

Dated: November 17, 2009.

John M. Andersen,

*Acting Deputy Assistant Secretary for
Antidumping and Countervailing Duty
Operations.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XQ85

Atlantic Highly Migratory Species; Exempted Fishing, Scientific Research, Display, and Chartering Permits; Letters of Acknowledgment

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

ACTION: Notice of intent; request for comments.

SUMMARY: NMFS announces its intent to issue Exempted Fishing Permits (EFPs), Scientific Research Permits (SRPs), Display Permits, Letters of Acknowledgment (LOAs), and Chartering Permits for the collection of Atlantic Highly Migratory Species (HMS) in 2010. In general, EFPs and related permits would authorize collection of a limited number of tunas, swordfish, billfishes, and sharks from Federal waters in the Atlantic Ocean, Caribbean Sea, and Gulf of Mexico for the purposes of scientific data collection and public display. Chartering permits allow the collection of HMS on the high seas or in the Exclusive Economic Zone of other nations. Generally, these permits will be valid from the date of issuance through December 31, 2010, unless otherwise specified, subject to the terms and conditions of individual permits.

DATES: Written comments on these activities received in response to this notice will be considered by NMFS when issuing EFPs and related permits and must be received on or before *December 23, 2009*.

ADDRESSES: Comments may be submitted by any of the following methods:

* *E-mail:* HMSEFP.2010@noaa.gov.

Include in the subject line the following identifier: 0648-XQ85.

* *Mail:* Craig Cockrell, Highly Migratory Species Management Division (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

* *Fax:* (301) 713-1917.

FOR FURTHER INFORMATION CONTACT:

Craig Cockrell, phone: (301) 713-2347, fax: (301) 713-1917.

SUPPLEMENTARY INFORMATION: Issuance of EFPs and related permits are necessary for the collection of HMS for public display and scientific research outside of regulations (*e.g.*, seasons, prohibited species, authorized gear, and minimum sizes) that may prohibit the collection of live animals or biological samples. Collection for scientific research and display represents a small portion of the overall fishing mortality for HMS, and this mortality is counted against the quota of the species harvested, as appropriate. The terms and conditions of individual permits are unique; however, all permits will include reporting requirements, limit the number and species of HMS to be collected, and only authorize collection in Federal waters of the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea.

EFPs and related permits are issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*) and/or the Atlantic Tunas Convention Act (ATCA) (16 U.S.C. 971 *et seq.*). Regulations at 50 CFR 600.745 and 50 CFR 635.32 govern scientific research activity, exempted fishing, chartering arrangements, and exempted educational activities with respect to Atlantic HMS. Since the Magnuson-Stevens Act does not consider scientific research to be "fishing," scientific research is exempt from this statute, and NMFS does not issue EFPs for bona fide research activities (*e.g.*, research conducted from a research vessel and not a commercial or recreational fishing vessel) involving species that are only regulated under the Magnuson-Stevens Act (*e.g.*, most species of sharks) and not under ATCA. NMFS requests copies of scientific research plans for these activities and indicates concurrence by issuing an LOA to researchers to indicate that the proposed activity meets the definition of research and is therefore exempt from regulation. Examples of research conducted under LOAs include tagging and releasing of sharks during bottom longline surveys to understand the distribution and seasonal abundance of different shark species, and collecting and sampling sharks caught during trawl surveys for life history studies.

Scientific research is not exempt under ATCA. NMFS issues SRPs for collection of species managed under this statute (*e.g.*, tunas, swordfish, billfish, and some species of sharks), which authorize researchers to collect

HMS from bona fide research vessels. One example of research conducted under SRPs consists of scientific surveys of HMS conducted from the NOAA research vessels. EFPs are issued to researchers collecting ATCA-managed species and conducting research from commercial or recreational fishing vessels. NMFS regulations concerning the implantation or attachment of archival tags in Atlantic HMS require scientists to report their activities associated with these tags. Examples of research conducted under EFPs include deploying pop-up satellite archival tags on billfish, sharks, and tunas to determine migration patterns of these species, conducting billfish larval tows to determine billfish habitat use, life history, and population structure, and determining catch rates and gear characteristics of the swordfish buoy gear fishery.

NMFS is also seeking public comment on its intent to issue Display Permits for the collection of sharks and other HMS for public display in 2010. Collection of sharks and other HMS sought for public display in aquaria often involves collection when the commercial fishing seasons are closed, collection of otherwise prohibited species, and collection of fish below the minimum size for recreational permit holders. NMFS established a 60-metric ton (mt) whole weight (ww) (approximately 3,000 sharks) quota for the public display and research of sharks (combined) in the final Fishery Management Plan (FMP) for Atlantic Tunas, Swordfish, and Sharks (1999 FMP). The quotas available for scientific research and public display of sandbar and dusky sharks were modified in Amendment 2 to the 2006 Consolidated HMS FMP (June 24, 2008, 73 FR 35778; corrected on July 15, 2008 73 FR 40658) in light of the results of recent stock assessments. The public display and scientific research quotas for sandbar sharks are now limited to 2.78 mt ww (2 mt dressed weight (dw)): 1.39 mt ww for public display and 1.39 mt ww for scientific research. Furthermore, Amendment 2 limited dusky shark collection to bona fide scientific research and prohibits dusky shark collection for public display. The rule did not modify the overall 60 mt ww quota, rather; it adjusted the proportion of the quota allocated to sandbar and dusky sharks. These quotas have been analyzed in conjunction with other sources of mortality under Amendment 2 to the 2006 Consolidated HMS FMP, and NMFS has determined that harvesting this amount for public display will not have a significant

impact on the stocks. The number of sharks harvested for display and research has remained under the annual 60 mt ww quota every year since inception of the quota. In 2008, approximately 10 percent of the sharks authorized for public display and scientific research purposes were actually harvested or discarded dead.

NMFS may also consider applications for bycatch reduction research in closed areas of the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea to test gear modifications and fishing techniques aimed to avoid incidental capture of non-target species. These permits may require further National Environmental Policy Act (NEPA) analyses. NMFS will seek additional public comment on these applications, as necessary, unless the research is being conducted from bona fide scientific research vessels.

On January 3, 2008, NMFS announced a final decision to issue EFPs to conduct research in portions of the East Florida Coast (EFC) and Charleston Bump closed areas using a limited number of pelagic longline (PLL) vessels. The goals of the research are to collect baseline data in closed areas under current PLL fishery conditions; evaluate existing PLL bycatch reduction measures; and collect data to examine the effectiveness of existing PLL area closures to meet current conservation and harvesting goals. As part of this research, NMFS issued EFPs to three PLL vessels, only two of which may fish at any one time, to conduct 289 PLL sets consisting of 500, 18/0 non-offset circle hooks each, over a 12 month period. One-half of the sets will be made inside the closed areas and one-half of the sets will be made outside of the closed areas. All participating vessels are required to carry NMFS-certified observers. The current EFPs for this research expire on February 28, 2010. However, since only approximately 60 percent of the sets are anticipated to be completed by February 28, 2010, NMFS is considering extending these EFPs to allow for completion of the research.

During this PLL research, 25 research trips occurred between February 2008 and August 2009. During these trips,

122 PLL sets were made, with 64 sets deployed inside the closed areas, 58 sets deployed outside of the closed areas. Inside the closed areas, 689 swordfish were kept, 108 swordfish were released alive, and 151 swordfish were discarded dead. Fourteen yellowfin tuna were kept and 2 yellowfin tuna were discarded dead. There were 3 bigeye tuna kept, 1 bigeye tuna released alive, and 1 bigeye tuna discarded dead. Two albacore tuna were kept and 3 unidentified tunas were discarded dead. Additionally, 24 blue marlin, 4 white marlin, and 44 sailfish were captured. Fifteen blue marlin were released alive, 9 blue marlin were discarded dead, and all of the white marlin were released alive. Forty-three of the sailfish were released alive and 1 was discarded dead.

Outside of the closed areas, 275 swordfish were kept; 36 swordfish were released alive; 74 swordfish were discarded dead; 255 bigeye tuna were kept; 6 bigeye tuna were released alive; 12 bigeye tuna were discarded dead; 49 yellowfin tuna were kept; 2 yellowfin tuna were released alive; 2 yellowfin tuna were discarded dead; 20 albacore tuna were kept; 3 albacore tuna were discarded dead; and 4 unidentified tuna were discarded dead. Additionally, 22 blue marlin were released alive and 12 were discarded dead; 3 white marlin were released alive and 1 was discarded dead; 23 sailfish were released alive and 4 were discarded dead; and 5 roundscale spearfish/white marlin were released alive and 1 was discarded dead. No bluefin tuna were caught during any of the 122 PLL research sets. Additionally, 5 sea turtles were captured during research in both the closed and open areas. Three leatherback sea turtles were captured on PLL gear deployed inside the closed areas, and 2 loggerhead sea turtles were captured on PLL gear deployed outside of the closed areas. All of the sea turtles were released alive with no trailing gear attached. There were no marine mammal interactions during any of the 122 PLL research sets. The research is ongoing and updates will be provided as data become available.

Comments are also requested on the issuance of Chartering Permits to U.S. vessels fishing for HMS while operating under chartering arrangements. The vessel chartering regulations can be found at 50 CFR 635.5(a)(5) and 635.32(e).

In addition, Amendment 2 to the Consolidated HMS FMP implemented a shark research fishery. This research fishery is conducted under the auspices of the exempted fishing program. Research fishery permit holders assist NMFS in collecting valuable shark life history data and data for future shark stock assessments. Fishermen must fill out an application for a shark research permit under the exempted fishing program to participate in the shark research fishery. Shark research fishery participants are subject to 100 percent observer coverage in addition to other terms and conditions. A **Federal Register** notice describing the objectives for the shark research fishery in 2010 was published on October 30, 2009 (74 FR 56177).

The authorized number of species for 2009, as well as the number of specimens collected in 2008, is summarized in Table 1. The number of specimens collected in 2009 will be available when all 2009 interim and annual reports are submitted to NMFS. In 2008, the number of specimens collected was less than the number of authorized specimens for most permit types, with the exception of the number of larvae collected under billfish exempted fishing permits. It is difficult to control the quantity of larvae that may be collected when sampling fish larvae. However, the impacts of these collections on fish populations are not expected to be significant given the high level of natural mortality of fish larvae. In all cases, mortality associated with an EFP, SRP, Display, or LOA (except for larvae) is counted against the appropriate quota. A total of 32 EFPs, SRPs, Display Permits, and LOAs were issued by NMFS in 2008 for the collection of HMS. As of October 2009, there have been a total of 30 EFPs, SRPs, Display Permits, and LOAs issued.

TABLE 1—SUMMARY OF HMS EXEMPTED PERMITS ISSUED IN 2008 AND 2009. “HMS” REFERS TO MULTIPLE SPECIES BEING COLLECTED UNDER A GIVEN PERMIT TYPE

Permit type	2008 Permits issued	2009 Authorized fish (Num)	Authorized larvae (Num)	Fish kept/discarded dead (Num)	Larvae kept (Num)	Permits issued	Authorized fish (Num)	Authorized larvae (Num)
EFP:								
HMS	7	1,703	0	165	0	6	1,273	0
Shark	4	410	0	101	0	4	304	0
Tuna	5	1,105	0	70	0	4	20	1,000
Billfish	3	95	1,000	1	4,086	1	454	0

TABLE 1—SUMMARY OF HMS EXEMPTED PERMITS ISSUED IN 2008 AND 2009. “HMS” REFERS TO MULTIPLE SPECIES BEING COLLECTED UNDER A GIVEN PERMIT TYPE—Continued

Permit type	2008 Permits issued	2009 Authorized fish (Num)	Authorized larvae (Num)	Fish kept/ discarded dead (Num)	Larvae kept (Num)	Permits issued	Authorized fish (Num)	Authorized larvae (Num)
SRP:								
HMS	1	685	0	66	0	0	0	0
Shark	0	.....	.....	.....	.....	4	454	0
Display:								
HMS	1	36	0	0	0	2	135	0
Shark	5	250	0	02	0	4	140	0
Total	26	4,284	1,000	.....	.....	25	2,326	0
LOA*								
Shark	6	2,625	0	815	0	5	3,025	0

* LOAs are issued for bona fide scientific research activities involved non-ATCA managed species (e.g., most species of sharks). Collections made under a LOA are not authorized; rather this estimated harvest for research is acknowledged by NMFS. Permittees are encouraged to report all fishing activities in a timely manner.

Final decisions on the issuance of any EFPs, SRPs, Display, and Chartering Permits will depend on the submission of all required information about the proposed activities, NMFS' review of public comments received on this notice, an applicant's reporting history on past permits issued, past law enforcement violations, consistency with relevant NEPA documents, and any consultations with appropriate Regional Fishery Management Councils, States, or Federal agencies. NMFS does not anticipate any significant environmental impacts from the issuance of these EFPs as assessed in the 1999 FMP and Amendment 2 to the Consolidated HMS FMP.

Authority: 16 U.S.C. 971 *et seq.* and 16 U.S.C. 1801 *et seq.*

Dated: November 17, 2009.

Alan Risenhoover,

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

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-583-831]

Stainless Steel Sheet and Strip in Coils From Taiwan: Notice of Extension of Time Limit for the Final Results of the 2007-2008 Administrative Review

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

FOR FURTHER INFORMATION CONTACT: Henry Almond at (202) 482-0049, AD/CVD Operations, Office 2, Import Administration, International Trade Administration, U.S. Department of

Commerce, 14th Street, and Constitution Avenue, NW., Washington, DC 20230.

Background

On August 5, 2009, the Department of Commerce (the Department) published in the **Federal Register** the preliminary results and partial rescission of the antidumping duty administrative review of stainless steel sheet and strip in coils from Taiwan covering the period July 1, 2007, through June 30, 2008. See *Stainless Steel Sheet and Strip in Coils From Taiwan: Preliminary Results and Rescission in Part of Antidumping Duty Administrative Review*, 74 FR 39055 (August 5, 2009). The final results for this administrative review are currently due no later than December 3, 2009, the next business day after 120 days from the date of publication of the preliminary results of review.

Extension of Time Limit for the Final Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to issue the final results of an administrative review within 120 days after the date on which the preliminary results are published. If it is not practicable to complete the review within that time period, section 751(a)(3)(A) of the Act allows the Department to extend the deadline for the final results to a maximum of 180 days after the date on which the preliminary results are published.

We determine that it is not practicable to complete this administrative review within the original time limits mandated by section 751(a)(3)(A) of the Act because we require additional time to properly consider the complex issues related to middleman dumping raised by interested parties during the briefing

process in this case. Therefore, the Department is extending the time limit for completion of the final results of this review by 60 days, in accordance with section 751(a)(3)(A) of the Act. The final results are now due no later than February 1, 2010.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: November 13, 2009.

John M. Andersen,

Acting Deputy Assistant Secretary for
Antidumping and Countervailing Duty
Operations.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XS68

Incidental Takes of Marine Mammals During Specified Activities; Seabird and Pinniped Research Activities in Central California

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

ACTION: Notice; proposed incidental harassment authorization; request for comments.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, regulations, NMFS has received an application from PRBO Conservation Science (PRBO) for an Incidental Harassment Authorization (IHA) to take small numbers of marine mammals, by incidental harassment, while conducting proposed seabird and