

during normal business hours) at the above address.

**FOR FURTHER INFORMATION CONTACT:** Dr. Lisa Rotterman (907) 271-1692, [lisa.rotterman@noaa.gov](mailto:lisa.rotterman@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

NMFS published a notice in the **Federal Register** on June 29, 2010, announcing the initiation of a 5-year review of the eastern Distinct Population Segment (DPS) of the Steller Sea Lion (*Eumetopias jubatus*) under the Endangered Species Act of 1973, as amended (ESA) and requesting information related to that review (75 FR 37385). A notice correcting the email address and fax number to which comments and information should be sent was published July 7, 2010 (75 FR 38979). Written comments were due by August 30, 2010. NMFS has decided to reopen the public comment period for an additional 45 days, to October 14, 2010.

**Authority:** 16 U.S.C. 1531 *et seq.*

Dated: August 25, 2010.

**Therese Conant,**

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

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648-XY53**

**Federal Aquatic Nuisance Species Research Risk Analysis Protocol**

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

**ACTION:** Notice of availability of draft revised research protocol; request for comments.

**SUMMARY:** The National Oceanic and Atmospheric Administration (NOAA) announces the availability of the draft revised Federal Aquatic Nuisance Species Research Risk Analysis Protocol (Protocol), developed by the Research Protocol Committee, a committee of the Aquatic Nuisance Species Task Force (ANSTF). The Protocol is available for public review and comment.

**DATES:** Comments must be received within 45 days after August 31, 2010.

**ADDRESSES:** Electronic copies of the draft revised Protocol are available on

the ANSTF website, <http://anstf.gov/documents.php>. To obtain a hard copy of the draft revised Protocol or to submit comments, see Document Availability and Public Comment, respectively, under SUPPLEMENTARY INFORMATION.

**FOR FURTHER INFORMATION CONTACT:** Margaret M. (Peg) Brady, NOAA Policy Liaison to the Aquatic Nuisance Species Task Force, 1315 East West Highway, SSMC 3, Rm. 15531 Silver Spring, MD 20910 Phone: 301-713-0174; Email: [Peg.Brady@noaa.gov](mailto:Peg.Brady@noaa.gov)

**SUPPLEMENTARY INFORMATION:**

**Introduction**

The Aquatic Nuisance Species Task Force (ANSTF) is an intergovernmental organization dedicated to preventing and controlling aquatic nuisance species, and implementing the Nonindigenous Aquatic Nuisance Prevention and Control Act. The National Oceanic and Atmospheric Administration and U. S. Fish and Wildlife Service serve as co-chairs of the ANSTF. The ANSTF developed a research protocol as is required by the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (NANPCA, Public Law 101-646, 104 STAT. 4671, 16 U.S.C. 4701-4741), as amended by the National Invasive Species Act, 1996. Section 1202(f)(2) of NANPCA directs the ANSTF to establish a protocol "to ensure that research activities carried out under [NANPCA] do not result in the introduction of aquatic nuisance species to waters of the United States."

Responsibility for actual use of this Protocol is specified in section (f)(3) of the NANPCA: "The Task Force shall allocate funds authorized under this Act for competitive research grants to study all aspects of aquatic nuisance species, which shall be administered through the National Sea Grant College Program and the Cooperative Fishery and Wildlife Research Units. Grants shall be conditioned to ensure that any recipient of funds follows the protocol established under paragraph (2) of this subsection."

Throughout this document both the descriptors "nonindigenous" and/or "nuisance" are used when referring to aquatic species that are the target of this risk analysis. Language used in the NANPCA differentiates between a nonindigenous species and a nuisance species, with a "nonindigenous" label being solely based on the historic range of the species, while a "nuisance" designation is based on a species being both nonindigenous and potentially harmful ("threatens the diversity or

abundance of native species or the ecological stability of infested waters, or commercial, agricultural, aquacultural or recreational activities dependent on such waters"). The ANSTF Research Committee adopted a precautionary approach by targeting this risk analysis to all aquatic nonindigenous species research, regardless of the "nuisance" designation. The intent of the procedures outlined herein is to minimize to the extent practicable the risk of release and spread of aquatic nonindigenous species into areas they do not yet inhabit, since any nonindigenous species may become a nuisance species. Not only is it often not possible to be sure that a species won't become a nuisance (as defined) in the future, the possession and/or release of nonindigenous species may be illegal under various Federal, State, or local laws, which may or may not differentiate between nonindigenous and nuisance species.

**Background**

When finalized, this document ("the Protocol") would replace the previously established "Protocol for Evaluating Research Proposals Concerning Aquatic Nonindigenous Species," adopted in draft form in 1992 and finalized and published by the ANSTF in July 1994. The 1994 protocol applies only to research involving aquatic nonindigenous species (ANS) and is designed to reduce the risk that research activities may cause introduction or spread of such aquatic species. Other potential means of introduction, such as bait movement, aquaria disposal, ballast water discharge, movement of recreational boats, movement of fishing gear, and horticultural sales, are not addressed in the 1994 protocol.

In 2008 the ANSTF requested the Research Committee (a Committee of the ANSTF) to evaluate and recommend revisions to the 1994 protocol, as needed. According to the Society for Risk Analysis (SRA, <http://www.sra.org>), the elements or components of a risk analysis include risk assessment, risk characterization, risk communication, risk management, and policy relating to risk. This revised Protocol incorporates three of those elements it requires a risk assessment (Part I) and then, if needed, establishment and implementation of a risk management plan (Part II), with the combined results communicated to the funding agency as part of the proposal and funding process. Therefore, this revised Protocol is renamed "Federal Aquatic Nuisance Species Research Risk Analysis Protocol." The draft was approved by the ANSTF on November

5, 2009; distribution of the document for public comment is the final step for the ANSTF to adopt the Protocol.

This Protocol supplements, but does not replace, other existing Federal guidelines established to control activities with specific major classes of organisms. This document does not eliminate or in any way affect other applicable legal requirements, including the National Environmental Policy Act [NEPA, 1970 (42 U.S.C. 4321 *et seq.*)].

The Protocol encourages the incorporation of a Hazard Analysis and Critical Control Point (HACCP) approach for prevention planning within research activities. Information about the use of HACCP is available at <http://www.seagrant.umn.edu/ais/haccp>. A web site detailing the application of HACCP to natural resource pathways, plus a link to download a HACCP wizard that helps create HACCP plans, can be found at <http://www.haccp-nrm.org>.

#### Document Availability

You may obtain copies of the Protocol by any one of the following methods:

- Internet: <http://anstaskforce.gov/documents.php>
- Write: Susan Pasko, National Oceanic and Atmospheric Administration, 1315 East West Highway, SSMC 3, Rm. 15531 Silver Spring, MD 20910; Telephone: (301) 713-0174 x 165; Email: [Susan.Pasko@noaa.gov](mailto:Susan.Pasko@noaa.gov)

#### Request for Comments

Comments on the draft Protocol are invited. The ANSTF will review all submitted comments and make revisions, as appropriate, to the Protocol before going final. You may submit a written comment by any one of the following methods:

- Email: [Susan.Pasko@noaa.gov](mailto:Susan.Pasko@noaa.gov)
- Mail or hand-delivery: Susan Pasko, National Oceanic and Atmospheric Administration, 1315 East West Highway, SSMC 3, Rm. 15531 Silver Spring, MD 20910
- Fax: (301) 713-1594

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment including your personal identifying information may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: August 24, 2010.

**Patricia A. Montanio**,  
Director, Office of Habitat Conservation,  
National Marine Fisheries Service.

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**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Initiation of Antidumping and Countervailing Duty Administrative Reviews and Deferral of Initiation of Administrative Review

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (“the Department”) has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with July anniversary dates. In accordance with the Department’s regulations, we are initiating those administrative reviews. The Department also received a request to defer the initiation of administrative review for one antidumping duty order.

**DATES:** *Effective Date:* August 31, 2010  
**FOR FURTHER INFORMATION CONTACT:** Sheila E. Forbes, Office of AD/CVD Operations, Customs Unit, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, *telephone:* (202) 482-4697.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Department has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various antidumping and countervailing duty orders and findings with July anniversary dates. The Department also received a request to defer for one year the initiation of the July 1, 2009 through June 30, 2010 administrative review of the antidumping duty order on Certain Pasta from Italy with respect to one exporter in accordance with 19 CFR 351.213(c). The Department received no objections to this request from any party cited in 19 CFR 351.213(c)(1)(ii).

##### Notice of No Sales

Under 19 CFR 351.213(d)(3), the Department may rescind a review where there are no exports, sales, or entries of subject merchandise during the respective period of review (“POR”) listed below. If a producer or exporter named in this initiation notice had no exports, sales, or entries during the POR, it should notify the Department

within 60 days of publication of this notice in the **Federal Register**. The Department will consider rescinding the review only if the producer or exporter, as appropriate, submits a properly filed and timely statement certifying that it had no exports, sales, or entries of subject merchandise during the POR. All submissions must be made in accordance with 19 CFR 351.303 and are subject to verification in accordance with section 782(i) of the Tariff Act of 1930, as amended (“the Act”). Six copies of the submission should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy of each request must be served on every party on the Department’s service list.

#### Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews, the Department intends to select respondents based on U.S. Customs and Border Protection (“CBP”) data for U.S. imports during the POR. We intend to release the CBP data under Administrative Protective Order (“APO”) to all parties having an APO within five days of publication of this initiation notice and to make our decision regarding respondent selection within 20 days of publication of this **Federal Register** notice. The Department invites comments regarding the CBP data and respondent selection within 10 calendar days of publication of this **Federal Register** notice.

#### Separate Rates

In proceedings involving non-market economy (“NME”) countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is the Department’s policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, the Department analyzes each entity exporting the subject merchandise under a test arising from the *Final Determination of Sales at Less*