

DEPARTMENT OF COMMERCE**International Trade Administration****University of Wisconsin–Madison, et al., Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes**

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 3705, U.S. Department of Commerce, 14th and Constitution Avenue., NW, Washington, D.C.

Docket Number: 08–054. Applicant: University of Wisconsin–Madison, Madison, WI 53715–1218. Instrument: FEI Titan 80–200 Electron Microscope. Manufacturer: FEI Company, Czech Republic. Intended Use: See notice at 74 FR 5819, February 2, 2009.

Docket Number: 08–059. Applicant: Emory University, Atlanta, GA 30322–4250. Instrument: Electron Microscope, Model JEM–1011. Manufacturer: JEOL, Japan. Intended Use: See notice at 74 FR 5819, February 2, 2009.

Docket Number: 08–060. Applicant: University of Arizona, Tucson, AZ 85721. Instrument: FEI Inspect S Scanning Electron Microscope. Manufacturer: FEI Company, Czech Republic. Intended Use: See notice at 74 FR 5819, February 2, 2009.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered. Reasons: Each foreign instrument is an electron microscope and is intended for research or scientific educational uses requiring an electron microscope. We know of no electron microscope, or any other instrument suited to these purposes, which was being manufactured in the United States at the time of order of each instrument.

Dated: March 4, 2009.

Chris Cassel,

Acting Director, Subsidies Enforcement Office, Import Administration
[FR Doc. E9–5088 Filed 3–9–09; 8:45 am]

BILLING CODE 3510–DS–S

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

RIN 0648–X000

Caribbean Fishery Management Council; Public Meeting

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

ACTION: Notice of public meetings.

SUMMARY: The Caribbean Fishery Management Council (Council) and its Administrative Committee will hold meetings.

DATES: The meetings will be held on March 24–26, 2009. The Council will convene on Tuesday, March 24, 2009, from 9:30 a.m. to 5 p.m. They will reconvene on Wednesday, March 25, 2009, from 9 a.m. to 5 p.m., and the Administrative Committee will meet from 5:15 p.m. to 6 p.m., on that same date. The Council will reconvene on Thursday, March 26, 2009, from 9 a.m. to 5 p.m., approximately.

ADDRESSES: The meetings will be held at the Carambola Beach Resort and Spa, located at Estate Davis Bay, St. Croix, U.S.V.I.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, 268 Munoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico 00918–1920, telephone (787) 766–5926.

SUPPLEMENTARY INFORMATION: The Council will hold its 130th regular Council Meeting to discuss the items contained in the following agenda:

March 24, 2009 - 9 a.m. to 5:30 p.m.

- Call to Order
- Adoption of Agenda
- Consideration of the 129th Council Meeting Verbatim Transcription
- Executive Director's Report
- Final Guidelines National Standard 1
- SEDAR Report
- ACLG Report/Recommendations
- SSC Report/Recommendations
- ACLs/AMs Scoping Document

March 25, 2009, 9 a.m. – 5 p.m.

- Continuation of ACLs/AMs Scoping Document
- Presentations
 - HMS Caribbean Amendment Update
- Greg Fairclough
 - Presentation on Coral Issues
 - Traditional Ecological Knowledge among Puerto Rico Fishermen - Manuel Valdes Pizzini
 - Determining Appropriate Boundaries to Protect Nassau Grouper

and Yellowtail Spawning Aggregations – Richard Nemeth

- How Effective are No-Take areas on Current and Historic Nassau Grouper Spawning Grounds? – Brice Semmens
- Trap Study Presentation – Julian Magras
- US Customs and Border Protection (CBP) Presentation – Jose Vazquez
- Bajo de Sico Alternatives

5:15 p.m. – 6 p.m.

- Administrative Committee Meeting
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- Budget 2009/10
- SOPPs Amendment(s)
- Other Business

March 26, 2009, 9 a.m. – 5 p.m.

- Enforcement Reports
 - Puerto Rico - DNER
 - U.S. Virgin Islands - DPNR
 - NOAA/NMFS
 - U.S. Coast Guard
- Administrative Committee

Recommendations

- Meetings Attended by Council Members and Staff

Public Comment Period (5-minute presentations)

- Other Business
- Next Council Meeting

The meetings are open to the public, and will be conducted in English. Fishers and other interested persons are invited to attend and participate with oral or written statements regarding agenda issues. Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be subjects for formal action during this meeting. Actions 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 that the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. For more information or request for sign language interpretation and/or other auxiliary aids, please contact Mr. Miguel A. Rolon, Executive Director, Caribbean Fishery Management Council, 268 Munoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico, 00918–1920, telephone (787) 766–5926, at least five days prior to the meeting date.

Dated: March 6, 2009.

Emily H. Menashes,

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

[FR Doc. E9-5170 Filed 3-6-09; 4:15 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XN74

Incidental Take of Marine Mammals; Taking of Marine Mammals Incidental to Conducting Precision Strike Weapons Testing and Training by Eglin Air Force Base in the Gulf of Mexico

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

ACTION: Notice of issuance of a letter of authorization.

SUMMARY: In accordance with provisions of the Marine Mammal Protection Act (MMPA), as amended, notification is hereby given that a letter of authorization (LOA) to take four species of marine mammals, by harassment, incidental to testing and training during Precision Strike Weapons (PSW) tests in the Gulf of Mexico (GOM), a military readiness activity, has been issued to Eglin Air Force Base (AFB).

DATES: This authorization is effective from March 19, 2009, through March 18, 2010.

ADDRESSES: The application and LOA are available for review in the Permits, Conservation, and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 or by contacting the individual mentioned below.

FOR FURTHER INFORMATION CONTACT: Candace Nachman, NMFS, (301) 713-2289.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs NMFS to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region, if certain findings are made by NMFS and regulations are issued. Under the MMPA, the term “taking” means to harass, hunt, capture, or kill or to attempt to harass, hunt, capture or kill

marine mammals. The National Defense Authorization Act of 2004 (Public Law 108-136) removed the “small numbers” and “specified geographical region” limitations and amended the definition of “harassment” as it applies to a “military readiness activity” to read as follows (Section 3(18)(B) of the MMPA):

(i) any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild [Level A Harassment]; or (ii) any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered [Level B Harassment].

Authorization, in the form of annual LOAs, may be granted for periods up to five years if NMFS finds, after notification and opportunity for public comment, that the taking will have a negligible impact on the species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses. In addition, NMFS must prescribe regulations that include permissible methods of taking and other means effecting the least practicable adverse impact on the species and its habitat, and on the availability of the species for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance. The regulations must include requirements pertaining to the monitoring and reporting of such taking. Regulations governing the taking of marine mammals incidental to PSW testing and training within the Eglin Gulf Test and Training Range (EGTTR) in the GOM, were published on November 24, 2006 (71 FR 67810), and remain in effect from December 26, 2006, through December 27, 2011. The species that Eglin AFB may take during PSW testing and training are Atlantic bottlenose (*Tursiops truncatus*) and Atlantic spotted dolphins (*Stenella frontalis*) and dwarf (*Kogia simus*) and pygmy sperm whales (*Kogia breviceps*).

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 52 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 temporary (auditory) threshold shift (TTS).

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 reduce potential impacts to marine mammals in both numbers and degree of severity. 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 December 12, 2008, 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 2008

In 2008, two Joint Air-to-Surface Stand-Off Missile Jettison Test Vehicles (JTVs) were released into the GOM on April 3, 2008, and May 30, 2008. The JTVs were inert with no control surface deployment or engine start. Seek Eagle uses these items to test release aerodynamic performance of the weapon, launcher, and aircraft before permitting the release of the other two test vehicle configurations. The JTVs