

United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate established in the less-than-fair-value investigation if there is no rate for the intermediate company(ies) involved in the transaction.

### Cash Deposit Requirements

In April 2012, the International Trade Commission (ITC) determined, pursuant to section 751(c) of the Act, that revocation of this order would not be likely to lead to the continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. *See Certain Orange Juice From Brazil*, 77 FR 22343 (Apr. 13, 2012). *See also* USITC Publication 4311 (April 2012), titled *Certain Orange Juice from Brazil (Inv. No. 731-TA-1089)*. As a result of the ITC's negative determination, the Department revoked the order on OJ from Brazil on April 20, 2012, effective as of March 9, 2012 (*i.e.*, the fifth anniversary of the date of publication in the **Federal Register** of the antidumping duty order). *See Revocation of Antidumping Duty Order: Certain Orange Juice From Brazil*, 77 FR 23659 (Apr. 20, 2012). Consequently, the collection of cash deposits of antidumping duties on entries of the subject merchandise is no longer required.

### Notification to Importers

This notice serves as a final reminder to importers of their responsibility, under 19 CFR 351.402(f)(2), to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

### Notification to Interested Parties

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.

We are issuing and publishing these results of review in accordance with

sections 751(a)(1) and 777(i)(1) of the Act.

Dated: October 9, 2012.

**Paul Piquado,**

*Assistant Secretary for Import Administration*

### Appendix—Issues in Decision Memorandum

#### General Issues

1. Offsetting of Negative Margins
2. Treatment of By-Product Revenue in the Calculation of General and Administrative and Financial Expenses

#### Cutrale Issues

3. Constructed Export Price Offset for Cutrale
4. Use of Actual Brix To Calculate the Prices and Quantities for Cutrale's Home Market Sales
5. Inventory Carrying Costs for Cutrale's U.S. Sales
6. Capping of Certain Revenues Received by Cutrale by the Amount of Reported Expenses
7. Cutrale's Biological Assets

#### Fischer Issues

8. Calculation of Fischer's International Freight Expenses To Include Bunker Fuel
9. Ministerial Errors in Fischer's Cost Calculations
10. Loss on Hedge Operations Included in the Calculation of Fischer's Financial Expense Ratio
11. Exclusion of Long-Term Interest Income From the Calculation of Fischer's Financial Expense Ratio

#### Louis Dreyfus Issues

12. Date of Sale for Louis Dreyfus
13. Classification of Louis Dreyfus' U.S. Sales as CEP Sales
14. Calculation of Louis Dreyfus' Brokerage and Handling Expenses
15. Calculation and Application of Louis Dreyfus' U.S. Indirect Selling Expense Ratio
16. Use of Partial Adverse Facts Available for Louis Dreyfus' U.S. Indirect Selling Expenses and Inventory Carrying Costs

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Proposed Information Collection; Comment Request; Coastal Ocean Program Grants Proposal Application Package

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

**ACTION:** Notice.

**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 December 17, 2012.

**ADDRESSES:** Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at [Jjessup@doc.gov](mailto:Jjessup@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Laurie Golden, 301-713-3338 ext 151 or [laurie.golden@noaa.gov](mailto:laurie.golden@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

This request is for a revision of a currently approved information collection. The National Oceanic and Atmospheric Administration's Coastal Ocean Program (COP) provides direct financial assistance through grants and cooperative agreements for research supporting the management of coastal ecosystems. The statutory authority for COP is Public Law 102-567 Section 201 (Coastal Ocean Program). In addition to standard government application requirements, applicants for financial assistance are required to submit a project summary form, current and pending form and a key contacts form. Recipients are required to file annual progress reports and a project final report using COP formats. All of these requirements are needed for better evaluation of proposals and monitoring of awards.

This request is for a revision due to the addition of the Key Contacts and the Current and Pending Federal Support forms. These additional forms are necessary for consistency. The main purpose of this information collection is to enable COP to provide a summary of the key applicant contacts and their current and pending Federal funding. The information gathered will enable COP to properly and quickly evaluate proposals in a collaborative environment with its partner agencies.

##### II. Method of Collection

Respondents have a choice of either electronic or paper forms.

##### III. Data

*OMB Control Number:* 0648-0384.  
*Form Number:* None.

*Type of Review:* Regular submission (revision of a currently approved collection).

*Affected Public:* Non-profit institutions; State, local, or tribal government; business or other for-profit organizations.

*Estimated Number of Respondents:* 700.

*Estimated Time per Response:* 30 minutes each for a project summary, key contacts and current and pending federal support; 5 hours for an annual report; and 10 hours for a final report.

*Estimated Total Annual Burden Hours:* 1,050.

*Estimated Total Annual Cost to Public:* \$0 in recordkeeping/reporting costs.

#### 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: October 11, 2012.

#### Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XC291

#### Endangered and Threatened Species; Take of Anadromous Fish

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

**ACTION:** Notice; availability of joint state/tribal hatchery plan and request for comment.

**SUMMARY:** Notice is hereby given that the Lower Elwha Klallam Tribe and the Washington Department of Fish and Wildlife have submitted five Hatchery and Genetic Management Plans, to be considered jointly, to NMFS pursuant to the limitation on take prohibitions for actions conducted under Limit 6 of the 4(d) Rule for salmon and steelhead promulgated under the Endangered Species Act (ESA). The plans specify the propagation of five species of salmon and steelhead in the Elwha River of Washington state. This document serves to notify the public of the availability for comment of the proposed evaluation of the Secretary of Commerce (Secretary) as to whether implementation of the joint plan will appreciably reduce the likelihood of survival and recovery of Puget Sound Chinook salmon and Puget Sound steelhead.

This notice further advises the public of the availability for review of an Environmental Assessment of the effects of the NMFS determination on the subject plans and associated harvest.

**DATES:** Comments must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific time on November 15, 2012.

**ADDRESSES:** Written comments on the application should be addressed to the NMFS Salmon Management Division, 1201 NE. Lloyd Boulevard, Suite 1100, Portland, OR 97232, or faxed to 503-872-2737. Comments may be submitted by email. The mailbox address for providing email comments is: [ElwhaHatcheries.nwr@noaa.gov](mailto:ElwhaHatcheries.nwr@noaa.gov). Include in the subject line of the email comment the following identifier: Comments on Elwha River hatchery programs.

**FOR FURTHER INFORMATION CONTACT:** Allyson Purcell, at phone number: (503) 736-4736, or email: [Allyson.Purcell@noaa.gov](mailto:Allyson.Purcell@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

#### ESA-Listed Species Covered in This Notice

Chinook salmon (*Oncorhynchus tshawytscha*): threatened, naturally produced and artificially propagated Puget Sound. Steelhead (*O. mykiss*): threatened, naturally produced and artificially propagated Puget Sound. Bull trout (*Salvelinus confluentus*): threatened Puget Sound/Washington Coast. Pacific eulachon (*Thaleichthys pacificus*): threatened southern DPS.

The Lower Elwha Klallam Tribe and the WDFW have submitted to NMFS five jointly operated hatchery programs in the Elwha River basin. The plans were submitted pursuant to limit 6 of

the 4(d) Rule for the listed Puget Sound Chinook salmon evolutionarily significant unit (ESU) and listed Puget Sound steelhead distinct population segment (DPS). Two of the hatchery programs release ESA-listed Chinook salmon and steelhead, and three hatchery programs release non-ESA listed coho, fall chum, and pink salmon into the Elwha River watershed. All of the programs are currently operating, and all five hatchery programs raise fish native to the Elwha River basin.

As required by the ESA 4(d) rule (65 FR 42422, July 10, 2000, as updated in 70 FR 37160, June 28, 2005), the Secretary is seeking public comment on his pending determination as to whether the joint plans for hatchery programs in the Elwha River would appreciably reduce the likelihood of survival and recovery of the ESA-listed Puget Sound salmon and steelhead.

Under section 4(d) of the ESA, the Secretary is required to adopt such regulations as he deems necessary and advisable for the conservation of species listed as threatened. NMFS has issued a final ESA 4(d) Rule for salmon and steelhead, adopting in Limit 6 regulations necessary and advisable to harmonize statutory conservation requirements with tribal rights and the Federal trust responsibility to tribes (50 CFR 223.209).

This 4(d) Rule applies the prohibitions enumerated in section 9(a)(1) of the ESA. NMFS did not find it necessary and advisable to apply the take prohibitions described in section 9(a)(1)(B) and 9(a)(1)(C) to artificial propagation activities if those activities are managed in accordance with a joint plan whose implementation has been determined by the Secretary to not appreciably reduce the likelihood of survival and recovery of the listed salmonids. As specified in limit 6 of the 4(d) Rule, before the Secretary makes a decision on the joint plan, the public must have an opportunity to review and comment on the pending determination.

#### Authority

Under section 4 of the ESA, the Secretary of Commerce is required to adopt such regulations as he deems necessary and advisable for the conservation of species listed as threatened. The ESA salmon and steelhead 4(d) rule (65 FR 42422, July 10, 2000, as updated in 70 FR 37160, June 28, 2005) specifies categories of activities that contribute to the conservation of listed salmonids and sets out the criteria for such activities. Limit 6 of the updated 4(d) rule (50 CFR 223.203(b)(6)) further provides that the prohibitions of paragraph (a) of the