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Dated: June 15, 2009.

Patrick Gallagher,

Deputy Director.

[FR Doc. E9-14459 Filed 6-18-09; 8:45 am]

BILLING CODE 3510-13-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XP45

2009 European Union Export Certification for Fishery Products

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

ACTION: Notice of procedural change.

SUMMARY: The National Oceanic and Atmospheric Administration Seafood Inspection Program (NOAA SIP) will become the sole certifying agency for all fish and fishery products for export to European Union (EU) or European Free Trade Association (EFTA) member countries. Due to the large volume of demand for these certificates and the need for expedient service, SIP, through this notice, is announcing a change from current practices, including fee structure, for providing Health Certificates for the EU and EFTA.

DATES: Effective June 16, 2009.

FOR FURTHER INFORMATION CONTACT: Timothy Hansen, *Timothy.hansen@noaa.gov*, Program Director SIP NMFS/NOAA (301) 713-2355 EXT. 214

SUPPLEMENTARY INFORMATION:

Background

On January 15, 2009 (74 FR 2600), the U.S. Food and Drug Administration (FDA) published a **Federal Register** Notice announcing that after February 17, 2009, FDA will no longer issue health certificates required by the EU for export of fish or fishery products to the EU or the EFTA. By subsequent notice in the **Federal Register** on February 11, 2009 (74 FR 6902), FDA announced a 120-day delay in the effective date of the January 15, 2009 notice. FDA now intends to cease issuing EU Health Certificates on June 17, 2009. The U. S. Department of Commerce Seafood Inspection Program will continue to issue these certificates upon request on a fee-for-service basis.

The Seafood Inspection Program of the National Marine Fisheries Service

(NMFS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce, operating under authority of the Agricultural Marketing Act (7 U.S.C. 1621 *et seq.*) and the Fish and Wildlife Act (16 U.S.C. 742a *et seq.*), is responsible for the development and advancement of commercial grade standards for fishery products and better health and sanitation standards in the industry and for furnishing inspection, evaluation, analytical, grading, and certification services to interested parties. Its major purpose is to encourage and assist the industry in improving the quality, wholesomeness, safety, proper labeling, and marketability of its products.

In 1993, the EU began requiring health certificates for fish and fishery products that entered the EU. Both the FDA and SIP were recognized by the EU as competent U.S. Government authorities and acceptable sources for EU health certificates. The EU also required that shippers to the EU be on a list of firms that demonstrated compliance with the U.S. food safety laws and regulations. Since 1993, FDA has issued health certificates for seafood processing firms appearing on the EU Export Certificate List free of charge. By contrast, SIP examined the product and labeling, confirmed all the shipping information and issued health certificates on a fee for service basis. FDA initially issued approximately 3000 certificates per year, but as European demand for U.S. fishery products increased over the years, the number of certificates issued annually by FDA has grown ten-fold to over 30,000. FDA currently issues about 80 percent of all EU health certificates. The increased volume of certificates issued and concomitant decrease in agency resources has made FDA reassess its involvement in the issuance of EU health certificates.

New Procedures for Receiving EU Certificates From SIP

Effective immediately, SIP policy is as follows: SIP, upon request, will issue EU Health Certificates to SIP program participants and rely on inspection results or an approved control system, e.g. the Hazard Analysis and Critical Control Points Quality Management Program (HACCP QMP) or the Integrated Quality Assurance (IQA) Program, to issue the certificate. Seafood processors and other entities that are not SIP program participants may receive EU Health Certificates from SIP based on a periodic verification of the information provided, compliance of the product labeling to EU requirements and the condition of the product.

Instructions for requesting an EU Health Certificate can be found on the SIP Web site at:<http://www.seafood.nmfs.noaa.gov>.

All applicants for EU Health Certificates must be in regulatory good standing with the FDA and must be on the FDA's EU Export Certificate List. In addition, prior to the issuance of EU Health Certificates, all applicants will be required to sign an agreement including, but not limited to, the following provisions:

- The applicant agrees to allow SIP auditors or EC Food and Veterinary auditors entrance to the processing facility at reasonable times when periodic audits occur.
- The applicant agrees to keep information about the origin of foreign raw material to ensure that it was produced in a firm and country that are approved by the EC, make this information available to SIP auditors upon request and provide this information for each certificate request when foreign product is to be certified by SIP.
- The applicant acknowledges that s/ he has read the terms and conditions of the agreement and understands that making false statements in connection with issuance of an EU Health Certificate would be a violation of 7 U.S.C.1622(h), punishable by a fine of not more than \$1,000 or imprisonment for not more than one year, or both.

Fee Structure

Program Participants

For participants in SIP's continuous on-site inspection service program, certificates will be provided at no extra cost assuming that the work demands can be adequately addressed in the agreed upon contract hours. If additional time is needed for EU Health Certificate completion, it will be charged at the appropriate hourly rate, published on the SIP Web site. EU Health Certificates for facilities operating under the HACCP QMP or the IQA Program will be charged \$50 for each EU Health Certificate request. Participants may choose to contract specifically for EU Health Certificate services if there is a significant volume.

Non-Program Participants

Seafood processors and other entities that are not SIP program participants will be charged \$69 for each EU Health Certificate request. Fees and charges may be adjusted as necessary to recover costs. Changes in this fee structure will be announced via notice in the **Federal Register**.

Dated: June 16, 2009.

Samuel D. Rauch III,

*Deputy Assistant Administrator for
Regulatory Programs, National Marine
Fisheries Service.*

[FR Doc. E9-14475 Filed 6-16-09; 4:15 pm]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

Bureau of the Census

Request for Nominations of Members To Serve on the Census Advisory Committee on the African American Population

AGENCY: Bureau of the Census,
Commerce.

ACTION: Notice of request for
nominations.

SUMMARY: The Bureau of the Census (Census Bureau) is requesting nominations of individuals to the Census Advisory Committee on the African American Population. The Census Bureau will consider nominations received in response to this notice, as well as from other sources. The **SUPPLEMENTARY INFORMATION** section of this notice provides Committee and membership criteria.

DATES: Please submit nominations by July 20, 2009.

ADDRESSES: Please submit nominations to Jeri Green, Chief, Census Advisory Committee Office, U.S. Census Bureau, Room 8H182, 4600 Silver Hill Road, Washington, DC 20233. Nominations also may be submitted via fax at 301-763-8609, or by e-mail to jeri.green@census.gov.

FOR FURTHER INFORMATION CONTACT: Jeri Green, Chief, Census Advisory Committee Office, U.S. Census Bureau, Room 8H182, 4600 Silver Hill Road, Washington, DC 20233, telephone (301) 763-2070.

SUPPLEMENTARY INFORMATION: The Committee was established in accordance with the Federal Advisory Committee Act (Title 5, United States Code (U.S.C.), Appendix 2) in 1995. The following provides information about the Committee, membership, and the nomination process.

Objectives and Duties

1. The Committee provides an organized and continuing channel of communication between African American communities and the Census Bureau. Committee members identify useful strategies to reduce the differential undercount for the African American population, and on ways data can be disseminated for maximum

usefulness to the African American population.

2. The Committee draws upon prior decennial planning efforts, research studies, test censuses, and other experiences to provide advice and recommendations for the 2010 Decennial Census Program.

3. The Committee functions solely as an advisory body under the Federal Advisory Committee Act.

4. The Committee reports to the Director of the Census Bureau.

Membership

1. Members are appointed by and serve at the discretion of the Secretary of Commerce. They are appointed to the nine-member Committee for a period of three years.

2. Members will be reevaluated at the conclusion of the three-year term with the prospect of renewal, pending meeting attendance, administrative compliance, advisory committee needs, and the Secretary's concurrence. Committee members are selected in accordance with applicable Department of Commerce guidelines. The Committee aims to have a balanced representation, considering such factors as geography, gender, technical expertise, community involvement, and knowledge of census procedures and activities. The Committee aims to include members from diverse backgrounds, including State and local governments, academia, media, research, community-based organizations, and the private sector. No employee of the Federal government can serve as a member of the Committee. Meeting attendance and active participation in the activities of the Advisory Committee are essential for sustained Committee membership as well as submission of required annual financial disclosure statements.

Miscellaneous

1. Members of the Committee serve without compensation, but receive reimbursement for Committee-related travel and lodging expenses.

2. The Committee meets at least once a year, budget permitting, but additional meetings may be held as deemed necessary by the Census Director or Designated Federal Official. All

Committee meetings are open to the public in accordance with the Federal Advisory Committee Act.

Nomination Information

1. Nominations are requested as described above.

2. Nominees should have expertise and knowledge of the cultural patterns, issues, and/or data needs of the African

American community. Such knowledge and expertise are needed to provide advice and recommendations to the Census Bureau on how best to enumerate the African American population and obtain complete and accurate data on this population. Individuals, groups, or organizations may submit nominations on behalf of a potential candidate. A summary of the candidate's qualifications (resumé or curriculum vitae) *must* be included along with the nomination letter. Nominees must have the ability to participate in Advisory Committee meetings and tasks. Besides Committee meetings, active participation may include Committee assignments and participation in conference calls and working groups.

3. The Department of Commerce is committed to equal opportunity in the workplace and seeks diverse Committee membership.

Dated: June 12, 2009.

Thomas L. Mesenbourg,

Acting Director, Bureau of the Census.

[FR Doc. E9-14442 Filed 6-18-09; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XN11

Notification of Stock Status Determination for Atlantic Highly Migratory Species Shortfin Mako Shark

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

ACTION: Notification of determination overfishing and approaching an overfished condition.

SUMMARY: This action serves as a notice that NMFS, on behalf of the Secretary of Commerce (Secretary), has determined that overfishing is occurring on Atlantic highly migratory species shortfin mako and the stock is approaching an overfished condition. The Secretary is required to take action within 1 year following determination that: a stock is overfished; a stock is approaching an overfished condition; or existing remedial action taken to end overfishing or rebuild an overfished stock has not resulted in adequate progress.

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

SUPPLEMENTARY INFORMATION: Pursuant to sections 304(e)(2) and (e)(7) of the