

Agriculture; Room 2457, Waterfront Centre; 800 9th Street, SW.; Washington, DC 20024.

**Instructions:**

All submissions received must include the agency name and the Docket Number NIFA–2010–0001. All comments received will be posted to <http://www.regulations.gov>, including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** Ms. Terri Joya, (202) 401–1761 (phone), (202) 401–1782 (fax), or [tjoya@nifa.usda.gov](mailto:tjoya@nifa.usda.gov).

**SUPPLEMENTARY INFORMATION:**

**Additional Meeting and Comment Procedures**

Persons wishing to present oral comments at the Wednesday, June 2, 2010 meeting are requested to pre-register by contacting Ms. Terri Joya at (202) 401–1761, by fax at (202) 401–1782 or by e-mail to [tjoya@nifa.usda.gov](mailto:tjoya@nifa.usda.gov). Participants may reserve one 5-minute comment period. More time may be available, depending on the number of people wishing to make a presentation and the time needed for questions following presentations. Reservations will be confirmed on a first-come, first-served basis. All other attendees may register at the meeting. Written comments may also be submitted for the record at the meeting. All comments must be received by close of business June 7, 2010 to be considered. All comments and the official transcript of the meeting, when they become available, may be reviewed on the NIFA Web page for six months. Participants who require a sign language interpreter or other special accommodations should contact Ms. Joya as directed above.

**Background and Purpose**

Section 7406 of the Food, Conservation, and Energy Act of 2008 (Pub. L. 110–246) amended subsection 2(b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)) authorizing the Secretary of Agriculture to establish a new competitive grant program to provide funding for fundamental and applied research, extension, and education to address food and agricultural sciences. Subject to the availability of appropriations to carry out this program, the Secretary may award grants to State agricultural experiment stations; colleges and universities; university research foundations; other research institutions and organizations; Federal agencies; national laboratories; private organizations or corporations; individuals; or any group consisting of

two or more of the aforementioned entities. Grants shall be awarded to address priorities in United States agriculture in the following areas: (A) Plant health and production and plant products; (B) Animal health and production and animal products; (C) Food safety, nutrition, and health; (D) Renewable energy, natural resources, and environment; (E) Agriculture systems and technology; and (F) Agriculture economics and rural communities. To the maximum extent practicable, NIFA, in coordination with the Under Secretary for Research, Education, and Economics (REE), will make awards for high priority research, education, and extension, taking into consideration, when available, the determinations made by the National Agricultural Research, Extension, Education, and Economics Advisory Board. The authority to carry out this program has been delegated to NIFA through the Undersecretary for REE.

NIFA is holding a public meeting to obtain comments to consider in developing the Fiscal Year 2011 solicitations for the AFRI competitive grants program. The meeting is open to the public. Written comments and suggestions on issues that may be considered in the meeting may be submitted to the NIFA Docket Clerk at the address above.

**Summary of Agriculture and Food Research Initiative**

The program authorizes \$700 million in grants for FY 2008–12, of which the Secretary may retain no more than 4% for administrative costs. Funds will be available for obligation for a two-year period beginning in the fiscal year for which funds are first made available. Grants will be awarded on the basis of merit, quality, and relevance and may have terms of up to 10 years.

Of the AFRI funds allocated to research activities, section 7406 directs 60 percent toward grants for fundamental (or basic) research, and 40 percent toward applied research. Of the AFRI funds allocated to fundamental research, not less than 30 percent of AFRI grants will be directed toward research by multidisciplinary teams. In addition, the law specifies that of the total amount appropriated for AFRI, not less than 30 percent is to be used for integrated programs.

**Implementation Plans**

NIFA plans to consider stakeholder input received from this public meeting as well as other written comments in developing the Fiscal Year 2011 solicitations for this program.

Done at Washington, DC, this 3rd day of May 2010.

**Meryl Broussard,**

*Interim Deputy Director, National Institute of Food and Agriculture.*

[FR Doc. 2010–10690 Filed 5–6–10; 8:45 am]

**BILLING CODE 3410–22–P**

**DEPARTMENT OF AGRICULTURE**

**Foreign Agricultural Service**

**WTO Agricultural Safeguard Trigger Levels**

**AGENCY:** Foreign Agricultural Service, USDA.

**ACTION:** Notice of product coverage and trigger levels for safeguard measures provided for in the World Trade Organization (WTO) Agreement on Agriculture.

**SUMMARY:** This notice lists the updated quantity trigger levels for products which may be subject to additional import duties under the safeguard provisions of the WTO Agreement on Agriculture. This notice also includes the relevant period applicable for the trigger levels on each of the listed products.

**DATES:** *Effective Date:* May 7, 2010.

**FOR FURTHER INFORMATION CONTACT:** Safeguard Staff, Import Policies and Export Reporting Division, Office of Trade Programs, Foreign Agricultural Service, U.S. Department of Agriculture, Stop 1021, 1400 Independence Avenue, SW., Washington, DC 20250–1021; or by telephone at (202) 720–0638, or by e-mail at [itspd@fas.usda.gov](mailto:itspd@fas.usda.gov).

**SUPPLEMENTARY INFORMATION:** Article 5 of the WTO Agreement on Agriculture provides that additional import duties may be imposed on imports of products subject to tariffication as a result of the Uruguay Round, if certain conditions are met. The agreement permits additional duties to be charged if the price of an individual shipment of imported products falls below the average price for similar goods imported during the years 1986–88 by a specified percentage. It also permits additional duties to be imposed if the volume of imports of an article exceeds the average of the most recent 3 years for which data are available by 5, 10, or 25 percent, depending on the article. These additional duties may not be imposed on quantities for which minimum or current access commitments were made during the Uruguay Round negotiations, and only one type of safeguard, price or quantity, may be applied at any given time to an article.

Section 405 of the Uruguay Round Agreements Act requires that the President cause to be published in the **Federal Register** information regarding the price and quantity safeguards, including the quantity trigger levels, which must be updated annually based upon import levels during the most recent 3 years. The President delegated this duty to the Secretary of Agriculture in Presidential Proclamation No. 6763, dated December 23, 1994, 60 FR 1005 (Jan. 4, 1995). The Secretary of Agriculture further delegated the duty to the Administrator of the Foreign

Agricultural Service (7 CFR 2.43(a)(2) (2007)). The Annex to this notice contains the updated quantity trigger levels.

Additional information on the products subject to safeguards and the additional duties which may apply can be found in subchapter IV of Chapter 99 of the Harmonized Tariff Schedule of the United States (2010) and in the Secretary of Agriculture's Notice of Uruguay Round Agricultural Safeguard Trigger Levels, published in the **Federal Register** at 60 FR 427 (Jan. 4, 1995).

*Notice:* As provided in section 405 of the Uruguay Round Agreements Act, consistent with Article 5 of the Agreement on Agriculture, the safeguard quantity trigger levels previously notified are superceded by the levels indicated in the Annex to this notice. The definitions of these products were provided in the Notice of Uruguay Round Agricultural Safeguard Action published in the **Federal Register**, at 60 FR 427 (Jan. 4, 1995).

Issued at Washington, DC, April 29, 2010.

**John D. Brewer,**

*Administrator, Foreign Agricultural Service.*

#### ANNEX—QUANTITY-BASED SAFEGUARD TRIGGER

Product	Trigger level	Period
Beef .....	270,519 mt .....	January 1, 2010 to December 31, 2010.
Mutton .....	4,503 mt .....	January 1, 2010 to December 31, 2010.
Cream .....	1,165,099 liters .....	January 1, 2010 to December 31, 2010.
Evaporated or Condensed Milk .....	3,536,146 kilograms .....	January 1, 2010 to December 31, 2010.
Nonfat Dry Milk .....	393,499 kilograms .....	January 1, 2010 to December 31, 2010.
Dried Whole Milk .....	2,397,493 kilograms .....	January 1, 2010 to December 31, 2010.
Dried Cream .....	27,330 kilograms .....	January 1, 2010 to December 31, 2010.
Dried Whey/Buttermilk .....	30,238 kilograms .....	January 1, 2010 to December 31, 2010.
Butter .....	7,311,166 kilograms .....	January 1, 2010 to December 31, 2010.
Butter Oil and Butter Substitutes .....	6,985,605 kilograms .....	January 1, 2010 to December 31, 2010.
Dairy Mixtures .....	43,535,705 kilograms .....	January 1, 2010 to December 31, 2010.
Blue Cheese .....	4,846,863 kilograms .....	January 1, 2010 to December 31, 2010.
Cheddar Cheese .....	12,272,710 kilograms .....	January 1, 2010 to December 31, 2010.
American-Type Cheese .....	7,093,001 kilograms .....	January 1, 2010 to December 31, 2010.
Edam/Gouda Cheese .....	7,019,833 kilograms .....	January 1, 2010 to December 31, 2010.
Italian-Type Cheese .....	22,355,614 kilograms .....	January 1, 2010 to December 31, 2010.
Swiss Cheese with Eye Formation .....	28,867,494 kilograms .....	January 1, 2010 to December 31, 2010.
Gruyere Process Cheese .....	4,398,721 kilograms .....	January 1, 2010 to December 31, 2010.
Lowfat Cheese .....	848,545 kilograms .....	January 1, 2010 to December 31, 2010.
NSPF Cheese .....	46,400,350 kilograms .....	January 1, 2010 to December 31, 2010.
Peanuts .....	15,172 mt .....	April 1, 2009 to March 31, 2010.
	18,176 mt .....	April 1, 2010 to March 31, 2011.
Peanut Butter/Paste .....	4,280 mt .....	January 1, 2010 to December 31, 2010.
Raw Cane Sugar .....	1,407,556 mt .....	October 1, 2009 to September 30, 2010.
	1,142,815 mt .....	October 1, 2010 to September 30, 2011.
Refined Sugar and Syrups .....	191,180 mt .....	October 1, 2009 to September 30, 2010.
	176,800 mt .....	October 1, 2010 to September 30, 2011.
Blended Syrups .....	107 mt .....	October 1, 2009 to September 30, 2010.
	134 mt .....	October 1, 2010 to September 30, 2011.
Articles Over 65% Sugar .....	578 mt .....	October 1, 2009 to September 30, 2010.
	277 mt .....	October 1, 2010 to September 30, 2011.
Articles Over 10% Sugar .....	15,617 mt .....	October 1, 2009 to September 30, 2010.
	15,083 mt .....	October 1, 2010 to September 30, 2011.
Sweetened Cocoa Powder .....	1,249 mt .....	October 1, 2009 to September 30, 2010.
	1,054 mt .....	October 1, 2010 to September 30, 2011.
Chocolate Crumb .....	10,081,708 kilograms .....	January 1, 2010 to December 31, 2010.
Lowfat Chocolate Crumb .....	226,647 kilograms .....	January 1, 2010 to December 31, 2010.
Infant Formula Containing Oligosaccharides .....	10,530 kilograms .....	January 1, 2010 to December 31, 2010.
Mixes and Doughs .....	315 mt .....	October 1, 2009 to September 30, 2010.
	383 mt .....	October 1, 2010 to September 30, 2011.
Mixed Condiments and Seasonings .....	176 mt .....	October 1, 2009 to September 30, 2010.
	280 mt .....	October 1, 2010 to September 30, 2011.
Ice Cream .....	2,869,565 liters .....	January 1, 2010 to December 31, 2010.
Animal Feed Containing Milk .....	32,419 kilograms .....	January 1, 2010 to December 31, 2010.
Short Staple Cotton .....	699,482 kilograms .....	September 20, 2009 to September 19, 2010.
	591,350 kilograms .....	September 20, 2010 to September 19, 2011.
Harsh or Rough Cotton .....	0 kilograms .....	August 1, 2009 to July 31, 2010.
	0 kilograms .....	August 1, 2010 to July 31, 2011.
Medium Staple Cotton .....	688,341 kilograms .....	August 1, 2009 to July 31, 2010.
	149,148 kilograms .....	August 1, 2010 to July 31, 2011.
Extra Long Staple Cotton .....	3,656,233 kilograms .....	August 1, 2009 to July 31, 2010.
	2,017,042 kilograms .....	August 1, 2010 to July 31, 2011.
Cotton Waste .....	395,745 kilograms .....	September 20, 2009 to September 19, 2010.
	432,133 kilograms .....	September 20, 2010 to September 19, 2011.

## ANNEX—QUANTITY-BASED SAFEGUARD TRIGGER—Continued

Product	Trigger level	Period
Cotton, Processed, Not Spun .....	3,995 kilograms .....	September 11, 2009 to September 10, 2010.
	31,338 kilograms .....	September 11, 2010 to September 10, 2011.

[FR Doc. 2010-10878 Filed 5-6-10; 8:45 am]

BILLING CODE 3410-10-P

## DEPARTMENT OF COMMERCE

## Bureau of Industry and Security

**Action Affecting Export Privileges;  
Orion Air, S.L. and Syrian Pearl  
Airlines; Order Renewing Order  
Temporarily Denying Export Privileges**

*Orion Air, S.L.*, Canada Real de Merinas,  
7 Edificio 5, 3ª A, Eissenhower  
business center, 28042 Madrid, Spain  
Ad. de las Cortes Valencianas no 37,  
Esc.A Puerta 45 46015 Valencia,  
Spain

*Syrian Pearl Airlines*, Damascus  
International Airport, Damascus,  
Syria, Respondents

Pursuant to Section 766.24 of the  
Export Administration Regulations, 15  
CFR parts 730-774 (2009) ("EAR" or the  
"Regulations"), I hereby grant the  
request of the Bureau of Industry and  
Security ("BIS") to renew for 180 days  
the Order Temporarily Denying the  
Export Privileges of Respondents Orion  
Air, S.L. ("Orion Air") and Syrian Pearl  
Airlines (collectively, "Respondents"),  
as I find that renewal of the temporary  
denial order ("TDO" or the "Order") is  
necessary in the public interest to  
prevent an imminent violation of the  
EAR.

## I. Procedural History

On May 7, 2009, then-Acting  
Assistant Secretary of Commerce for  
Export Enforcement Kevin Delli-Colli  
signed an Order Temporarily Denying  
the Export Privileges of the Respondents  
for 180 days on the grounds that its  
issuance was necessary in the public  
interest to prevent an imminent  
violation of the Regulations. Pursuant to  
Section 766.24(a), the TDO was issued  
*ex parte* and was effective upon  
issuance. Copies of the TDO were sent  
to each Respondent in accordance with  
section 766.5 of the Regulations and the  
Order was published in the **Federal  
Register** on May 26, 2009.<sup>1</sup> Thereafter,  
on November 2, 2009, Acting Assistant  
Secretary Delli-Colli issued an Order  
renewing the TDO for an additional 180

days.<sup>2</sup> The current Order would expire  
on May 1, 2010, unless renewed in  
accordance with section 766.24 of the  
Regulations.

On April 9, 2010, BIS, through its  
Office of Export Enforcement ("OEE"),  
filed a written request for renewal of the  
TDO against the Respondents for an  
additional 180 days and served a copy  
of its request on the Respondents in  
accordance with section 766.5 of the  
Regulations. No opposition to renewal  
of the TDO has been received from  
either Orion Air or Syrian Pearl  
Airlines.

## II. Discussion

## A. Legal Standard

Pursuant to section 766.24(d)(3) of the  
EAR, the sole issue to be considered in  
determining whether to continue a TDO  
is whether the TDO should be renewed  
to prevent an imminent violation of the  
EAR, as "imminent" violation is defined  
in section 766.24. "A violation may be  
'imminent' either in time or in degree of  
likelihood." 15 CFR 766.24(b)(3). BIS  
may show "either that a violation is  
about to occur, or that the general  
circumstances of the matter under  
investigation or case under criminal or  
administrative charges demonstrate a  
likelihood of future violations." *Id.* As to  
the likelihood of future violations, BIS  
may show that "the violation under  
investigation or charges is significant,  
deliberate, covert and/or likely to occur  
again, rather than technical and  
negligent[.]" *Id.* A "lack of information  
establishing the precise time a violation  
may occur does not preclude a finding  
that a violation is imminent, so long as  
there is sufficient reason to believe the  
likelihood of a violation." *Id.*

## B. Findings

As part of its initial TDO request, BIS  
presented evidence that on or about  
May 1, 2009, Orion Air re-exported a  
BAE 146-300 aircraft (tail number EC-  
JVO) to Syria, and specifically to Syrian  
Pearl Airlines, without the U.S.  
Government authorization required by  
General Order No. 2 of Supplement 1 to  
Part 736 of the EAR. The aircraft is  
subject to the Regulations because it

contains greater than a 10-percent de  
minimis amount of U.S.-origin content.  
Orion Air engaged in this re-export  
transaction despite having been directly  
informed of the export licensing  
requirements by the U.S. Government.  
Moreover, Orion Air not only engaged  
in this conduct after having received  
actual as well as constructive notice of  
the applicable license requirements, but  
then sought to evade the Regulations  
and U.S. export controls by giving the  
U.S. Government false assurances that it  
would put the transaction on hold due  
to the U.S. Government's concerns.

BIS also produced evidence that the  
re-exported aircraft bore the livery,  
colors and logos of Syrian Pearl  
Airlines, a national of Syria, a Country  
Group E:1 destination; was flight  
capable; and under the terms of the  
lease agreement was to be based in and  
operated out of Syria during the lease  
term. The record also shows that the re-  
exported aircraft currently remains in  
Syria under the control of Syrian Pearl  
Airlines.

In addition to the unauthorized re-  
export described above, Acting  
Assistant Secretary Delli-Colli also  
concluded that additional violations  
were imminent based on statements by  
Orion Air to the U.S. Government in  
May 2009 that Orion Air planned to re-  
export an additional BAE 146-300  
aircraft (tail number EC-JVJ) to Syria,  
and specifically to Syrian Pearl Airlines.  
This second aircraft was at the time  
undergoing maintenance in the United  
Kingdom, and remains located there.  
Moreover, the agreement between Orion  
Air and Syrian Pearl Airlines involved  
both aircraft. Based on my review of the  
record, I find that the facts and  
circumstances that led to the issuance of  
the initial TDO and the November 2009  
renewal Order continue to show that  
renewal of the TDO for an additional  
180 days is necessary and in the public  
interest to prevent an imminent  
violation of the EAR. Absent renewal of  
the TDO, there remains a substantial  
continued risk that the second aircraft  
will be re-exported contrary to the  
Regulations, given that, *inter alia*, Orion  
Air acted with actual knowledge and  
took deceptive and evasive action. This  
finding alone would justify renewal.  
There also would be a substantial risk  
that, absent renewal of the TDO, the first  
aircraft, which remains in Syria, would

<sup>2</sup> The November 2, 2009 renewal Order was  
effective immediately and was published in the  
**Federal Register** on November 9, 2009 (74 FR  
57626).

<sup>1</sup> 74 FR 24,786.