

publication of a cancellation notice to appear in advance of the scheduled meeting date. The details of the cancelled meeting are:

**DATE AND TIME:** Friday, November 5, 2010; 8:30 a.m. EDT

**PLACE:** 624 Ninth Street, NW., Room 540, Washington, DC 20425.

#### Meeting Agenda

This meeting is open to the public.

##### I. Approval of Agenda

##### II. Program Planning

- Approval of Project Outline and Discovery Plan for FY 2011 Enforcement Report.
- Discussion of Possible Briefing Topics for FY 2011.
- Update on Status of Briefing on Disparate Impact in School Discipline Policies.

##### III. Management & Operations

- Expiration of Commissioner Terms.

##### IV. State Advisory Committee Issues

- Wisconsin SAC.

##### V. Approval of Minutes of October 29 Meeting

##### VI. Adjourn

#### CONTACT PERSON FOR FURTHER

**INFORMATION:** Lenore Ostrowsky, Acting Chief, Public Affairs Unit (202) 376-8591. TDD: (202) 376-8116.

Persons with a disability requiring special services, such as an interpreter for the hearing impaired, should contact Pamela Dunston at least seven days prior to the meeting at 202-376-8105. TDD: (202) 376-8116.

Dated: November 5, 2010.

**David Blackwood,**

*General Counsel.*

[FR Doc. 2010-28354 Filed 11-5-10; 11:15 am]

**BILLING CODE 6335-01-P**

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XA018

#### Eastern North Pacific Gray Whale; Notice of Petition Availability

**AGENCY:** National Marine Fisheries Service (NMFS).

**ACTION:** Notification of availability; request for comments.

**SUMMARY:** NMFS has received a petition to designate the Eastern North Pacific population of gray whales (*Eschrichtius robustus*) as a depleted stock under the

Marine Mammal Protection Act (MMPA). In accordance with the MMPA, NMFS is announcing the receipt of the petition and its availability for public review and is soliciting comments on the petition.

**DATES:** Comments must be received by close of business on November 24, 2010.

**ADDRESSES:** A copy of the petition may be requested from Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

You may submit comments, identified by 0648-XA018, by any one of the following methods:

- **Electronic Submissions:** Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>.

- **Fax:** 301-713-0376, Attn: Chief, Marine Mammal and Sea Turtle Conservation Division.

- **Mail:** Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

**Instructions:** No comments will be posted for public viewing until after the comment period has closed. All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

**FOR FURTHER INFORMATION CONTACT:** Dr. Shannon Bettridge or Dr. Gregory Silber, Office of Protected Resources, Silver Spring, MD (301) 713-2322.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

Interested persons may obtain the petition for review on the Internet at the following address: <http://www.nmfs.noaa.gov/pr/> or by contacting Dr. Shannon Bettridge or Dr. Gregory Silber [see **FOR FURTHER INFORMATION CONTACT**].

The 2008 stock assessment report for Eastern North Pacific gray whales is available on the Internet at the following address: <http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2008whgr-en.pdf>.

## Background

Section 3(1)(A) of the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1362(1)(A)) defined the term, "depletion" or "depleted", to include any case in which " \* \* \* the Secretary, after consultation with the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals \* \* \* determines that a species or a population stock is below its optimum sustainable population." Section 3(9) of the MMPA (16 U.S.C. 1362(9)) defines "optimum sustainable population [(OSP)] \* \* \* with respect to any population stock, [as] the number of animals which will result in the maximum productivity of the population or the species, keeping in mind the carrying capacity [(K)] of the habitat and the health of the ecosystem of which they form a constituent element." NMFS' regulations at 50 CFR 216.3 clarify the definition of OSP as a population size that falls within a range from the population level of a given species or stock that is the largest supportable within the ecosystem (*i.e.*, K) to its maximum net productivity level (MNPL). MNPL is the population abundance that results in the greatest net annual increment in population numbers resulting from additions to the population from reproduction, less losses due to natural mortality.

The MMPA provides for interested parties to submit a petition to designate a population stock of marine mammals as depleted. Section 115(a)(3) of the MMPA (16 U.S.C. 1383b(a)(3)) requires NMFS to publish a notice in the **Federal Register** that such a petition has been received and is available for public review. Within 60 days of receiving a petition, NMFS must publish a finding in the **Federal Register** as to whether the petition presents substantial information indicating that the petitioned action may be warranted.

If NMFS makes a positive 60-day finding, NMFS must promptly initiate a review of the status of the affected population stock of marine mammals. No later than 210 days after receipt of the petition, NMFS must publish a proposed rule as to the status of the species or stock, along with the reasons underlying the proposed status determination. Following a 60-day minimum comment period on the proposed rule, NMFS must publish a final rule within 90 days of the close of the comment period on the proposed rule.

**Petition on Eastern North Pacific Gray Whales**

On October 21, 2010, NMFS received a petition from the California Gray Whale Coalition to designate the Eastern North Pacific population of gray whales as depleted under the MMPA. The petition alleges that the causes of the decline include the following:

- (1) Over-harvesting;
- (2) Collapse of cow/calf numbers;
- (3) Predation by transient orcas;
- (4) Major changes in primary prey and habitat as a result of climate change; and
- (5) Reduction in available prey species resulting in starvation.

In accordance with the MMPA, NMFS announces the receipt of this petition, and its availability for public review (see **ADDRESSES** and Electronic Access). NMFS also solicits comments and information related to the statements in the petition and additional background on the status of the Eastern North Pacific population of gray whales.

Dated: November 4, 2010.

**Thomas C. Eagle,**

*Acting Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2010-28282 Filed 11-8-10; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

**RIN 0648-XA022**

**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) Herring Committee will meet to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

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

**ADDRESSES:** The meeting will be held at the Sheraton Harborside Hotel, 250 Market Street, Portsmouth, NH 03801; *telephone:* (603) 431-2300; *fax:* (603) 433-5649.

*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. Continue development of alternatives for consideration in Amendment 5 to the Atlantic Herring Fishery Management Plan (FMP), with particular focus on catch monitoring alternatives;

2. Discuss and develop elements of proposed portside sampling program (data priorities, sampling design, potential coverage levels, administration) and measures to confirm self-reported catch; develop Committee recommendations;

3. Discuss and further develop options for funding;

4. Address other outstanding issues related to Amendment 5 as time permits.

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: November 4, 2010.

**Tracey L. Thompson,**

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

[FR Doc. 2010-28216 Filed 11-8-10; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

**RIN 0648-XZ66**

**Marine Mammals; File No. 781-1824**

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

**ACTION:** Notice; receipt of application for permit amendment.

**SUMMARY:** Notice is hereby given that the Northwest Fisheries Science Center (NWFSC, Dr. M. Bradley Hanson, Principal Investigator), 2725 Montlake Blvd. East, Seattle, Washington 98112-2097, has applied for an amendment to Scientific Research Permit No. 781-1824-01.

**DATES:** Written, telefaxed, or e-mail comments must be received on or before December 9, 2010.

**ADDRESSES:** The application and related documents are available for review by selecting "Records Open for Public Comment" from the *Features* box on the Applications and Permits for Protected Species home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 781-1824 from the list of available applications.

These documents are also available upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 713-2289; fax (301) 713-0376; and Northwest Region, NMFS, 7600 Sand Point Way NE, BIN C15700, Bldg. 1, Seattle, WA 98115-0700; phone (206) 526-6150; fax (206) 526-6426.

Written comments on this application should be submitted to the Chief, Permits, Conservation and Education Division, at the address listed above. 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). Please include File No. 781-1824 in the subject line of the e-mail comment.

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 amendment to Permit No. 781-1824-01 is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222-226).

Permit No. 781-1824-00 (issued on March 31, 2006; 74 FR 19875), as amended by Permit No. 781-1824-01