

the dumping margins in the petition.<sup>16</sup> In addition, the Department must determine an appropriate dumping margin for separate rate companies not selected for individual examination during the investigation. When, as here, the only available rates are zero, *de minimis*, or based upon adverse facts available, the Department looks to section 735(c)(5) of the Tariff Act of 1930, as amended (“Act”) for guidance, which instructs the Department to use “any reasonable method” for assigning the rate to non-selected respondents.<sup>17</sup> The Department determines that a reasonable method for determining the separate rate for non-selected respondents is a simple average of the adverse-facts available dumping margin assigned to the PRC-Wide Entity and each of the calculated zero or *de minimis* dumping margins calculated in the original shrimp investigation or as part of the final section 129 determination for shrimp for the PRC.<sup>18</sup> This is consistent with our past practice in the *2007 Section 129 Determinations*.<sup>19</sup> The separate rate margin is now 22.58 percent. Consequently, because the PRC-wide entity rate of 112.81 percent and the separate rate of 22.58 percent for non-individually examined companies are above *de minimis*, we will not wholly revoke the *PRC Shrimp Order*.

The Department will instruct CBP to continue to collect cash deposits for estimated antidumping duties from the separate rate companies and from the PRC-wide entity, as the *PRC Shrimp Order*, in whole, will not be revoked. Further, if any separate rate companies are subject to the investigation’s separate rate cash deposit at the time of implementation (*i.e.*, if a separate rate company from the investigation has not

had the investigation separate rate cash deposit superseded by a subsequent review rate) we will instruct CBP to collect cash deposits at the new separate rate of 22.58 percent for subject merchandise entered, or withdrawn from warehouse, for consumption on or after March 22, 2013, the date on which USTR directed the Department to implement this 129 determination. As noted above, the PRC-wide entity rate has not changed from the *PRC Shrimp Amended Final and Order*, and continues to be 112.81 percent.

#### Partial Revocation of the Antidumping Duty Order for Diamond Sawblades and Parts Thereof

Because the Department has recalculated a dumping margin of zero percent for AT&M, the Department is revoking the *Sawblades Order* with respect to AT&M, for entries made on or after March 22, 2013.<sup>20</sup> Accordingly, the Department will instruct CBP to liquidate without regard to antidumping duties, entries of sawblades manufactured and exported by AT&M which were entered, or withdrawn from warehouse, for consumption on or after March 22, 2013, and to discontinue the collection of cash deposits for estimated antidumping duties for AT&M. No other margin for any other entity is affected by this Section 129 Determination for sawblades and parts thereof from the PRC. We will instruct CBP to continue to suspend liquidation of all entries of subject merchandise from all other exporters or producers, except for AT&M, as stated above. We will instruct CBP to continue to require a cash deposit equal to the estimated amount by which the normal value exceeds the U.S. price.

These amended final determinations are issued and published in accordance with section 129(c)(2)(A) of the URAA.

<sup>20</sup> Pursuant to a Temporary Restraining Order (“TRO”) issued by the U.S. Court of International Trade covering sawblades from the PRC on March 6, 2013, and continued on March 19, 2013, Commerce and CBP are restrained from: (1) Excluding or revoking the AT&M entity and/or any of its members (as described in the TRO) from the *Sawblades Order*; (2) ordering the lifting of the suspension of liquidation regarding incoming entries produced and/or exported by these companies; and (3) making or permitting liquidation of any unliquidated entries produced and/or exported by these companies that are subject to the final determination of the less-than-fair-value investigation. Consistent with the final section 129 determination and recognizing that we cannot exclude or revoke the AT&M entity and/or any of its members from the *Sawblades Order*, future entries of such merchandise are subject to suspension of liquidation at the cash deposit rate of zero. Subsequent action will be consistent with the final court decision.

Dated: March 22, 2013.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

#### Appendix I

##### *Certain Frozen Warmwater Shrimp*

##### DISCUSSION OF THE ISSUES:

Comment 1: Whether the Order Should Be Revoked with Respect to Yelin and Hilltop  
 Comment 2: Revocation of the Order with Respect to Red Garden

##### *Diamond Sawblades and Parts Thereof*

##### DISCUSSION OF THE ISSUES:

Comment 1: Whether the Order Should Be Revoked with Respect to AT&M  
 Comment 2: Whether We Should Permit Petitioner to Submit a Targeted Dumping Allegation

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XC586

#### Atlantic Coastal Fisheries Cooperative Management Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

**ACTION:** Notice; request for comments.

**SUMMARY:** The Commercial Fisheries Research Foundation (CFRF) is proposing to explore the use of several data recording devices in an industry-based pilot study that would effectively relay more accurate, detailed, and timely American lobster data to fisheries managers and scientists. The CFRF is also proposing to use vent-less traps in order to determine the abundance and distribution of juvenile American lobsters in Lobster Management Areas (LMAs) 2 and 3. This pilot study would utilize 12 Federal commercial fishing vessels; 6 vessels in each of the 2 management areas.

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.

**DATES:** Comments must be received on or before April 12, 2013.

#### ADDRESSES:

- **Email:** Comments on this notice may be submitted by email. The mailbox address for providing email

<sup>16</sup> See *Notice of Initiation of Antidumping Duty Investigations: Certain Frozen and Canned Warmwater Shrimp From Brazil, Ecuador, India, Thailand, the People's Republic of China and the Socialist Republic of Vietnam*, 69 FR 3876, 3880-3881 (January 27, 2004) (where the Department stated that, “based on comparisons of EP to NV, calculated in accordance with section 773(c) of the Act, the estimated recalculated dumping margins for certain frozen and canned warmwater shrimp from the PRC range from 112.81 percent to 263.68 percent”).

<sup>17</sup> See section 735(c)(5)(B) of the Act.

<sup>18</sup> See *Shrimp Final 129 Determination Memo* at 7-8.

<sup>19</sup> See *Implementation of the Findings of the WTO Panel in U.S.—Zeroing (EC): Notice of Determinations Under Section 129 of the Uruguay Round Agreements Act and Revocations and Partial Revocations of Certain Antidumping Duty Orders*, 72 FR 25261, 25262-63 (May 4, 2007) (“*2007 Section 129 Determinations*”) where the Department calculated a simple average of existing AFA margins with above *de minimis*/zero margins as an All-Others rate following section 129 recalculations for the mandatory respondents that resulted in zero or *de minimis* rates.

comments is [NERO.EFP@noaa.gov](mailto:NERO.EFP@noaa.gov). Include in the subject line "Comments on CFRF Lobster EFP."

- *Mail:* Written comments should be sent to: John K. Bullard, Regional Administrator, NMFS, NE Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on CFRF Lobster EFP."

- *Fax:* (978) 281-9135.

**FOR FURTHER INFORMATION CONTACT:**

Maria Jacob, Environmental Technician, 978-281-9180, [Maria.Jacob@noaa.gov](mailto:Maria.Jacob@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The CFRF submitted a complete application for an EFP on March 8, 2013. To conduct its research on the abundance and distribution of juvenile American lobster in LMAs 2 and 3, the CFRF is requesting exemptions from the following Federal lobster regulations: (1) Gear specifications to allow for closed escape vents, as prohibited in 50 CFR 697.21(c); (2) trap limits to be exceeded by three additional traps per fishing vessel, for a total of 36 additional traps, as prohibited in § 697.19(a)(2) for LMA 2, and § 697.19(b)(5) for LMA 3; and (3) trap tag requirements, as specified in § 697.19(f). Sampling would take place in the following statistical areas: 515, 521, 522, 525, 526, 533, 534, 537, 538, 539, 541, 542, 543, 561, 562, 613, 615, 616, 622, 623, 624, 626, 627, 628, 629, 632, 633, 634, 636, 637, 638, and 640.

Funding for this pilot study will be provided through NOAA grants NA08NMF4720595, NA10NMF4720285, and NA09NMF4720414, as part of the Southern New England Collaborative Research Initiative Program (SNECRI). One of the main objectives of the SNECRI is to improve collection and management of fishery-dependent data; this pilot study would attempt to achieve this goal.

The proposed pilot study would take place during regular fishing activity, and sampling would take place on each vessel during three of its scheduled fishing trips per month. If an EFP is granted, there would be an additional 36 modified traps in the water during any given time, and for a period of one year. Each participating vessel would have up to three modified traps attached to a regular trap trawl, to be hauled daily or weekly. The addition of 36 modified traps would increase the total number of traps in the fishery by 0.003 percent, a very small number compared to the number of lobster traps deployed in the fishery.

Modifications to a conventional lobster trap would include a closed escape vent, smaller mesh size, and smaller entrance head. These modified

traps would be attached to one or two randomly selected trap trawl(s) during regular fishing operations. Lobsters retrieved from these modified traps would remain onboard for a short period of time to allow for sampling, after which they would be returned to the water. The CFRF would submit progress reports twice a year to cover the first and second half of the 12-month sampling period. The exact specification for the chosen design would be provided in the first progress report.

Biological information will be collected on both kept and discarded lobsters, including: Carapace length; sexual determination; and presence of eggs, v-notches, and shell disease. For every trap trawl hauled during a designated sampling trip, commercial fishermen would be expected to sample 100 lobsters, or 20 traps if there are less than 100 lobsters to sample in a randomly chosen trap trawl. This pilot study proposes to use several recording devices, including onboard electronic calipers for length measurements, video cameras, and waterproof tablets. Data will be recorded using waterproof tablets, and the information will be uploaded using wireless internet connection once the vessel returns to port.

If approved, the applicant may request 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 have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

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

Dated: March 25, 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-XC595**

**Gulf of Mexico Fishery Management Council; Public Meetings**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of public meetings.

**SUMMARY:** The Gulf of Mexico Fishery Management Council (Council) will convene a public meeting.

**DATES:** The meeting will be held Monday, April 15, 2013 through Thursday, April 18, 2013.

**ADDRESSES:** The meeting will be held at the Courtyard Marriott, 1600 East Beach Boulevard, Gulfport, MS 39501; telephone: (228) 864-4310.

*Council address:* Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

**FOR FURTHER INFORMATION CONTACT:** Dr. Stephen Bortone, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 348-1630.

**SUPPLEMENTARY INFORMATION:**

**Committees**

*Monday, April 15, 2013*

*8:30 a.m.-11:30 p.m.*—The Full Council in a CLOSED SESSION with the Advisory Panel Selection Committee will meet to review and appoint members to the Advisory Panels.

-Recess-

*1 p.m.-2:30 p.m.*—The Full Council in a CLOSED SESSION with the Scientific and Statistical Selection Committee will meet to review and appoint members to the Scientific and Statistical Committees.

*2:30 p.m.-3:30 p.m.*—The Budget/Personnel Committee will meet to review the 2013 Budget.

*3:30 p.m.-4 p.m.*—The Shrimp Management Committee will review Framework Action to Fund Electronic Logbook Program or the Shrimp Fishery of the Gulf of Mexico.

*4 p.m.-5 p.m.*—The Red Drum Management Committee will review the History of Red Drum Management in the Gulf of Mexico and past meeting discussions and escapement rates; receive an overview of current research; discuss Options for Opening the EEZ to Harvest of Red Drum; and receive explanation of necessary steps to Open Harvest from the National Marine Fisheries Service (NMFS).

-Recess-

*Tuesday, April 16, 2013*

*8:30 a.m.-9:15 a.m.*—The Sustainable Fisheries/Ecosystem Committee will review the Integrated Ecosystem Assessments, and discuss proposed revisions to the ABC Control Rule.

*9:15 a.m.-12 noon and 1:30 p.m.-3:30 p.m.*—The Reef Fish Management Committee will receive the status of