

Policy, Import Administration, to James J. Jochum, Assistant Secretary for Import Administration, dated February 27, 2004, which is hereby adopted by this notice. The issues discussed in the accompanying Decision Memo include the likelihood of continuation or recurrence of countervailable subsidies and the net subsidy likely to prevail were the order revoked. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room B-099, of the main Commerce building.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at [www.ia.ita.doc.gov/frn](http://www.ia.ita.doc.gov/frn), under the heading "Italy." The paper copy and electronic version of the Decision Memo are identical in content.

#### Preliminary Results of Review:

We preliminarily determine that revocation of the countervailing duty order on SSWR from Italy would be likely to lead to continuation or recurrence of countervailable subsidies at the rate listed below:

Producers/Exporters	Net Countervailable Subsidy (percent)
Valbruna .....	0.82
All Others .....	0.82

Any interested party may request a hearing within 30 days of publication of this notice in accordance with 19 CFR 351.310(d)(i). Any hearing, if requested, will be held on April 28, 2004. Interested parties may submit case briefs no later than April 19, 2004, in accordance with 19 CFR 351.309(c)(1)(i). Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than April 26, 2004, in accordance with 19 CFR 351.309(d)(l). The Department will issue a notice of final results of this sunset review, which will include the results of its analysis of issues raised in any such briefs, not later than June 28, 2004.<sup>3</sup>

This five-year ("sunset") review and notice are in accordance with sections 751(c), 752, and 777(l)(1) of the Act.

<sup>3</sup> On November 25, 2003, the Department published the extension of time limit for the preliminary results due to complex issues in this proceeding. See Extension of Time Limit for Preliminary Results of Five-Year Sunset Review, 68 FR 66073 (November 25, 2003). Therefore, final results of this sunset review are due not later than June 28, 2004.

Dated: February 27, 2004.

**James J. Jochum,**

*Assistant Secretary for Import Administration.*

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**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 012204C]

#### Antarctic Marine Living Resources Convention Act of 1984; Conservation and Management Measures

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

**ACTION:** Final notification of conservation and management measures.

**SUMMARY:** At its twenty-second meeting in Hobart, Tasmania, October 21 to November 7, 2003, the Commission for the Conservation of Antarctic Marine Living Resources (the Commission or CCAMLR), of which the United States is a member, adopted conservation and management measures, pending members' approval, pertaining to fishing in the CCAMLR Convention Area in Antarctic waters. The measures have been agreed upon in accordance with Article IX of the Convention on the Conservation of Antarctic Marine Living Resources (the Convention) and are in effect with respect to the United States.

**DATES:** Effective March 4, 2004.

**ADDRESSES:** Copies of the CCAMLR conservation and management measures may be obtained from the Assistant Administrator for Fisheries, NOAA, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Robin Tuttle, 301-713-2282.

**SUPPLEMENTARY INFORMATION:**

#### Background

Individuals interested in CCAMLR and the Convention Area should see 68 FR 70554 (December 18, 2003) and 50 CFR part 300, subpart G - Antarctic Marine Living Resources.

The conservation and management measures adopted by the twenty-second meeting of CCAMLR restrict overall catches and bycatch of certain species of fish, krill and crab; limit participation in several exploratory fisheries; restrict fishing in certain areas and to certain gear types; set fishing seasons; and

amend an annex to the catch documentation scheme (CDS) for *Dissostichus* (toothfish) species. The Commission urges several actions by its members to improve compliance with CCAMLR conservation and management measures.

The full text of the measures and resolutions were included in a preliminary notice published in the **Federal Register** on December 18, 2003 (68 FR 70554) by the Department of State. Public comments were invited on the notice, but no public comments were received. Through this action, NMFS notifies the public that the United States has accepted the measures adopted at CCAMLR's twenty-second meeting.

#### Compliance

A resolution adopted at the nineteenth meeting of CCAMLR was amended at the twenty-second meeting to urge all contracting parties, when licensing vessels to fish for toothfish, to require as a condition of that license that the vessel land toothfish only in ports of states that are fully implementing the CDS.

The Commission adopted a list of illegal, unregulated and unreported fishing vessels (the IUU vessel list) for vessels suspected of IUU fishing or trading and has placed it on a password-protected section on the CCAMLR website. All CCAMLR members are urged to prohibit trade with these IUU vessels. NMFS intends to implement a prohibition on the importation of toothfish harvested by vessels identified on the CCAMLR IUU vessel list in a future rulemaking.

The Commission agreed to support a trial centralized vessel monitoring system (C-VMS) to be operated from the CCAMLR Secretariat during the 2003/2004 fishing season and open to all members who choose to participate. The United States will participate in the trial.

#### Catch Documentation Scheme (CDS)

The CDS measure is revised to require that all landings of toothfish be authorized on all *Dissostichus* Catch Documents (DCD) by the signature of an official of the port of landing, acting under the customs or fisheries authority of the port state. Pursuant to this revision, the United States will no longer accept DCDs signed by other than an authorized customs or fisheries official of the port state. DCDs signed by the China Fisheries Association, an industry entity, will no longer be accepted.

The Commission also agreed to continue the electronic web-based CDS

(E-CDS) trial through the October 2004 meeting of CCAMLR and to include all interested parties. The United States will continue its participation in the trial.

#### Incidental Mortality of Seabirds

The measure to minimize the incidental mortality of seabirds in the course of longline fishing or longline fishing research is amended by removing the mandatory requirements for thawed bait; by adding advisory measures for line weighting for autoliners; by requiring the use of a device designed to discourage birds from accessing baits during the haul of longlines in areas defined by CCAMLR as average-to-high or high risk of seabird bycatch; and by revising the specifications for the mandatory use of streamer lines.

#### Small-scale Research Units (SSRU)

The Commission endorsed its Scientific Committee's revision of SSRUs in Subarea 88.1 to better capture the irregular shapes of the bathymetric features and fishing grounds in the subarea. This revision resulted in 12 new SSRUs that are more similar in size to those in other Convention Subareas.

#### Prohibitions on Directed Fishing

The Commission prohibited directed fishing for *Dissostichus* species from December 1, 2003, to November 30, 2004, in Statistical Subareas 48.5, 88.2 (north of 65°00'S) and 88.3, and Divisions 58.5.1 outside the French Exclusive Economic Zone (EEZ), and 58.5.2 (east of 79°20'E) and outside the Australian EEZ to the west of 79°20'E.

The Commission continued the prohibitions on directed fishing for *Dissostichus* species in Statistical Division 58.4.4 and Subareas 58.6 and 58.7 outside areas of national jurisdiction until such time that further scientific information is gathered and reviewed by the Scientific Committee and its Working Group on Fish Stock Assessment.

Longstanding prohibitions on directed fishing for certain other finfish species remain in effect.

#### Dissostichus Species

The Commission revised the general measures for exploratory fisheries for *Dissostichus* species by removing catch limits in fine-scale rectangles; by removing soak time constraints for longlines; by revising the boundaries of SSRUs and introducing new SSRUs; and unless otherwise specified, by setting a catch limit of 100 tons in any SSRU excluding Subarea 88.2.

The Commission set a catch limit of 4,420 tons for the longline fishery for *D. eleginoides* in Subarea 48.3 in the 2003/2004 season, counting any catch of *D. eleginoides* taken in other finfish fisheries in Subarea 48.3 against the catch limit.

The Commission set a combined catch limit of 2,873 tons for trawl fishing for *D. eleginoides* in Division 58.5.2 during the December 1, 2003, to November 30, 2004, season and for longline fishing for *D. eleginoides* in Division 58.5.2 (west of 79°20'E) from May 1, 2004, to August 31, 2004.

The Commission designated several *Dissostichus* fisheries as exploratory fisheries for the 2003/2004 fishing season. These fisheries are total allowable catch fisheries and are open only to the flagged vessels of countries that notified CCAMLR of an interest by named vessels in the fisheries.

The exploratory fisheries for *Dissostichus* species authorized by the Commission for the 2003/2004 fishing season include the following: (1) longline fishing in Statistical Division 58.4.1 by Argentina, Australia and the United States; (2) longline fishing in Statistical Subarea 48.6 by Argentina, Japan, Namibia, New Zealand, Spain and South Africa; (3) longline fishing in Statistical Division 58.4.2 by Argentina, Australia, Russia, Ukraine and the United States; (4) longline fishing in Statistical Division 58.4.3a (the Elan Bank) outside areas under national jurisdiction by Argentina, Australia, Russia, Ukraine and the United States; (5) longline fishing in Statistical Division 58.4.3b (the BANZARE Bank) by Argentina, Australia, Russia, Ukraine and the United States; (6) trawl fishing in Statistical Division 58.4.3b (the BANZARE Bank) by one Australian vessel; (7) longline fishing in Statistical Subarea 88.1 by Argentina, Japan, Korea, New Zealand, Norway, Russia, South Africa, Spain, Ukraine, United Kingdom, United States and Uruguay; and (8) longline fishing in Statistical Subarea 88.2 by Argentina, Korea, New Zealand, Norway, Russia, South Africa and Ukraine.

#### Champocephalus gunnari

The Commission set the overall catch limit for *C. gunnari* in Statistical Subarea 48.3 for the 2003/2004 season at 2,181 tons and continued previously adopted restrictions on the fishery.

The Commission also set the catch limit for *C. gunnari* within defined areas of Statistical Division 58.5.2 for the 2003/2004 season at 292 tons and continued previously adopted restrictions on, and reporting requirements for, the fishery.

#### Electrona carlsbergi

The Commission agreed that the fishery for *E. carlsbergi* in Statistical Subarea 48.3 had lapsed. Consequently, the Commission has prohibited directed fishing on the species in Subarea 48.3 until further research has been conducted and a decision that the fishery be reopened is made by the Commission based on the advice of the Scientific Committee.

#### Other Finfish

The Commission limited the exploratory fishery for *Macrourus* species in Statistical Divisions 58.4.3a and 58.4.3b in the 2003/2004 fishing season to one Australian-flagged trawler and set the catch limits at 26 and 129 tons respectively.

The Commission also set a total precautionary catch limit of 1000 tons for *Chaenodraco wilsoni*, and 500 tons each for *Lepidonotothen kempfi*, *Trematomas eulepidotus* and *Pleuragramma antarcticum* for the 2003/2004 fishing season.

#### Crab

The Commission set the total allowable catch level for the pot fishery for crab for the 2003/2004 fishing season at 1,600 tons and continued to limit participation to one vessel per member country.

#### Squid

The Commission set the total allowable catch limit for the exploratory jig fishery for *Martialia hyadesi* for the 2003/2004 fishing season at 2,500 tons.

#### Krill

The Commission carried forward the precautionary catch limits for krill in Statistical Area 48 at 4.0 million tons overall and, as divided by subareas, at 1.008 million tons in Subarea 48.1, 1.104 million tons in Subarea 48.2, 1.056 million tons in Subarea 48.3, and 0.832 million tons in Subarea 48.4.

#### Bycatch

The Commission revised the limitations on bycatch in new and exploratory fisheries in Statistical Division 58.5.2 for the 2003/2004 season.

The Commission also revised the bycatch limits in all new and exploratory fisheries for the 2003/2004 season in all areas containing SSRUs (Statistical Subareas 48.6, 88.1 and 88.2, and Statistical Subdivisions 58.4.2, 58.4.3a, 58.4.3b) for all *Macrourus*, skates and rays, and other species.

Authority: 16 U.S.C. 2431 *et seq.*

Dated: March 1, 2004.

**Rebecca Lent,**

*Deputy Assistant Administrator for  
Regulatory Programs*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 011304C]

#### Taking of Marine Mammals Incidental to Specified Activities; On-Ice Seismic Operations in the Beaufort Sea

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

**ACTION:** Notice of issuance of an Incidental Harassment Authorization.

**SUMMARY:** In accordance with provisions of the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an Incidental Harassment Authorization (IHA) to take marine mammals by harassment incidental to conducting on-ice seismic operations from Cape Halkett to Oliktok Point in the Beaufort Sea to ConocoPhillips Alaska, Inc. (CPA).

**DATES:** Effective from February 27, 2004, through February 26, 2005.

**ADDRESSES:** A copy of the IHA and the application are available by writing to Mr. P. Michael Payne, Chief, Marine Mammal Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3225, or by telephoning the contact listed here. A copy of the application containing a list of the references used in this document may be obtained by writing to this address or by telephoning the contact listed here and is also available at: [http://www.nmfs.noaa.gov/prot\\_res/PR2/Small\\_Take/smalltake\\_info.htm#applications](http://www.nmfs.noaa.gov/prot_res/PR2/Small_Take/smalltake_info.htm#applications)

**FOR FURTHER INFORMATION CONTACT:** Kimberly Skrupky, Office of Protected Resources, NMFS, (301) 713-2322, ext 163.

#### SUPPLEMENTARY INFORMATION:

##### Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than

commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Permission may be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses and that the permissible methods of taking and requirements pertaining to the monitoring and reporting of such takings are set forth. NMFS has defined "negligible impact" in 50 CFR 216.103 as "...an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival."

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Under section 3(18)(A), the MMPA defines "harassment" as:

Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.

The term "Level A harassment" means harassment described in subparagraph (A)(i). The term "Level B harassment" means harassment described in subparagraph (A)(ii).

Section 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny issuance of the authorization.

##### Summary of Request

On November 12, 2003, NMFS received an application from CPA for the taking, by harassment, of two species of marine mammals incidental to conducting an on-ice seismic survey program. As presently scheduled, the seismic operations will be conducted at Cape Halkett to Oliktok Point to approximately 20 nautical miles offshore in the Beaufort Sea in Alaska.

The purpose of the project is to gather information about the subsurface of the earth by measuring acoustic waves, which are generated on or near the surface. The acoustic waves reflect at boundaries in the earth that are characterized by acoustic impedance contrasts.

##### Description of the Activity

The seismic surveys use the "reflection" method of data acquisition. Seismic exploration uses a controlled energy source to generate acoustic waves that travel through the earth, including sea ice and water, as well as sub-sea geologic formations, and then uses ground sensors to record the reflected energy transmitted back to the surface. When acoustic energy is generated, compression and shear waves form and travel in and on the earth. The compression and shear waves are affected by the geological formations of the earth as they travel in it and may be reflected, refracted, diffracted or transmitted when they reach a boundary represented by an acoustic impedance contrast. Vibroseis seismic operations use large trucks with vibrators that systematically put variable frequency energy into the earth. At least 1.2 m (4 ft) of sea ice is required to support the various equipment and vehicles used to transport seismic equipment offshore for exploration activities. These ice conditions generally exist from 1 January until 31 May in the Beaufort Sea. Several vehicles are normally associated with a typical vibroseis operation. One or two vehicles with survey crews move ahead of the operation and mark the energy input points. Crews with wheeled vehicles often require trail clearance with bulldozers for adequate access to and within the site. Crews with tracked vehicles are typically limited by heavy snow cover and may require trail clearance beforehand.

With the vibroseis technique, activity on the surveyed seismic line begins with the placement of sensors. All sensors are connected to the recording vehicle by multi-pair cable sections. The vibrators move to the beginning of the line and begin recording data. The vibrators begin vibrating in synchrony via a simultaneous radio signal to all vehicles. In a typical survey, each vibrator will vibrate four times at each location. The entire formation of vibrators subsequently moves forward to the next energy input point (e.g. 67 m, or 220 ft, in most applications) and repeats the process. In a typical 16- to 18-hour day, a surveys will complete 6-16 km (4 to 10 linear miles) in 2-dimensional seismic operations and 24