Repair Kit,

Standard.

NPA: Mid-Valley Rehabilitation, Inc., McMinnville, OR.

*Contracting Activity:* Defense Logistics Agency, Defense Supply Center Columbus, Columbus, OH.

*Coverage:* C-List for the requirements for the Defense Supply Center Columbus, Columbus, OH.

##### *Services*

*Service Type/Location:* Base Supply Center, Defense Supply Center Columbus, 3990 E. Broad Street, Columbus, OH.

NPA: Associated Industries for the Blind, Milwaukee, WI.

*Contracting Activity:* Defense Logistics Agency, Defense Supply Center Columbus, Columbus, OH.

*Service Type/Location:* Facilities Management, First Sergeants Barracks, Joint Base Lewis-McChord, WA.

NPA: Professional Contract Services, Inc., Austin, TX.

*Contracting Activity:* Dept. of the Army, XR W6BA ACA, Mission and Installation Contracting Command, Ft. Lewis, WA.

##### *Deletions*

On 2/5/2010 (75 FR 5970–5971), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the products listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

#### **Regulatory Flexibility Act Certification**

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.
2. The action may result in authorizing small entities to furnish the products to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products deleted from the Procurement List.

#### **End of Certification**

Accordingly, the following products are deleted from the Procurement List:

##### *Products*

Inkjet Cartridge  
NSN: 7510–01–544–0833  
NSN: 7510–01–544–0819  
NSN: 7510–01–539–9836  
NSN: 7510–01–544–0836  
NSN: 7510–01–544–0830

NSN: 7510-01-539-9837  
 NSN: 7510-01-544-0832  
 NSN: 7510-01-544-0820  
 NSN: 7510-01-539-9842  
 NSN: 7510-01-544-0835  
 NSN: 7510-01-544-0826  
 NSN: 7510-01-539-9838  
 NSN: 7510-01-544-0837  
 NSN: 7510-01-544-0825  
 NSN: 7510-01-539-9834  
 NSN: 7510-01-544-0823  
 NSN: 7510-01-544-0831  
 NSN: 7510-01-544-1733  
 NSN: 7510-01-544-0829  
 NSN: 7510-01-544-0839  
 NSN: 7510-01-544-0838  
 NSN: 7510-01-544-0827  
 NPA: Alabama Industries for the Blind,  
 Talladega, AL.  
*Contracting Activity:* GSA/FSS OFC SUP  
 CTR—Paper Products, New York, NY  
 NSN: 6230-01-513-3265—Flashlight,  
 Aluminum, 2D, Blue  
 NSN: 6230-01-513-3268—Flashlight,  
 Aluminum, 2D, Red  
 NSN: 6230-01-513-3279—Flashlight,  
 Aluminum, 4D, Red  
 NPA: Central Association for the Blind &  
 Visually Impaired, Utica, NY.  
*Contracting Activity:* GSA/FSS OFC SUP  
 CTR—Paper Products, New York, NY.

**Barry S. Lineback,**  
*Director, Business Operations.*

[FR Doc. 2010-7480 Filed 4-1-10; 8:45 am]

**BILLING CODE 6353-01-P**

## COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

### Procurement List; Proposed Deletions

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Proposed Deletions From the Procurement List.

**SUMMARY:** The Committee is proposing to delete from the Procurement List services previously provided by nonprofit agencies employing persons who are blind or have other severe disabilities.

*Comments Must Be Received on or Before: 5/3/2010.*

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202-3259.

**FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT:** Barry S. Lineback, Telephone: (703) 603-7740, Fax: (703) 603-0655, or e-mail [CMTEFedReg@AbilityOne.gov](mailto:CMTEFedReg@AbilityOne.gov).

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons

an opportunity to submit comments on the proposed actions.

### Deletions

#### *Regulatory Flexibility Act Certification*

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.
2. If approved, the action may result in authorizing small entities to provide the services to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the services proposed for deletion from the Procurement List.

#### *End of Certification*

The following services are proposed for deletion from the Procurement List:

### Services

*Service Type/Location:* Food Service  
 Attendant, Whiting Field Naval Air  
 Station, Milton, FL.

NPA: UNKNOWN.

*Contracting Activity:* DEPT OF THE NAVY,  
 U S FLEET FORCES COMMAND,  
 NORFOLK, VA.

*Service Type/Location:* Document Image  
 Conversion, U.S. Department of Housing  
 & Urban Development, Richard B.  
 Russell Federal Building, Atlanta, GA.

NPA: Tommy Nobis Enterprises, Inc.,  
 Marietta, GA.

*Contracting Activity:* DEPARTMENT OF  
 HOUSING AND URBAN  
 DEVELOPMENT, OFFICE OF  
 PROCUREMENT & CONTRACTS,  
 WASHINGTON, DC.

*Service Type/Location:* Janitorial/Custodial,  
 Federal Aviation Administration, ATC  
 Standiford Field, Airway Facilities  
 Sector Field Office, Louisville, KY.

NPA: C.G.M. Services, Inc., Louisville, KY.

*Contracting Activity:* DEPARTMENT OF  
 TRANSPORTATION, SAINT  
 LAWRENCE SEAWAY DEVELOPMENT  
 CORP, MASSENA, NY.

*Service Type/Location:* Grounds  
 Maintenance, Lexington Blue Grass  
 Army Depot: Blue Grass Activity,  
 Richmond, KY, Lexington Activity,  
 Avon, KY.

NPA: UNKNOWN.

*Contracting Activity:* DEPT OF THE ARMY,  
 XR W40M NATL REGION CONTRACT  
 OFC, WASHINGTON, DC.

**Barry S. Lineback,**  
*Director, Business Operations.*

[FR Doc. 2010-7481 Filed 4-1-10; 8:45 am]

**BILLING CODE 6353-01-P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Federal Advisory Committee; Military Leadership Diversity Commission (MLDC)

**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 April 21-23, 2010. Subject to the availability of space, the meeting is open to the public.

**DATES:** The meeting will be held:

April 21, 2010 from 8 a.m. to 1:15 p.m.

April 22, 2010 from 8 a.m. to 5:45 p.m.

April 23, 2010 from 8 a.m. to 5:15 p.m.

**ADDRESSES:** The meeting will be held at the Holiday Inn, Fishkill, 542 Route 9, Fishkill, NY 12524-2224.

#### FOR FURTHER INFORMATION CONTACT:

Master Chief Steven A. Hady,  
 Designated Federal Officer, MLDC, at  
 (703) 602-0838, 1851 South Bell Street,  
 Suite 532, Arlington, VA. E-mail:  
[steven.Hady@wso.whs.mil](mailto:steven.Hady@wso.whs.mil).

#### SUPPLEMENTARY INFORMATION:

#### Purpose of the Meeting

The purpose of the meeting is for the commissioners of the Military Leadership Diversity Commission to continue their efforts to address congressional concerns as outlined in the commission charter.

#### Agenda

*April 21, 2010*

8 a.m.-1:15 p.m.

DFO opens meeting.

Commission Chairmen opening remarks.

Dr. Rohini Anand and Mr. Michael Montelongo brief MLDC on diversity efforts at Sodexo.

Dr. R. Roosevelt Thomas briefs the MLDC on effective diversity practices in the private sector.

Dr. Edward Hubbard briefs the MLDC on diversity metrics.

Mr. Luke Visconti briefs the MLDC on effective diversity practices in the private sector.

Open discussion on implementation