

screening process were not commercially available at the time of the investigation. Petitioners supported this allegation with affidavits from the Presidents of two of the petitioners.<sup>17</sup>

#### Comments From Commercial Packaging

On April 8, 2011, Commercial Packaging submitted comments to the Department stating there is no basis for initiation of the anti-circumvention inquiry because sacks printed with two colors in register are not later-developed products of the subject sacks.

Specifically, Commercial Packaging contends that an anti-circumvention inquiry is not warranted because the anti-circumvention provisions of the statute do not apply to merchandise that is originally unambiguously outside the scope of the *Orders* and, here, sacks printed with less than three colors in register are excluded from the *Orders*.<sup>18</sup> Commercial Packaging also argues that the sacks at issue are not later-developed merchandise because sacks printed with two colors in register were available during the investigation and the screening process is decades old.<sup>19</sup>

#### Analysis of Commercial Packaging Comments

We disagree with Commercial Packaging's contention that an anti-circumvention inquiry is not warranted in this case for the reason that sacks printed with two colors in register are expressly excluded from the *Orders*. The language of the *Orders* does not discuss laminated woven sacks printed with two colors in register using a screening process. Therefore, unlike in *Wheatland Tube*,<sup>20</sup> as cited by Commercial Packaging, we conclude that the *Orders* do not expressly exclude the merchandise under consideration. Although the Department previously concluded in a scope ruling that found sacks printed with two colors in register to be outside the scope of the *Orders*, we are not precluded from now conducting an anti-circumvention inquiry because the factors to be considered in 19 CFR 351.225(k)(1) are not the same factors as those required under section 781(d)(1) of the Act.<sup>21</sup> Furthermore, by its very

nature, a later-developed merchandise anti-circumvention inquiry examines merchandise that is either excluded from, or has been designed to elude, an order.<sup>22</sup> Thus, later-developed merchandise cannot pose a threat of injury to the domestic industry at the time of the order, because it either does not exist or is not commercially available.

We also disagree with Commercial Packaging's argument that information supporting the existence of sacks printed with two-colors in register prior to the investigation demonstrates that the sacks at issue here are not later-developed merchandise. We find the fact that sacks printed with two colors in register alone existed prior to the investigation is not relevant to our inquiry because the issue presented by this inquiry is whether sacks that are printed with two colors in register and with the use of a screen process constitute later-developed merchandise within the meaning of 781(d) of the Act. Commercial Packaging does not provide evidence that the screening process used in the production of laminated woven sacks was commercially available during or before the investigation.

#### Initiation of Later-Developed Merchandise Antidumping and Countervailing Duty Anti-Circumvention Inquiry

Based on the information provided by Petitioners, the Department finds that there is sufficient basis to initiate an antidumping and countervailing duty anti-circumvention inquiry pursuant to section 781(d) of the Act to determine whether laminated woven sacks produced using two ink colors printed in register and a screening process are later-developed products that can be considered subject to the *Orders* under the later-developed merchandise provision. As a result, we are initiating this inquiry under section 781(d) of the Act.

The Department will not order the suspension of liquidation of entries of any additional merchandise at this time. However, in accordance with 19 CFR 351.225(l)(2), if the Department issues

an affirmative preliminary determination, we will instruct U.S. Customs and Border Protection to suspend liquidation and require a cash deposit of estimated duties, at the applicable rate, for each unliquidated entry of the merchandise at issue, entered or withdrawn from warehouse for consumption on or after the date of initiation of the inquiry.

We intend to notify the International Trade Commission in the event of an affirmative preliminary determination of circumvention, in accordance with 781(e)(1) of the Act and 19 CFR 351.225(f)(7)(i)(C), if applicable. The Department will, following consultation with interested parties, establish a schedule for questionnaires and comments on the issues. The Department intends to issue its final determination within 300 days of the date of publication of this initiation notice.

This notice is published in accordance with section 781(d) of the Act and 19 CFR 351.225(i) and (j).

Dated: April 22, 2011.

**Paul Piquado,**

*Acting Deputy Assistant Secretary for Import Administration.*

[FR Doc. 2011-10325 Filed 4-27-11; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Extension of Application Period for Seats for the Stellwagen Bank National Marine Sanctuary Advisory Council

**AGENCY:** Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration, Department of Commerce (DOC).

**ACTION:** Notice of extension for application period and request for applications.

**SUMMARY:** The ONMS is extending the deadline and seeking applications for the following vacant seats on the Stellwagen Bank National Marine Sanctuary Advisory Council: (1) Research Member seat and (2) Conservation Alternate seats.

Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; philosophy regarding the protection and management of marine resources; and possibly the length of residence in the area affected by the sanctuary.

<sup>17</sup> See *id.* at Exhibits 11 and 12.

<sup>18</sup> See Notice of Scope Rulings, 75 FR 14138 (March 24, 2010) (Shapiro Packaging's three imported sacks are outside the scope of the orders (July 29, 2009)).

<sup>19</sup> See Commercial Packaging's submission, dated April 8, 2011.

<sup>20</sup> See *Wheatland Tube Co. v. United States*, 161 F.3d 1365, 1371 (Fed. Cir. 1998) ("*Wheatland Tube*").

<sup>21</sup> See *Later-Developed Merchandise Anticircumvention Inquiry of the Antidumping Duty Order on Petroleum Wax Candles from the People's Republic of China: Affirmative Final*

*Determination of Circumvention of the Antidumping Duty Order*, 71 FR 59075 (October 6, 2006) and accompanying Issues and Decision Memorandum at Comment 2, *remanded on other grounds*, 578 F. Supp. 2d 1369 (CIT 2008), *aff'd*, 626 F. Supp. 2d 1285 (CIT June 17, 2009), *aff'd* 609 F.3d 1352 (June 21, 2010).

<sup>22</sup> See *Erasable Programmable Read Only Memories From Japan; Final Scope Ruling*, 57 FR 11599 (April 6, 1992) at Comment 6; see also *Electrolytic Manganese Dioxide From Japan; Preliminary Scope Ruling*, 56 FR 56977 (November 7, 1991).

Applicants who are chosen as members should expect to serve 3-year terms, pursuant to the Council's Charter. The Council consists also of three state and three Federal non-voting ex-officio seats.

**DATES:** Applications are due by 10 June 2011.

**ADDRESSES:** Application kits may be obtained from *Elizabeth.Stokes@noaa.gov*, Stellwagen Bank National Marine Sanctuary, 175 Edward Foster Road, Scituate, MA 02066. Telephone 781-545-8026, ext. 201. Completed applications should be sent to the same address or e-mail, or faxed to 781-545-8036.

**FOR FURTHER INFORMATION CONTACT:** Contact *Nathalie.Ward@noaa.gov*, External Affairs Coordinator, telephone: 781-545-8026, ext. 206.

**SUPPLEMENTARY INFORMATION:** The Council was established in March 2001 to assure continued public participation in the management of the Sanctuary. The Council's 23 members represent a variety of local user groups, as well as the general public, plus seven local, state and Federal government agencies. Since its establishment, the Council has played a vital role in advising NOAA on critical issues and is currently focused on the sanctuary's final five-year Management Plan. The Stellwagen Bank National Marine Sanctuary encompasses 842 square miles of ocean, stretching between Cape Ann and Cape Cod. Renowned for its scenic beauty and remarkable productivity, the sanctuary supports a rich diversity of marine life including 22 species of marine mammals, more than 30 species of seabirds, over 60 species of fishes, and hundreds of marine invertebrates and plants.

**Authority:** 16 U.S.C. Sections 1431, *et seq.* (Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: April 19, 2011.

**Daniel J. Basta,**

*Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.*

[FR Doc. 2011-10243 Filed 4-27-11; 8:45 am]

**BILLING CODE 3510-NK-M**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XA399**

#### Pacific Fishery Management Council; Public Meeting

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

**ACTION:** Notice of a public meeting (conference call).

**SUMMARY:** The Pacific Fishery Management Council (Pacific Council) will convene a conference call of its Coastal Pelagic Species Advisory Subpanel (CPSAS) that is open to the public.

**DATES:** The conference call will be held Wednesday, May 11, from 2 p.m. until 4 p.m. Pacific Time.

**FOR FURTHER INFORMATION CONTACT:** Kerry Griffin, Staff Officer; telephone: (503) 820-2280.

**SUPPLEMENTARY INFORMATION:** The primary purpose of the meeting is to develop a report to provide advice to the Pacific Council's Ecosystem Plan Development Team, in advance of the June Council meeting. Other topics may be discussed as time allows, at the discretion of the CPSAS Chair. These topics may include the mackerel Stock Assessment Review (STAR) panel meeting, consideration of the Pacific sardine management, and future meeting planning.

Although non-emergency issues not contained in the meeting agenda may come before the CPSAS for discussion, those issues may not be the subject of formal action during this meeting. CPSAS action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the CPSAS's intent to take final action to address the emergency.

#### Special Accommodations

This meeting is accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at (503) 820-2280 at least 5 days prior to the meeting date.

Dated: April 25, 2011.

**William D. Chappell,**

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

[FR Doc. 2011-10327 Filed 4-27-11; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[RIN 0648-XA196]**

#### Stock Status Determination for Atlantic Highly Migratory Scalloped Hammerhead Shark

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

**ACTION:** Notice.

**SUMMARY:** This action serves as a notice that NMFS, on behalf of the Secretary of Commerce (Secretary), has determined that overfishing is occurring on an Atlantic highly migratory species (HMS) scalloped hammerhead shark, and the stock is overfished.

NMFS notifies the public whenever it determines that: overfishing is occurring, a stock is overfished, or a stock is approaching an overfished condition.

**FOR FURTHER INFORMATION CONTACT:** Peter Cooper at 301-713-2347 or Jackie Wilson at 240-338-3936.

**SUPPLEMENTARY INFORMATION:** For an Atlantic HMS that has been determined to be overfished or approaching an overfished condition, NMFS, on behalf of the Secretary, must take action to end or prevent overfishing in the fishery and to implement conservation and management measures to rebuild overfished stocks within 2 years of making this determination. This action must include implementing a rebuilding plan, through an FMP amendment or regulations, which ends overfishing immediately and provides for rebuilding the fishery in accordance with 16 U.S.C. 1854(e)(3)-(4) as implemented by 50 CFR 600.310(j)(2)(ii). When developing rebuilding plans, in addition to rebuilding the fishery within the shortest time possible in accordance with 16 U.S.C. 1854(e)(4) and 50 CFR 600.310(j)(3), NMFS must ensure that such actions address the requirements to amend the FMP for each affected stock or stock complex to establish a mechanism for specifying and actually specify Annual Catch Limits (ACLs) and Accountability Measures (AMs) to prevent overfishing in accordance with