

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 superseded 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 .....,<br>31,338 kilograms ..... | September 11, 2009 to September 10, 2010.<br>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, 3'A, Eisenhower 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>1</sup> 74 FR 24,786.

<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).