

the posting of a bond equal to the weighted-average amount by which the normal value exceeds U.S. price, as indicated above.

### International Trade Commission Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our preliminary affirmative determination of sales at less than fair value. Section 735(b)(2) of the Act requires the ITC to make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of steel threaded rod, or sales (or the likelihood of sales) for importation, of the subject merchandise within 45 days of our final determination.

### Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Import Administration no later than seven days after the date of the final verification report is issued in this proceeding and rebuttal briefs limited to issues raised in case briefs no later than five days after the deadline date for case briefs (*see* 19 CFR 351.309(c)(i) and (d)). A list of authorities used and an executive summary of issues should accompany any briefs submitted to the Department. This summary should be limited to five pages total, including footnotes.

In accordance with section 774 of the Act, and if requested, we will hold a public hearing, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. If a request for a hearing is made, we intend to hold the hearing shortly after the deadline of submission of rebuttal briefs at the U.S. Department of Commerce, 14th Street and Constitution Ave, NW, Washington, DC 20230, at a time and location to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, within 30 days after the date of publication of this notice. *See* 19 CFR 351.310(c). Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. At the hearing, each party may make an affirmative presentation only on issues raised in that party's case brief and may make rebuttal presentations only on

arguments included in that party's rebuttal brief.

Unless the deadline is extended pursuant to section 735(a)(2) of the Act, the Department will make its final determination within 75 days after the date of this preliminary determination, pursuant to section 735(a)(1) of the Act.

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act.

Dated: October 1, 2008.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

[FR Doc. E8-23896 Filed 10-7-08; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XK54**

#### Marine Mammals; File No. 13602

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

**ACTION:** Notice; receipt of application.

**SUMMARY:** Notice is hereby given that Dr. Terrie Williams, Long Marine Lab, Institute of Marine Sciences, University of California at Santa Cruz, 100 Shaffer Road, Santa Cruz, CA 95060, has applied in due form for a permit to conduct research on captive marine mammals.

**DATES:** Written, telefaxed, or e-mail comments must be received on or before November 7, 2008.

**ADDRESSES:** The application and related documents are available for review upon written request or by appointment in the following offices:

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)427-2521; 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 or requests for a public hearing on this application should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301)427-2521, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing e-mail comments is *NMFS.Pr1Comments@noaa.gov*. Include in the subject line of the e-mail comment the following document identifier: File No. 13602.

#### FOR FURTHER INFORMATION CONTACT:

Jennifer Skidmore or Amy Sloan, (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.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222-226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

The applicant is requesting a permit to continue permitted activities authorized under Permit No. 984-1587. This research compares the energetic responses and diving physiology of odontocetes and pinnipeds to determine key physiological factors required for survival. Two adult bottlenose dolphins (*Tursiops truncatus*) currently maintained at Long Marine Lab will be used as model species due to availability, trainability, and a foundation of data from previous studies. Additional odontocetes and other marine mammal species (up to 122 animals representing 7 species over 5 years) would be added through cooperative agreements with accredited zoological institutions. Other species and subjects from rehabilitation and stranding programs may be added opportunistically. This research on captive animals will provide data for understanding the impact of changing environmental demands on wild marine mammals. Two approaches are used, (1) basic physiological evaluation (caloric intake, metabolism, heart rate, stroke rate, aerobic dive capacity, thermal capacity) measured seasonally on mature and immature dolphins, and (2) comparative evaluation of identical parameters for other species representing different evolutionary lineages. The results will be used to develop energetics models for large and small cetaceans as well as other marine

mammals to assist in management decisions for wild populations. A permit is requested for five years.

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

Dated: October 3, 2008.

**P. Michael Payne**,

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

[FR Doc. E8-23872 Filed 10-7-08; 8:45 am]

BILLING CODE 3510-22-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XK98

#### Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan

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

**ACTION:** Notice.

**SUMMARY:** Pursuant to a preliminary injunction issued in the case, *The Humane Society of the United States, et al. v. Gutierrez, et al.*, in U.S. District Court for the District of Columbia (Civil Action No. 08-cv-1593 (ESH)), NMFS is reinstating the Dynamic Area Management (DAM) program that was terminated by the October 5, 2007, final rule amending the Atlantic Large Whale Take Reduction Plan (ALWTRP). The DAM program will be implemented consistent with the previous regulations for this program, except that it will only be reinstated north of the pre-existing Seasonal Area Management boundaries (i.e., north of 42°30' N. latitude). DAM zones will be established through future notice in the **Federal Register**. The restrictions will be announced to state officials, fishermen, Atlantic Large Whale Take Reduction Team (ALWTRT) members, and other interested parties through e-mail, phone contact, NOAA website, and other appropriate media immediately upon issuance of a rule by the AA.

**DATES:** Effective beginning at 0001 hours October 5, 2008, until the broad-based sinking groundline requirements for trap/pot and lobster trap/pot fisheries established by the October 5, 2007, final rule go into effect.

**ADDRESSES:** Copies of the previous rulemaking documents associated with the ALWTRP, ALWTRT meeting summaries, and progress reports on implementation of the ALWTRP may also be obtained by writing Diane Borggaard, NMFS/Northeast Region, One Blackburn Drive, Gloucester, MA 01930.

**FOR FURTHER INFORMATION CONTACT:**

Diane Borggaard, NMFS/Northeast Region, 978-281-9300 x6503; or Kristy Long, NMFS, Office of Protected Resources, 301-713-2322.

**SUPPLEMENTARY INFORMATION:**

**Electronic Access**

Several of the background documents for the ALWTRP and the take reduction planning process can be downloaded from the ALWTRP web site at <http://www.nero.noaa.gov/whaletrp/>. The complete text of the regulations implementing the ALWTRP can be found either in the Code of Federal Regulations (CFR) at 50 CFR 229.32 or downloaded from the website, along with a guide to the regulations.

**Background**

In response to the continued serious injury and mortality of large whales (e.g., right, humpback, and fin whales) from entanglement in commercial fishing gear, NMFS determined that additional modifications to the ALWTRP were warranted. Subsequently, in October 2007, NMFS finalized an amendment to the ALWTRP, which implemented a broad-based gear modification strategy that included additional regulated fisheries; expanded weak link and sinking groundline requirements; additional gear marking requirements; changes in boundaries; seasonal restrictions for gear modifications; expanded exempted areas; and regulatory language changes for the purposes of clarification and consistency (72 FR 57104, October 5, 2007; 73 FR 19171, April 9, 2008). The October 2007 rule eliminated the Dynamic Area Management (DAM) Program on April 5, 2008, when most of the broad-based gear modifications became effective. Additionally, gillnet and trap/pot fishermen were given one year (through October 5, 2008) to convert floating groundline to sinking groundline as part of the broad-based gear modification requirements.

On September 2, 2008, NMFS published a final rule that provided an additional six months (through April 5, 2009) for trap/pot fishermen along the Atlantic coast to comply with the ALWTRP's broad-based sinking groundline requirement (73 FR 51228,

September 2, 2008). Pursuant to a preliminary injunction issued in the case, *The Humane Society of the United States, et al. v. Gutierrez, et al.*, in U.S. District Court for the District of Columbia (Civil Action No. 08-cv-1593 (ESH)), NMFS is reinstating the DAM program, which was terminated by the October 5, 2007, final rule (72 FR 57104). The DAM program will be implemented consistent with the previous regulations for this program (67 FR 1133, January 9, 2002; 67 FR 65722, October 28, 2002; 68 FR 51195, August 26, 2003; 72 FR 57104, October 5, 2007), except that it will only be reinstated north of the pre-existing Seasonal Area Management boundaries (i.e., north of 42°30' N. latitude). DAM zones will be established through future notice in the **Federal Register**. Future DAM zone restrictions will be announced to state officials, fishermen, ALWTRT members, and other interested parties through e-mail, phone contact, NOAA website, and other appropriate media immediately upon issuance of a temporary rule by the Assistant Administrator for Fisheries (AA). The DAM program will be reinstated until the Court's resolution on the merits of the case or the broad-based sinking groundline requirements for trap/pot and lobster trap/pot fisheries established by the October 5, 2007, final rule go into effect, whichever occurs earlier.

In addition to those gear modifications currently implemented under the ALWTRP at 50 CFR 229.32, the following gear modifications may be required in a DAM zone. In such a case, the ALWTRP management areas impacted would be dependent on the area of overlap with the DAM zone. If the requirements and exceptions for gear modification in a DAM zone, as described below, differ from other ALWTRP requirements for any overlapping areas and times, then the more restrictive requirements would apply in the DAM zone.

**Lobster Trap/Pot Gear**

Fishermen utilizing lobster trap/pot gear within portions of Northern Inshore Lobster Waters, Northern Nearshore Lobster Waters, and Stellwagen Bank/Jeffreys Ledge Restricted Area that overlap with a DAM zone may be required to utilize all of the following gear modifications when a DAM zone is in effect:

1. Groundlines must be made of sinking line. Floating groundlines are prohibited;

2. All buoy lines must be made of sinking line, except the bottom portion of the line, which may be a section of