

Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-4340.

#### SUPPLEMENTARY INFORMATION:

##### Background

On April 1, 2004, the Department initiated a sunset review of the CVD order on SSPC from Italy pursuant to section 751(c) of the Act. See Initiation of Five-Year (Sunset) Reviews, 69 FR 17129 (April 1, 2004). On October 21, 2004, the Department published the preliminary results of the full sunset review of the CVD on SSPC from Italy. See *Notice of Preliminary Results of Full Sunset Review: Stainless Steel Plate in Coils from Italy* (“preliminary sunset review results”), 69 FR 61800 (October 21, 2004) and the accompanying *Issues and Decision Memorandum for the Full Sunset Review of the Countervailing Duty Order on Stainless Steel Plate in Coils from Italy: Preliminary Results* (“preliminary results decision memorandum”) dated October 15, 2004.<sup>1</sup> In our preliminary sunset review results, we found that benefits from the following programs would likely continue or recur were the order revoked:

(1) Law 675/77;

(2) Law 451/94 Early Retirement Benefits; and

(3) European Social Fund.

On December 6, 2004, the Department received a joint case brief from the Government of Italy (GOI) and the European Commission (EC). See Case Brief from the EC and the GOI re: Sunset Review of the Countervailing Duty Order on Stainless Steel Plate in Coils from Italy (December 6, 2004) including separate GOI and EC Attachments. The Department also received a case brief from ThyssenKrupp Acciai Speciali Terni, S.p.A. (“TKAST”) (formerly Acciai Speciali Terni, S.p.A.) in a timely manner. See Case Brief from TKAST re: Stainless Steel Plate in Coils from Italy (Sunset) (December 13, 2004). The Department did not receive a case brief from the domestic interested parties but did receive a rebuttal brief to the case briefs submitted by the GOI, EC and TKAST. See Rebuttal Brief from Petitioners re: Sunset Review of the Countervailing Duty Order on Stainless Steel Plate in Coils from Italy (December 20, 2004).

##### Scope of Review

The product covered by this order is certain SSPC. Stainless steel is an alloy steel containing, by weight, 1.2 percent

or less of carbon and 10.5 percent or more of chromium, with or without other elements. The subject plate products are flat-rolled products, 254 mm or over in width and 4.75 mm or more in thickness, in coils, and annealed or otherwise heat treated and pickled or otherwise descaled. The subject plate may also be further processed (e.g., cold-rolled, polished, etc.) provided that it maintains the specified dimensions of plate following such processing. Excluded from the scope of this order are the following: (1) Plate not in coils, (2) plate that is not annealed or otherwise heat treated and pickled or otherwise descaled, (3) sheet and strip, and (4) flat bars. In addition, certain cold-rolled SSPC is also excluded from the scope of this order. The excluded cold-rolled SSPC is defined as that merchandise which meets the physical characteristics described above that has undergone a cold-reduction process that reduced the thickness of the steel by 25 percent or more, and has been annealed and pickled after this cold reduction process. The merchandise subject to this order is currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) at subheadings: 7219.11.00.30, 7219.11.00.60, 7219.12.00.05, 7219.12.00.20, 7219.12.00.25, 7219.12.00.50, 7219.12.00.55, 7219.12.00.65, 7219.12.00.70, 7219.12.00.80, 7219.31.00.10, 7219.90.00.10, 7219.90.00.20, 7219.90.00.25, 7219.90.00.60, 7219.90.00.80, 7220.11.00.00, 7220.20.10.10, 7220.20.10.15, 7220.20.10.60, 7220.20.10.80, 7220.20.60.05, 7220.20.60.10, 7220.20.60.15, 7220.20.60.60, 7220.20.60.80, 7220.90.00.10, 7220.90.00.15, 7220.90.00.60, and 7220.90.00.80. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the orders is dispositive.

##### Analysis of Comments Received

All issues raised in this review are addressed in the Issues and Decision Memorandum (“Decision Memorandum”) from Ronald K. Lorentzen, Acting Director, Office of Policy, Import Administration, to Joseph A. Spetrini, Acting Assistant Secretary for Import Administration, dated February 25, 2005, which is hereby adopted by this notice. The issues discussed in the accompanying Decision Memorandum 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 Memorandum can be accessed directly on the Web at <http://ia.ita.doc.gov/frn>, under the heading “March 2005.” The paper copy and electronic version of the Decision Memorandum are identical in content.

##### Final Results of Review

We determine that revocation of the countervailing duty order on SSPC 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)
TKAST .....	0.73
All Others .....	0.73

##### Notification Regarding Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective order (“APO”) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305 of the Department’s regulations. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing the results and notice in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

**Joseph A. Spetrini,**

*Assistant Secretary for Import Administration.*

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### Proposed Information Collection; Comment Request; Fishing Capacity Reduction Program Buyback Requests

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**ACTION:** Notice.

<sup>1</sup> For a full discussion of the history of this order prior to the preliminary results of this sunset review, see the October 15, 2004, preliminary results decision memorandum.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before May 2, 2005.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Michael A. Sturtevant, (301) 713-2390 or [michael.a.sturtevant@noaa.gov](mailto:michael.a.sturtevant@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

NOAA has established a program to reduce excess fishing capacity by paying fishermen to (1) surrender their fishing permits or (2) both surrender their permits and either scrap their vessels or restrict vessel titles to prevent fishing. The buybacks can be funded by a Federal loan to the industry or by direct Federal or other funding. Depending upon the type of buyback involved, the program can entail the submission of buyback requests by industry; the submission of bids; referenda, if fishery participants; and reporting of the collection of fees to repay a Federal loan. For buybacks involving State-managed fisheries, the State may need to develop the buyback plan and comply with other information requirements.

**II. Method of Collection**

Paper forms.

**III. Data**

*OMB Number:* 0648-0376.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Business or other for-profit organizations; individuals or households; and State, local, or tribal government.

*Estimated Number of Respondents:* 1,272.

*Estimated Time Per Response:* 6,634 hours for a business plan; 4 hours for a referenda vote; 4 hours for an invitation to bid; 10 minutes to submit a fish ticket; 2 hours for a monthly buyer report; 4 hours for an annual buyer

report; 2 hours for a seller/buyer report; 270 hours for a state approval of plans and amendments to state fishery management plan; and 1 hour for advising of any holder or owner claims that conflict with accepted bidders' representations about reduction permit ownership or reduction vessel ownership.

*Estimated Total Annual Burden Hours:* 38,563.

*Estimated Total Annual Cost to Public:* \$2,000.

**IV. Request for Comments**

*Comments are invited on:* (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 25, 2005.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[I.D. 021805H]

**Request for a Limited Waiver of the Moratorium on Taking Marine Mammals**

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

**ACTION:** Notice of availability.

**SUMMARY:** The Makah Tribe of Washington State submitted a request to NMFS for a waiver of the moratorium in the Marine Mammal Protection Act on taking marine mammals. The request is available for public inspection.

**ADDRESSES:** A copy of the request may be obtained by writing Chief, Marine Mammal Conservation Division, Office of Protected Resources, NMFS/PR2, 1315 East West Highway, Silver Spring, MD 20910

**FOR FURTHER INFORMATION CONTACT:** Tom Eagle, Office of Protected Resources, 301-713-2322, ext. 105, e-mail [Tom.Eagle@noaa.gov](mailto:Tom.Eagle@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**Electronic Access**

The request for waiver and supplemental material are available via the Internet at <http://www.nmfs.noaa.gov/pr/>. See Makah Request for Waiver under "Recent News and Hot Topics".

**Background**

On February 14, 2005, NMFS received a request from the Makah Tribe of Washington State for a waiver of the MMPA's moratorium on taking marine mammals to allow Tribal members to take limited number of Eastern North Pacific gray whales under an aboriginal subsistence quota issued by the International Whaling Commission (IWC). The Makah request to harvest up to 20 whales in a 5-year period; however, in a single year, no more than seven whales could be struck, and no more than five whales could be landed.

MMPA section 101(a) places a moratorium on the taking of marine mammals with limited specific exceptions. MMPA section 101(a)(3)(A) allows and directs NMFS to determine when, to what extent, if at all, and by what means, it is compatible with the MMPA to waive the moratorium. In so doing, NMFS must have due regard for the distribution, abundance, breeding habits, and times and lines of migratory movements of such marine mammals. Formal procedures for waiving the moratorium and issuing pertinent regulations are described in MMPA section 103(d).

Dated: February 23, 2005.

**Laurie K. Allen,**

*Director, Office of Protected Resources, National Marine Fisheries Service.*

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