

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

RIN 0648-XAO29

**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 finalized research protocol.

**SUMMARY:** The National Oceanic and Atmospheric Administration (NOAA) announces the availability of the finalized 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).

**ADDRESSES:** Electronic copies of the finalized Protocol are available on the ANSTF Web site, <http://anstaskforce.gov/documents.php>. To obtain a hard copy of the Protocol, see Document Availability under **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Margaret M. (Peg) Brady, Phone: 301-713-0174; e-mail: [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 Non-indigenous 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 Non-indigenous 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 "non-indigenous" 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 non-indigenous species and a nuisance species, with a "non-indigenous" label being solely based on the historic range of the species, while a "nuisance" designation is based on a species being both non-indigenous 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 non-indigenous 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 non-indigenous species into areas they do not yet inhabit, since any non-indigenous 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 non-indigenous species may be illegal under various Federal, State, or local laws, which may or may not differentiate between non-indigenous and nuisance species.

**Background**

The finalized document ("the Protocol") will replace the previously established "Protocol for Evaluating Research Proposals Concerning Aquatic Non-indigenous 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 non-indigenous 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. A notice of availability of the draft revised research protocol and request for comments was published in the **Federal Register** on August 31, 2010 (75 FR 53273). The period of public comment expired on October 15, 2010. During this time period one comment was received. The ANSTF reviewed and considered this comment and determined the statement was not pertinent to the Protocol; thus, further revision of the document was not necessary and the Protocol was accepted to be finalized.

The revised 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 legal requirements.

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; E-mail: [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.

Dated: November 23, 2010.

**Patricia A. Montanio,**

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

[FR Doc. 2010-30175 Filed 11-29-10; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XA065**

#### New England Fishery Management Council; Public Meeting

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

**ACTION:** Notice; public meeting.

**SUMMARY:** The New England Fishery Management Council's (Council) Herring Committee will meet jointly with its Advisory Panel to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

**DATES:** The meeting will be held on Monday, December 20, 2010 at 9:30 a.m.

**ADDRESSES:** The meeting will be held at the Sheraton Harborside Hotel, 250 Market Street, Portsmouth, NH 03801; telephone: (603) 431-2300; fax: (603) 433-5649.

*Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465-0492.

**SUPPLEMENTARY INFORMATION:** The items of discussion in the committee and advisory panel's agenda are as follows:

1. Continue development of alternatives for consideration in Amendment 5 to the Atlantic Herring Fishery Management Plan (FMP), with particular focus on management measures to address river herring bycatch;
2. Discuss alternatives for identifying river herring hotspots; consider streamlining and develop recommendations;
3. Discuss management alternatives to apply to river herring hotspots; consider streamlining and develop recommendations;
4. Discuss possible options for river herring catch caps;

5. Discuss alternatives for establishing criteria for herring vessel access to groundfish closed areas; and

6. Address other outstanding issues related to Amendment 5 as time permits.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

#### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (*see ADDRESSES*) at least 5 days prior to the meeting date.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: November 23, 2010.

**Tracey L. Thompson,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2010-30015 Filed 11-29-10; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XA068**

#### Gulf of Mexico Fishery Management Council; Public Meetings

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

**ACTION:** Notice of public meetings.

**SUMMARY:** The Gulf of Mexico Fishery Management Council will convene a public meeting of the Florida/Alabama Habitat Protection Advisory Panel (AP).

**DATES:** The meeting will convene at 3 p.m. Central Time on Friday, December 17, 2010 and conclude no later than 4 p.m.

**ADDRESSES:** This meeting will be held via conference call. To listen to the teleconference call (1-888) 450-5996. At the prompt enter passcode 6273501.

*Council address:* Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

**FOR FURTHER INFORMATION CONTACT:** Jeff Rester, Habitat Support Specialist, Gulf States Marine Fisheries Commission; telephone: (228) 875-5912.

**SUPPLEMENTARY INFORMATION:** At this meeting, the only item on the agenda is for the AP to review the Council's Essential Fish Habitat 5-Year Review Report.

The Florida/Alabama group is part of a three unit Habitat Protection Advisory Panel (AP) of the Gulf of Mexico Fishery Management Council. The principal role of the advisory panels is to assist the Council in attempting to maintain optimum conditions within the habitat and ecosystems supporting the marine resources of the Gulf of Mexico. Advisory panels serve as a first alert system to call to the Council's attention proposed projects being developed and other activities that may adversely impact the Gulf marine fisheries and their supporting ecosystems. The panels may also provide advice to the Council on its policies and procedures for addressing environmental affairs.

Although other issues not on the agenda may come before the panel for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal panel action during this meeting. Panel action will be restricted to those issues specifically identified in the agenda listed as available by this notice.

For more information about the meeting, please call (813) 348-1630. Special Accommodations.

This meeting is physically accessible to people with disabilities. Requests for auxiliary aids should be directed to Trish Kennedy at the Council (*see ADDRESSES*) at least 5 working days prior to the meeting.

Dated: November 24, 2010.

**Tracey L. Thompson,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2010-30171 Filed 11-29-10; 8:45 am]

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## CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 11-C0001]

**Jake's Fireworks, Inc., Far East Imports, Inc., Wholesale Fireworks Enterprises LLC, Pacific Northwest Fireworks, Inc., Provisional Acceptance of a Settlement Agreement and Order**

**AGENCY:** Consumer Product Safety Commission.