

Operations, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482-3874.

**SUPPLEMENTARY INFORMATION:**

**Amended Final Results**

On August 11, 2008, the Department of Commerce (the Department) published the final results of its administrative review of the antidumping duty order on certain orange juice (OJ) from Brazil.<sup>1</sup> The period of review (POR) is August 24, 2005, through February 28, 2007.

Following the publication of the final results, Fischer S.A. Comercio, Industria, and Agricultura (Fischer) filed a lawsuit with the United States Court of International Trade (CIT) challenging the Department's final results of administrative review. On April 6, 2010, the CIT remanded the case to reconsider the calculation of Fischer's constructed export price of not-from-concentrate orange juice (NFC) in light of certain evidence that the agency had previously rejected as untimely.<sup>2</sup> The CIT affirmed the final results in all other respects. *Id.* On May 24, 2010, the Department filed the remand results with the Court, in which it considered the new evidence and concluded that the new evidence did not warrant a change to the original calculation. On November 23, 2010, the CIT affirmed the remand results.<sup>3</sup>

Fischer appealed certain aspects of the CIT's April 6, 2010, decision before the Court of Appeals for the Federal Circuit (CAFC). On March 23, 2012, the CAFC affirmed in part and remanded in part.<sup>4</sup> The CAFC ordered the CIT to remand the case back to the Department to: (1) Accept certain additional new factual information, which was contained in Fischer's case brief and, if necessary, recalculate Fischer's antidumping duty margin; and (2) provide its reasoning for the continued use of "zeroing" in some proceedings but not others. *Id.*

On September 10, 2012, the parties submitted a joint status report to the

<sup>1</sup> See *Certain Orange Juice from Brazil: Final Results and Partial Rescission of Antidumping Duty Administrative Review*, 73 FR 46584 (Aug. 11, 2008).

<sup>2</sup> See *Fischer S.A. Comercio, Industria, and Agricultura v. United States*, 700 F. Supp. 1364, 1381 (Ct. Int'l Trade 2010).

<sup>3</sup> See *Fischer S.A. Comercio, Industria, and Agricultura v. United States*, 746 F. Supp. 1353, 1357 (Ct. Int'l Trade 2010).

<sup>4</sup> See *Fischer S.A. Comercio, Industria, and Agricultura v. United States*, 2012 U.S. App. LEXIS 6055 (CAFC March 23, 2012) (non-precedential opinion).

CIT, in which they requested to delay the issuance of the remand order so that the parties could explore the possibility of settlement. On February 7, 2013, the United States, Fischer, and the petitioners entered into an agreement to settle this dispute and requested a stipulated judgment. On February 12, 2013, the CIT issued an order of stipulated judgment. Pursuant to the terms of the February 2013 agreement and the stipulated judgment, we are setting Fischer's weighted-average margin at 1.63 percent, based solely on the reconsideration of the new factual information contained in Fischer's case brief and without making any change with respect to zeroing. Consistent with the February 2013 agreement and the stipulated judgment, we will instruct U.S. Customs and Border Protection to liquidate Fischer's unliquidated entries during the POR in accordance with these amended final results. However, we will not use the margin of 1.63 percent to establish a revised cash deposit rate for Fischer because the antidumping duty order on OJ from Brazil was revoked on April 20, 2012,<sup>5</sup> with an effective date of March 9, 2011.<sup>5</sup>

We are issuing this determination and publishing these amended final results and notice in accordance with 19 U.S.C. 1516a(e).

Dated: February 25, 2013.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

[FR Doc. 2013-04935 Filed 3-1-13; 8:45 am]

**BILLING CODE 3510-DS-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648-XC507**

**Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish of the Gulf of Alaska; Central Gulf of Alaska Rockfish Program**

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

**ACTION:** Notification of standard prices and fee percentage.

**SUMMARY:** NMFS publishes the standard ex-vessel prices and fee percentage for cost recovery under the Central Gulf of Alaska Rockfish Program. This action is intended to provide participants in a

<sup>5</sup> See *Revocation of Antidumping Duty Order: Certain Orange Juice From Brazil*, 77 FR 23659 (April 20, 2012).

rockfish cooperative with the standard prices and fee percentage for the 2012 fishing year, which was authorized from May 1 through November 15. The fee percentage is 1.4 percent. The fee liability payments were due from each rockfish cooperative by February 15, 2013.

**DATES:** Effective March 4, 2013.

**FOR FURTHER INFORMATION CONTACT:**  
Gwen Herrewig, 907-586-7228.

**SUPPLEMENTARY INFORMATION:**

**Background**

The rockfish fisheries are conducted in Federal waters near Kodiak, AK, by trawl and longline vessels. Regulations implementing the Central Gulf of Alaska (GOA) Rockfish Program (Rockfish Program) are set forth at 50 CFR part 679. Exclusive harvesting privileges are allocated under the Rockfish Program for rockfish primary and secondary species. The rockfish primary species are northern rockfish, Pacific ocean perch, and pelagic shelf rockfish. The rockfish secondary species include Pacific cod, rougheye rockfish, shortraker rockfish, sablefish, and thornyhead rockfish. Rockfish cooperatives began fishing under the Rockfish Program on May 1, 2012.

The Rockfish Program is a type of limited access privilege program established under the provisions of section 303A of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Section 303A requires that NMFS collect fees for limited access programs to recover the actual costs directly related to management, data collection and analysis, and enforcement activities. Section 304(d)(2) of the MSA requires that NMFS collect fees for the Rockfish Program equal to the actual costs directly related to management, enforcement and data collection (management costs). Section 304(d)(2) of the MSA also limits the cost recovery fee so that it may not exceed 3 percent of the ex-vessel value of the fish harvested under the Rockfish Program.

**Standard Prices**

NMFS calculates cost recovery fees based on standard ex-vessel value price, rather than actual price data provided by each rockfish cooperative quota (CQ) holder. Use of a standard ex-vessel price is allowed under sections 303A and 304(d)(2) of the MSA. NMFS generates a standard ex-vessel price for each rockfish primary and secondary species on a monthly basis to determine the average price paid per pound for all shoreside processors receiving rockfish primary and secondary species CQ.

Regulations at § 679.85(b)(2) require the Regional Administrator to publish rockfish standard ex-vessel values during the first quarter of each calendar year. The standard prices are described in U.S. dollars per pound for rockfish primary and secondary species CQ landings made during the previous year.

#### Fee Percentage

NMFS assesses a fee on the standard ex-vessel value of rockfish primary species and rockfish secondary species CQ harvested by rockfish cooperatives in the Central GOA and waters adjacent to the Central GOA when rockfish primary species caught by a cooperative is deducted from the Federal total allowable catch. The rockfish entry level longline fishery and opt-out vessels are not subject to cost recovery fees. Specific details on the Rockfish Program's cost recovery provision may be found in the implementing regulations set forth at § 679.85.

NMFS informs each rockfish cooperative of the fee percentage applied to the previous year's landings and the total amount due through a letter. Fees are due on February 15 of each year. Failure to pay on time would result in the permit holder's QS becoming non-transferable and the person would be ineligible to receive any additional QS by transfer. In addition, cooperative members would not receive any rockfish CQ the following year until full payment of the fee liability is received by NMFS.

NMFS calculates and publishes in the **Federal Register** the fee percentage in the first quarter of each year according to the factors and methodology described in Federal regulations at § 679.85(c)(2). NMFS determines the fee percentage that applies to landings made in the previous year by dividing the total actual costs during the previous year by the total value of the

rockfish primary species and rockfish secondary species for all rockfish cooperatives made during the previous year. NMFS captures the actual cost of managing the fishery through an established accounting system that allows staff to track labor, travel, and procurement. Fee collections for any given year may be less than, or greater than, the actual costs and fishery value for that year, because, by regulation, the fee percentage is established in the first quarter of the calendar year based on the fishery value and the costs of the previous calendar year. The rockfish fee percentage amount must not exceed 3.0 percent pursuant to 16 U.S.C. 1854(d)(2)(B). This is the first year of fee collection under the Rockfish Program.

Using the fee percentage formula described above, the estimated percentage of costs to value for the 2012 calendar year is 1.4 percent of the standard ex-vessel value.

TABLE 1—STANDARD EX-VESSEL PRICES BY SPECIES FOR THE 2012 ROCKFISH PROGRAM SEASON IN KODIAK, ALASKA

Species	Period ending	Standard ex-vessel price per pound
Pelagic shelf rockfish* .....	May 31 .....	0.26
	June 30 .....	0.27
	July 31 .....	0.27
	August 31 .....	0.26
	September 30 .....	0.26
	October 31 .....	0.27
	November 30 .....	0.26
Northern rockfish .....	May 31 .....	0.26
	June 30 .....	0.27
	July 31 .....	0.27
	August 31 .....	0.27
	September 30 .....	0.27
	October 31 .....	0.27
	November 30 .....	0.27
Pacific cod .....	May 31 .....	0.30
	June 30 .....	0.28
	July 31 .....	0.35
	August 31 .....	0.31
	September 30 .....	0.28
	October 31 .....	0.28
	November 30 .....	0.27
Pacific ocean perch .....	May 31 .....	0.26
	June 30 .....	0.26
	July 31 .....	0.27
	August 31 .....	0.27
	September 30 .....	0.27
	October 31 .....	0.27
	November 30 .....	0.27
Rougheye rockfish .....	May 31 .....	0.27
	June 30 .....	0.19
	July 31 .....	0.14
	August 31 .....	0.15
	September 30 .....	0.01
	October 31 .....	0.15
	November 30 .....	0.30
Sablefish .....	May 31 .....	4.16
	June 30 .....	3.63

TABLE 1—STANDARD EX-VESSEL PRICES BY SPECIES FOR THE 2012 ROCKFISH PROGRAM SEASON IN KODIAK, ALASKA—Continued

Species	Period ending	Standard ex-vessel price per pound
	July 31 .....	2.25
	August 31 .....	2.52
	September 30 .....	2.61
	October 31 .....	2.20
	November 30 .....	2.19
Shortraker rockfish .....	May 31 .....	0.26
	June 30 .....	0.26
	July 31 .....	0.23
	August 31 .....	0.25
	September 30 .....	** 0.26
	October 31 .....	0.30
	November 30 .....	0.27
Thornyhead rockfish .....	May 31 .....	0.59
	June 30 .....	0.48
	July 31 .....	0.29
	August 31 .....	0.16
	September 30 .....	0.20
	October 31 .....	0.60
	November 30 .....	0.11

\* The pelagic shelf rockfish (PSR) species group has been changed to “dusky rockfish” in some NMFS publications, such as the 2012 and 2013 groundfish harvest specifications for the GOA (77 FR 10669, February 23, 2012). The North Pacific Fishery Management Council recommended the removal of widow and yellowtail rockfish from the PSR species group at its October 2011 meeting, leaving the single species, dusky rockfish. NMFS intends to propose GOA fishery management plan and regulatory amendments to dissolve the PSR species group and substitute a description of the dusky rockfish target fishery, and revise the description of the “other rockfish” fishery in the GOA fishery management plan to include widow and yellowtail rockfish.

\*\* NMFS uses the average annual price when no landings are reported.

**Authority:** 16 U.S.C. 773 *et seq.*; 1801 *et seq.*; 3631 *et seq.*; Pub. L. 108–447.

Dated: February 27, 2013.

**Kara Meckley,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XC531**

### Caribbean Fishery Management Council; Public Meeting

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

**ACTION:** Notice of public meeting.

**SUMMARY:** The Caribbean Fishery Management Council’s (CFMC) Outreach and Education Advisory Panel (OEAP) will hold a meeting.

**DATES:** The OEAP meeting will be held on March 22, 2013, from 10 a.m. to 5 p.m.

**ADDRESSES:** The meeting will be held at the CFMC Offices, 270 Muñoz Rivera

Avenue, Suite 401, San Juan, Puerto Rico.

#### FOR FURTHER INFORMATION CONTACT:

Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918, telephone: (787) 766–5926.

**SUPPLEMENTARY INFORMATION:** The OEAP will meet to discuss the items contained in the following agenda:

- Call to order
- Review Status of:
  - Web page
  - Newsletter
  - CFMC Brochure
  - St. Croix Fuete y Verguilla Edition
- Education/Enforcement:
  - Commercial Sector
  - Recreational Sector
- Advisory Panel Membership
- Other Business
- Next OEAP meeting

The OEAP will convene on March 22, 2013, from 10 a.m. until 5 p.m. The meeting is open to the public, and will be conducted in English. Fishers and other interested persons are invited to attend and participate with oral or written statements regarding agenda issues.

#### Special Accommodations

This meeting is physically accessible to people with disabilities. For more

information or request for sign language interpretation and/or other auxiliary aids, please contact Mr. Miguel A. Rolón, Executive Director, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918, telephone (787) 766–5926, at least 5 days prior to the meeting date.

Dated: February 27, 2013.

**Tracey L. Thompson,**

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

[FR Doc. 2013–04889 Filed 3–1–13; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XC519**

### Endangered Species; File No. 17405

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

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

**SUMMARY:** Notice is hereby given that David Lapota, Ph.D., Department of the Navy, SPAWAR Systems Center, Pacific, Environmental Sciences Division, 53475