

import specimens of northern fur seals (*Callorhinus ursinus*) for scientific research.

**DATES:** Written, telefaxed, or e-mail comments must be received on or before November 22, 2010.

**ADDRESSES:** The application and related documents are available for review by selecting "Records Open for Public Comment" from the *Features* box on the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 14525 from the list of available applications.

These documents are also available upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 713-2289; fax (301) 713-0376; and Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562) 980-4001; fax (562) 980-4018.

Written comments on this application should be submitted to the Chief, Permits, Conservation and Education Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713-0376, or by e-mail to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). Please include File No. 14525 in the subject line of the e-mail comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits, Conservation and Education Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

**FOR FURTHER INFORMATION CONTACT:** Amy Sloan or Jennifer Skidmore, (301) 713-2289.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant proposes to import biological samples from 10 subadult male fur seals over a five-year period for studies on mechanisms of sleep in fur seals. Fur seals will be captured in Russia, held in captivity, sampled while in captivity, and euthanized at the termination of study to obtain their brains. Whole brains and brain tissues will be imported to the U.S. for anatomical and immunohistochemical studies. The first aim of the project is to correlate the release of major neurotransmitters in the brain of the fur

seal during sleep and waking using microdialysis, high-performance liquid chromatography and radioimmunoassay analysis. The second aim of the study is to localize the distribution of the above mentioned cell groups in the fur seal brain as well as to localize the positions of the sites where the microdialysis samples were collected. Samples would be imported from Russia to UCLA for analysis and samples would be exported from the U.S. to South Africa for additional analysis.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: October 15, 2010.

**P. Michael Payne,**

*Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*

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**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[Docket No. 101014509-0508-01]

RIN 0648-XZ62

#### Notice of Availability of Draft Policy for the Assessment of Civil Administrative Penalties and Permit Sanctions for Public Review and Comment

**AGENCY:** Office of General Counsel (OGC), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The National Oceanic and Atmospheric Administration (NOAA) announces the availability of a draft Policy for the Assessment of Civil Administrative Penalties and Permit Sanctions (Penalty Policy) for public review and comment.

**DATES:** The draft Penalty Policy will remain available for public review until December 20, 2010. To ensure that comments will be considered, NOAA must receive written comments by December 20, 2010.

**ADDRESSES:** Interested persons may submit comments by any of the following methods:

- **Electronic Submissions:** Submit electronic public comments via the Federal e-Rulemaking portal <http://www.regulations.gov> or [penaltypolicy@noaa.gov](mailto:penaltypolicy@noaa.gov);

- **Fax:** 301 427-2210; Attn: Frank Sprtel;

- **Mail:** Office of General Counsel for Enforcement and Litigation, National Oceanic and Atmospheric Administration, 8484 Georgia Avenue, Suite 400, Silver Spring, MD 20910, Attn: Frank Sprtel.

The draft Penalty Policy is available electronically at the following Web site: <http://www.nmfs.noaa.gov/ole/penaltypolicy.html>. Commenters may also request a hard copy of the draft Penalty Policy by sending a self-addressed envelope (size 8.5 x 11 inches) to the street address provided above. Comments submitted in response to this notice are a matter of public record. Before including an address, phone number, e-mail address, or other personal identifying information in a comment, please be aware that comments—including any personal identifying information—can and will be made publicly available. While a request can be made to withhold personal identifying information from public review, NOAA cannot ensure that it will be able to do so.

**FOR FURTHER INFORMATION CONTACT:** Frank Sprtel at the above address or by telephone at 301 495-7147.

**SUPPLEMENTARY INFORMATION:** The draft Penalty Policy is intended to provide guidance for the Assessment of civil administrative penalties and permit sanctions under the statutes and regulations enforced by NOAA. As explained more fully in the text of the draft Penalty Policy, the purpose of the Policy is to ensure that: (1) Civil administrative penalties and permit sanctions are assessed in accordance with the laws that NOAA enforces in a fair and consistent manner; (2) penalties and permit sanctions are appropriate for the gravity of the violation; (3) penalties and permit sanctions are sufficient to deter both particular violators and the regulated community from committing violations; (4) economic incentives for noncompliance are eliminated; and (5) compliance is expeditiously achieved and maintained to protect natural resources. Under this Policy, NOAA expects to improve consistency at a national level, provide greater predictability for the regulated community and the public, improve

transparency in enforcement, and more effectively protect natural resources.

Under the proposed penalty policy, penalties and permit sanctions are based on three criteria: (1) A base penalty amount and permit sanction reflective of the seriousness of the violation; (2) an adjustment of the base penalty and permit sanction upward or downward to reflect particular circumstances of a specific violation; and (3) an additional amount added to the adjusted base penalty to recoup the economic benefit of noncompliance. We note that the new penalty policy is a departure from NOAA's prior practice of developing detailed penalty schedules by region and by specific types of violations with broad ranges for both penalty and permit sanctions. The new policy uses a simplified approach of one penalty and permit sanction matrix for each major statute NOAA enforces, to be applied nationally, with narrower penalty and permit sanction ranges. This approach assures that NOAA attorneys are provided with greater guidance in recommending penalties, and should assure fairness and consistency of approach across NOAA statutes, across fisheries, and across the country.

When finalized, this draft Penalty Policy will supersede previous guidance regarding assessment of penalties or permit sanctions and previous penalty and permit sanction schedules issued by the NOAA Office of the General Counsel. This Penalty Policy provides guidance for the NOAA Office of the General Counsel, but does not, nor is it intended to, create a right or benefit, substantive or procedural, enforceable at law or in equity, in any person or company.

The full penalty policy, along with examples, matrixes, and schedules, can be found at <http://www.nmfs.noaa.gov/ole/penaltypolicy.html>. NOAA is seeking public comment on all portions of the penalty policy, but specifically asks for comment in the following areas: (1) The handling of recreational, versus commercial, activity in assessing penalties—specifically, whether to create separate matrixes and/or schedules for recreational activity in the penalty policy, or to leave such distinctions as an “adjustment” factor, as currently written; (2) the evaluation of prior violations in assessing penalties—specifically, whether to create upward penalty assessments based on prior charged conduct, or only to consider prior conduct that is fully adjudicated; (3) whether the proposed use of permit sanctions in the penalty policy is appropriate; (4) whether any additional upward or downward “adjustment”

factors should be considered in assessing penalties under the penalty policy; (5) whether the matrixes and schedules in the penalty policy (Appendices 2 and 3), adequately reflect an appropriate range of penalties for particular violations; and (6) whether there should be any change in the proposed method of calculating economic benefit in the penalty policy.

Dated: October 15, 2010.

**Lois J. Schiffer,**

*General Counsel, National Oceanic and Atmospheric Administration.*

[FR Doc. 2010-26417 Filed 10-15-10; 4:15 pm]

**BILLING CODE 3510-12-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-533-843]

#### **Certain Lined Paper Products From India: Notice of Preliminary Results of Antidumping Duty Administrative Review**

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

**SUMMARY:** The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain lined paper products (CLPP) from India. For the period September 1, 2008, through August 31, 2009, we have preliminarily determined that Navneet Publications (India) Limited (Navneet) did not make sales of subject merchandise at less than normal value (NV) (*i.e.*, sales were made at *de minimis* dumping margins). If these preliminary results are adopted in the final results of this administrative review, we will instruct U.S. Customs and Border Protection (CBP) to liquidate appropriate entries without regard to antidumping duties. For the same period, we have preliminarily determined that U.S. sales have been made below NV by Super Impex. If these preliminary results are adopted in our final results, we will instruct CBP to assess antidumping duties based on the difference between the export price (EP) and NV. See “Preliminary Results of Review” section of this notice.

Interested parties are invited to comment on these preliminary results.

**DATES:** *Effective Date:* October 21, 2010.

**FOR FURTHER INFORMATION CONTACT:** Stephanie Moore (Navneet) or Cindy Robinson (Super Impex) AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution

Avenue, NW., Washington, DC 20230; telephone (202) 482-3692 or (202) 482-3797, respectively.

### Background

On September 1, 2009, the Department issued a notice of opportunity to request an administrative review of this order for the period of review (POR) of September 1, 2008, through August 31, 2009. See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 74 FR 45179 (September 1, 2009).

Pursuant to a request from the Association of American School Paper Suppliers, (petitioner),<sup>1</sup> the Department published in the **Federal Register** the notice of initiation of this antidumping duty administrative review with respect to 32 companies, including Navneet and Super Impex for the period September 1, 2008, through August 31, 2009. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 74 FR 54956 (October 26, 2009). (*Initiation Notice*). On October 26, 2009, the petitioner timely withdrew its request for a review of Blue Bird (India) Limited (Blue Bird).

On November 3, 2009, the Department notified interested parties of its intent to use CBP data for respondent selection. See Memorandum to The File, Through Melissa Skinner, Office Director, Office 3 and Through James Terpstra, Program Manager, Office 3 from Stephanie Moore, Case Analyst titled “Customs and Border Patrol Data for Selection of Respondents for Individual Review.”

On November 10 and December 3, 2009, the Department received comments regarding respondent selection from the petitioner. On January 29, 2010, the Department selected Navneet and Super Impex as companies to be individually examined

<sup>1</sup> On September 30, 2009, the Department received a timely request to conduct an administrative review of the following 32 companies: Abhinav Paper Products Pvt. Ltd.; American Scholar, Inc., and/or I-Scholar; Ampoules & Vials Mfg. Co., Ltd.; Bafna Exports; Blue Bird India Ltd.; Cello International Pvt. Ltd (M/S Cello Paper Products); Creative Divya; Corporate Stationery Pvt. Ltd.; D.D International; Exmart International Pvt. Ltd.; Fatechand Mahendrakumar; FFI International; Freight India Logistics Pvt. Ltd.; International Greetings Pvt. Ltd.; Lodha Offset Limited; Magic International Pvt. Ltd.; Marigold ExIm Pvt. Ltd.; Marisa International; Navneet Publications (India) Ltd.; Paperwise Inc.; Pioneer Stationery Pvt. Ltd.; Premier Exports; Riddhi Enterprises; SAB International; SAR Transport Systems; Seet Kamal International; Solitaire Logistics Pvt. Ltd. (Eternity Int'l Freight, forwarder on behalf of Solitaire Logistics Pvt. Ltd.); Sonal Printers Pvt. Ltd.; Super Impex; Swati Growth Funds Ltd.; V & M; and Yash Laminates.