

(twine top) study from minimum twine top mesh sizes, Closed Area I Access Area (CAI) and Closed Area II Access Area (CAII) scallop vessel trip restrictions, and fish possession restrictions, should be issued for public comment. Although the Assistant Regional Administrator has not made a preliminary determination that the activities authorized under the EFP would be consistent with the goals and objectives of the Atlantic Sea Scallop Fishery Management Plan (FMP), NMFS seeks public comment on the exemptions the EFP is requesting. Further review and consultation may be necessary before a final determination is made.

DATES: Comments must be received on or before May 14, 2009.

ADDRESSES: Comments may be submitted by e-mail to *DA9-039@noaa.gov*. Include in the subject line of the e-mail comment the following document identifier: "Comments on dredge twine top EFP." Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope, "Comments on dredge twine top EFP." Comments may also be sent via facsimile (fax) to (978) 281-9135.

FOR FURTHER INFORMATION CONTACT: Don Frei, Fisheries Management Specialist, phone: 978-281-9221, fax: 978-281-9135.

SUPPLEMENTARY INFORMATION:

Coonamessett Farm submitted this EFP application for research activities that would assess a modified scallop dredge twine top (twine top) designed to reduce finfish bycatch while improving the retention of scallops. The subject EFP would exempt vessels from the following regulations: Ten-inch (25.4-cm) minimum twine top mesh size specified at 50 CFR 648.51(b)(2); CAI and CA II scallop vessel trip restrictions specified at § 648.81(a)(1)(vi) and (b)(1)(v); and exemptions from scallop, Northeast multispecies, monkfish, summer flounder, black sea bass, scup, spiny dogfish, and skate possession restrictions specified throughout 50 CFR part 648.

The applicant states that previous twine top selectivity research found that the aft portion of the twine top is where most scallop escapement occurs, and the forward portion of the twine top is where most finfish escapement occurs. The applicant postulates, that by decreasing the mesh size to 6 inches (15.2 cm) in the aft portion of the twine top while increasing the mesh size to 12

in (30.5 cm) in the forward portion of the twine top, both scallop retention and finfish escapement would increase. The experimental twine top would also have a lower hanging ratio than that of a traditionally hung twine top, with the hypothesis that this may further reduce finfish bycatch.

The applicant states that, to effectively test the modified twine top, field trials must occur in areas of high finfish bycatch such as those found in the scallop Access Areas CAI and CAII. However, the CAI Access Area is closed to scallop fishing for the 2009 fishing year (March 1, 2009—February 28, 2010). The applicant requests up to three 7-day trips between May and June of 2009, in the Access Areas CAI and/or CAII, when the access areas are closed to scallop fishing. On these trips, the applicant would compare identical dredge frames fitted with a standard twine top and a modified twine top. All scallops and finfish caught during these trips would be processed to obtain morphological data and then returned to the sea as soon as possible.

In addition to testing the twine top in CAI and CAII, the applicant requests authorization to test the modified twine top on up to three fishing trips to the Delmarva Scallop Access Area (DELMARVA) and/or Elephant Trunk Access Area (ETAA). Both the DELMARVA and ETAA are open to scallop fishing in the 2009 fishing year.

Exemption from scallop, Northeast multispecies, monkfish, summer flounder, black sea bass, scup, spiny dogfish, and skate possession restrictions would authorize project investigators to temporarily possess finfish for scientific data collection purposes prior to returning all finfish to the sea.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs. The applicant may place requests for minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and minimal so as not to change the scope or impact of the initially approved EFP request.

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

Dated: April 24, 2009.

Kristen C. Koch,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
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DEPARTMENT OF COMMERCE

International Trade Administration

A-201-822

Implementation of the Findings of the WTO Dispute Settlement Panel and Appellate Body in United States - Final Anti-Dumping Measures on Stainless Steel from Mexico: Notice of Determination Under Section 129 of the Uruguay Round Agreements Act

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

SUMMARY: On March 31, 2009, the Department of Commerce (the Department) issued a determination regarding the dumping margin calculation in the less-than-fair-value investigation of stainless steel sheet and strip in coils (stainless steel) from Mexico challenged by Mexico before the World Trade Organization (WTO). On April 23, 2009, the U.S. Trade Representative (USTR) instructed the Department to implement in whole this determination under section 129 of the Uruguay Round Agreements Act (URAA). The Department is now implementing this determination.

EFFECTIVE DATE: The effective date of this determination is April 23, 2009.

FOR FURTHER INFORMATION CONTACT: Deborah Scott or Robert James, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW, Washington, DC 20230; telephone: (202) 482-2657 or (202) 482-0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 9, 2008, the Department advised interested parties it was initiating a proceeding under section 129 of the URAA to issue a determination with respect to the investigation of stainless steel from Mexico that would implement findings of the WTO dispute settlement panel in *United States - Final Anti-Dumping Measures on Stainless Steel from Mexico*, WT/DS344/R (December 20, 2007). On January 12, 2009, the Department issued its preliminary results, in which it recalculated the weighted-average dumping margins from the less-than-fair-value investigation of stainless steel from Mexico¹ by applying the calculation

¹ See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order; *Stainless Steel Sheet and Strip in Coils*

methodology described in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin During an Antidumping Investigation; Final Modification*, 71 FR 77722 (December 27, 2006). The Department also invited interested parties to comment on the preliminary results. After receiving comments and rebuttal comments from interested parties, the Department issued its final results for the section 129 determination on March 31, 2009.

Consistent with section 129(b)(3) of the URAA, USTR held consultations with the Department and the appropriate congressional committees with respect to this determination. On April 23, 2009, in accordance with sections 129(b)(4) and 129(c)(1)(B) of the URAA, USTR directed the Department to implement in whole this determination.

Nature of the Proceedings

Section 129 of the URAA governs the nature and effect of determinations issued by the Department to implement findings by WTO dispute settlement panels and the Appellate Body. Specifically, section 129(b)(2) provides that “notwithstanding any provision of the Tariff Act of 1930,” within 180 days of a written request from USTR, the Department shall issue a determination

that would render its actions not inconsistent with an adverse finding of a WTO panel or the Appellate Body. *See* 19 U.S.C. 3538(b)(2). The Statement of Administrative Action accompanying the URAA (SAA), H.R. Doc. No. 103–316, Vol. 1 (1994), reprinted in 1994 U.S.C.C.A.N. 3773 variously refers to such a determination by the Department as a “new,” “second,” and “different” determination. *See* SAA at 1025 and 1027. After consulting with the Department and the appropriate congressional committees, USTR may direct the Department to implement, in whole or in part, the new determination made under section 129. *See* 19 U.S.C. 3538(b)(4). Pursuant to section 129(c), the new determination shall apply with respect to unliquidated entries of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the date on which USTR directs the Department to implement the new determination. *See* 19 U.S.C. 3538(c). The new determination is subject to judicial review separate and apart from judicial review of the Department’s original determination. *See* 19 U.S.C. 1516a(a)(2)(B)(vii).

Analysis of Comments Received

The issues raised in the case and rebuttal briefs submitted by interested

parties to this proceeding are addressed in the final results of proceeding under section 129 of the URAA. *See* “Issues and Decision Memorandum for the Final Results of Proceeding Under Section 129 of the Uruguay Round Agreements Act: Antidumping Measures on Stainless Steel from Mexico” from John M. Andersen, Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Import Administration, dated March 31, 2009 (Issues and Decision Memorandum), which is hereby adopted by this notice. The Issues and Decision Memorandum is on file in the Central Records Unit (CRU), room 1117 of the Department of Commerce main building and can be accessed directly at <http://ia.ita.doc.gov/download/section129/full-129-index.html>. The paper copy and electronic version of the Issues and Decision Memorandum are identical in content. A list of the issues addressed in the Issues and Decision Memorandum is appended to this notice.

Final Antidumping Margins

The recalculated margins, unchanged from the preliminary results, are as follows:

Manufacturer/Exporter	Amended Final Determination ²	Recalculated Weighted-Average Margins
ThyssenKrupp Mexinox S.A. de C.V. ³	30.85 percent	30.69 percent
All Others	30.85 percent	30.69 percent

² *See Amended Final Determination and Order*, 64 FR at 40562.

³ This company was included in the less-than-fair-value investigation under the name of its predecessor, Mexinox S.A. de C.V. However, the Department subsequently made a formal successor-in-interest finding with respect to this company. *See Stainless Steel Sheet and Strip in Coils from Mexico: Final Results of Changed Circumstances Antidumping Duty Administrative Review*, 67 FR 48878 (July 26, 2002).

Implementation

On April 23, 2009, in accordance with sections 129(b)(4) and 129(c)(1)(B) of the URAA, USTR directed the Department to implement this determination, effective April 23, 2009. Accordingly, we will instruct U.S. Customs and Border Protection (CBP) to change the all-others cash-deposit rate from 30.85 percent *ad valorem* to 30.69 percent *ad valorem*.

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction of APO materials or

conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination is issued and published in accordance with section 129(c)(2)(A) of the URAA.

Dated: April 23, 2009.

Ronald K. Lorentzen,
Acting Assistant Secretary for Import Administration.

Appendix I

Issues Raised in the Issues and Decision Memorandum

Comment 1: Whether the Department Should Recalculate Margins in Eight Administrative Reviews

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XO28

Listing Endangered and Threatened Species: Initiation of Status Review for the Oregon Coast Evolutionarily Significant Unit of Coho Salmon

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

ACTION: Initiation of status review and request for information.

SUMMARY: We, NMFS, initiate a status review under the Endangered Species Act (ESA) for the Oregon Coast coho

From Mexico, 64 FR 40560 (July 27, 1999) (*Amended Final Determination and Order*).