

There is no charge for the workshop; however, advanced registration is necessary. There will be no on-site, same-day registration. The deadline is Wednesday, April 20, 2011.

**DATES:** The workshop will be held on Tuesday, April 26, 2011 from 9 a.m. to 4:30 p.m. Contact Beth Thomas at [beth.thomas@nist.gov](mailto:beth.thomas@nist.gov) or (301) 975-4521 for pre-registration.

**ADDRESSES:** The workshop will be held in the Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, MD 20878.

**FOR FURTHER INFORMATION CONTACT:** Dana Leaman, (301) 975-4679, e-mail: [dana.leaman@nist.gov](mailto:dana.leaman@nist.gov). The mailing address is 100 Bureau Drive, Mail Stop 2140, Gaithersburg, MD 20899-2140. Information regarding NVLAP and the accreditation process can be viewed at <http://www.nist.gov/nvlap>.

**SUPPLEMENTARY INFORMATION:** In response to a request from the U.S. Department of Health and Human Services (HHS), National Coordinator for Health Information Technology, the National Voluntary Laboratory Accreditation Program (NVLAP) is considering establishing an accreditation program for laboratories that test HIT electronic health record technology.

NVLAP accreditation criteria are established in accordance with the Code of Federal Regulations (CFR, title 15, Part 285), NVLAP Procedures and General Requirements. To be accredited by NVLAP, laboratories conducting testing of HIT electronic health record technology will be required to meet ISO/IEC International Standard 17025, general requirements for the competence of testing and calibration laboratories. In addition, for each new LAP, NVLAP works with the affected testing community to develop program-specific technical requirements. These requirements tailor the general accreditation criteria referenced in Sections 4 and 5 of the NIST handbook 150 to the test and services in the new LAP. Program-specific requirements include the details of the scope of accreditation, test and measurement equipment, personnel requirements, validation of test methods, and reporting of test results.

NVLAP accreditation does not imply any guarantee (certification) of laboratory performance or test/calibration data. NVLAP accreditation is a finding of laboratory competence.

Dated: March 15, 2011.

**Charles H. Romine,**

*Acting Associate Director for Laboratory Programs.*

[FR Doc. 2011-6688 Filed 3-21-11; 8:45 am]

**BILLING CODE 3510-13-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XA308**

#### Endangered and Threatened Species; Take of Anadromous Fish

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

**ACTION:** Receipt of an application for a new scientific research permit.

**SUMMARY:** Notice is hereby given that NMFS has received a scientific research permit application request relating to salmonids listed under the Endangered Species Act (ESA). The proposed research is intended to increase knowledge of the species and to help guide management and conservation efforts. These documents are also available upon written request or by appointment by contacting NMFS by phone (707) 575-6097 or fax (707) 578-3435.

**DATES:** Written comments on the permit application must be received at the appropriate address or fax number (*see ADDRESSES*) no later than 5 p.m. Pacific standard time on April 21, 2011.

**ADDRESSES:** Written comments on this application should be submitted to the Protected Resources Division, NMFS, 777 Sonoma Avenue, Room 325, Santa Rosa, CA 95404. Comments may also be submitted via fax to (707) 578-3435 or by e-mail to [FRNpermits.SR@noaa.gov](mailto:FRNpermits.SR@noaa.gov).

The application and related documents may be viewed online at: [https://apps.nmfs.noaa.gov/preview/preview\\_open\\_for\\_comment.cfm](https://apps.nmfs.noaa.gov/preview/preview_open_for_comment.cfm).

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Jahn, Santa Rosa, CA (ph.: 707-575-6097, e-mail.: [Jeffrey.Jahn@noaa.gov](mailto:Jeffrey.Jahn@noaa.gov)).

#### SUPPLEMENTARY INFORMATION:

##### Species Covered in This Notice

This notice is relevant to federally threatened Central California Coast (CCC) steelhead (*Oncorhynchus mykiss*).

##### Authority

Scientific research permits are issued in accordance with section 10(a)(1)(A)

of the ESA of 1973 (16 U.S.C. 1531-1543) and regulations governing listed fish and wildlife permits (50 CFR parts 222-226). NMFS issues permits based on findings that such permits: (1) Are applied for in good faith; (2) if granted and exercised, would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. The authority to take listed species is subject to conditions set forth in the permits.

Anyone requesting a hearing on the application listed in this notice should set out the specific reasons why a hearing on this application would be appropriate (*see ADDRESSES*). Such hearings are held at the discretion of the Assistant Administrator for Fisheries, NMFS.

#### Application Received

URS Corporation in Oakland, CA, is requesting a 5-year scientific research permit (Permit 16115) to take juvenile CCC steelhead associated with a research project in the Guadalupe River watershed in Santa Clara County, CA. In the study described below, researchers do not expect to kill any listed fish but a small number may die as an unintended result of the research activities.

The purpose of the research program is to collect warmwater fish species to analyze individuals for total mercury content, and to obtain information on CCC steelhead presence. Target species include adult California roach (*Lavinia symmetricus*) and young of the year largemouth bass (*Micropterus salmoides*). CCC steelhead captured during sampling will be placed in an aerated bucket, enumerated, measured and released at the point of capture; no samples will be taken of CCC steelhead. Locations and habitat conditions in areas that CCC steelhead are captured will be noted.

Sampling will occur once annually in 2011, 2012, and 2016; sample collection will take place between May 1 and June 30, depending on seasonal weather patterns and permit conditions. Fish will be collected by backpack electrofisher at five stream sampling sites. Captured unlisted warmwater fish will be analyzed for total mercury content to assess the success of Total Maximum Daily Load implementation efforts. URS Corporation will also be conducting boat electrofishing in reservoirs that do not contain ESA-listed anadromous fish and therefore take of CCC steelhead is not expected as a result of this collection method.

The program will satisfy the Regional Water Quality Control Board requirement to monitor mercury in waters downstream of historic quicksilver mines in the Guadalupe River watershed. Increased information regarding CCC steelhead habitat use and preference and proper management of mercury loads in this watershed are benefits associated with this research program.

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate the application, associated documents, and comments submitted to determine whether the application meets the requirements of section 10(a) of the ESA and Federal regulations. The final permit decision will not be made until after the end of the 30-day comment period. NMFS will publish notice of its final action in the **Federal Register**.

Dated: March 16, 2011.

**Angela Somma**,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2011-6731 Filed 3-21-11; 8:45 am]

BILLING CODE 3510-22-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[Docket No. 110309187-1185-01]

RIN 0648-XA105

#### Endangered and Threatened Wildlife; Notice of 90-Day Finding on a Petition To List the Caribbean Electric Ray as Threatened or Endangered Under the Endangered Species Act (ESA)

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

**ACTION:** Notice of 90-day petition finding.

**SUMMARY:** We (NMFS) announce a 90-day finding on a petition to list the Caribbean electric ray (*Narcine bancroftii*) as threatened or endangered under the ESA. We find that the petition does not present substantial scientific or commercial information indicating that the petitioned action may be warranted.

**ADDRESSES:** Copies of the petition and related materials are available upon request from the Chief, Protected Resources Division, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701, or online from the Southeast Regional Office-Protected Resources Division Web site: <http://>

[sero.nmfs.noaa.gov/pr/ListingPetitions.htm](http://sero.nmfs.noaa.gov/pr/ListingPetitions.htm).

**FOR FURTHER INFORMATION CONTACT:** Andrew Herndon, NMFS Southeast Region, 727-824-5312, or Marta Nammack, NMFS Office of Protected Resources, 301-713-1401.

**SUPPLEMENTARY INFORMATION:** On September 7, 2010, we received a petition from WildEarth Guardians to list the Caribbean electric ray as threatened or endangered under the ESA. The petitioner asserts that the species has declined 98 percent since 1972 in the northern Gulf of Mexico and that it faces threats from incidental taking as shrimp trawl bycatch and also from habitat degradation, including the BP oil spill in the Gulf of Mexico.

#### ESA Statutory and Regulatory Provisions and Evaluation Framework

Section 4(b)(3)(A) of the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires, to the maximum extent practicable, that within 90 days of receipt of a petition to list a species as threatened or endangered, the Secretary of Commerce (Secretary) make a finding on whether that petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted, and to promptly publish such finding in the **Federal Register** (16 U.S.C. 1533(b)(3)(A)). When it is found that substantial scientific or commercial information in a petition indicates the petitioned action may be warranted (a “positive 90-day finding”), we are required to promptly commence a review of the status of the species concerned during which we will conduct a comprehensive review of the best available scientific and commercial information. In such cases, we shall conclude the review with a finding as to whether, in fact, the petitioned action is warranted within 12 months of receipt of the petition. Because the finding at the 12-month stage is based on a more thorough review of the available information, as compared to the narrow scope of review at the 90-day stage, a “may be warranted” finding does not prejudice the outcome of the status review.

Under the ESA, a listing determination may address a “species,” which is defined to also include subspecies and, for any vertebrate species, any distinct population segment (DPS) that interbreeds when mature (16 U.S.C. 1532(16)). A joint NOAA-U.S. Fish and Wildlife Service (USFWS) policy clarifies the agencies’ interpretation of the phrase “distinct population segment” for the purposes of

listing, delisting, and reclassifying a species under the ESA (61 FR 4722; February 7, 1996). A species, subspecies, or DPS is “endangered” if it is in danger of extinction throughout all or a significant portion of its range, and “threatened” if it is likely to become endangered within the foreseeable future throughout all or a significant portion of its range (ESA sections 3(6) and 3(20), respectively, 16 U.S.C. 1532(6) and (20)). Pursuant to the ESA and our implementing regulations, we determine whether species are threatened or endangered because of any one or a combination of the following five section 4(a)(1) factors: (1) The present or threatened destruction, modification, or curtailment of habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) inadequacy of existing regulatory mechanisms; and (5) any other natural or manmade factors affecting the species’ existence (16 U.S.C. 1533(a)(1), 50 CFR 424.11(c)).

ESA-implementing regulations issued jointly by NMFS and USFWS (jointly, “the Services”) (50 CFR 424.14(b)) define “substantial information” in the context of reviewing a petition to list, delist, or reclassify a species as the amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted. In evaluating whether substantial information is contained in a petition, the Secretary must consider whether the petition: (1) Clearly indicates the administrative measure recommended and gives the scientific and any common name of the species involved; (2) contains detailed narrative justification for the recommended measure, describing, based on available information, past and present numbers and distribution of the species involved and any threats faced by the species; (3) provides information regarding the status of the species over all or a significant portion of its range; and (4) is accompanied by the appropriate supporting documentation in the form of bibliographic references, reprints of pertinent publications, copies of reports or letters from authorities, and maps (50 CFR 424.14(b)(2)).

Court decisions have clarified the appropriate scope and limitations of the Services’ review of petitions at the 90-day finding stage, in making a determination that a petitioned action “may be” warranted. As a general matter, these decisions hold that a petition need not establish a “strong likelihood” or a “high probability” that a species is either threatened or endangered to support a positive 90-day finding.