

Dated: March 17, 2009.

**John M. Andersen,**

*Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations,*

[FR Doc. E9-6347 Filed 3-23-09; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty**

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

**EFFECTIVE DATE:** March 24, 2009.

**FOR FURTHER INFORMATION CONTACT:**

Gayle Longest, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW,

Washington, DC 20230, telephone: (202) 482-3338.

**SUPPLEMENTARY INFORMATION:** Section 702 of the Trade Agreements Act of 1979 (as amended) (“the Act”) requires the Department of Commerce (“the Department”) to determine, in consultation with the Secretary of Agriculture, whether any foreign government is providing a subsidy with respect to any article of cheese subject to an in-quota rate of duty, as defined in section 702(h) of the Act, and to publish an annual list and quarterly updates to the type and amount of those subsidies. We hereby provide the Department’s quarterly update of subsidies on articles of cheese that were imported during the period October 1, 2008 through December 31, 2008.

The Department has developed, in consultation with the Secretary of Agriculture, information on subsidies (as defined in section 702(h) of the Act) being provided either directly or indirectly by foreign governments on articles of cheese subject to an in-quota rate of duty.

The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amounts of each subsidy for which information is currently available. The Department will incorporate additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on foreign government subsidy programs which benefit articles of cheese subject to an in-quota rate of duty to submit such information in writing to the Assistant Secretary for Import Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW, Washington, DC 20230.

This determination and notice are in accordance with section 702(a) of the Act.

Dated: March 16, 2009.

**John M. Andersen,**

*Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

**APPENDIX**

**SUBSIDY PROGRAMS ON CHEESE SUBJECT TO AN IN-QUOTA RATE OF DUTY**

Country	Program(s)	Gross <sup>1</sup> Subsidy (\$/lb)	Net <sup>2</sup> Subsidy (\$/lb)
27 European Union Member States <sup>3</sup>	European Union Restitution Payments	\$ 0.00	\$0.00
Canada	Export Assistance on Certain Types of Cheese	\$ 0.29	\$ 0.29
Norway	Indirect (Milk) Subsidy	\$ 0.00	\$ 0.00
	<i>Consumer Subsidy</i>	\$ 0.00	\$ 0.00
	Total	\$ 0.00	\$ 0.00
Switzerland	Deficiency Payments	\$ 0.00	\$ 0.00

<sup>1</sup> Defined in 19 U.S.C. 1677(5).

<sup>2</sup> Defined in 19 U.S.C. 1677(6).

<sup>3</sup> The 27 member states of the European Union are: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, the United Kingdom.

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648-XO01**

**Magnuson-Stevens 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:** Notification of a proposal to conduct exempted fishing; request for comments.

**SUMMARY:** The Assistant Regional Administrator for Sustainable Fisheries, Northeast Region, NMFS (Assistant Regional Administrator), has made a preliminary determination that the subject Exempted Fishing Permit (EFP) application that was submitted by the Gulf of Maine Research Institute (GMRI) warrants further consideration and should be issued for public comment. The EFP would exempt participating vessels from the seasonal Atlantic herring (herring) Management Area 1A and Management Area 1B quota closures, seasonal Management Area 1A gear restrictions, and herring trip possession limits. The Assistant Regional Administrator has also made a

preliminary determination that the activities authorized under the EFP would be consistent with the goals and objectives of the Atlantic Herring Fishery Management Plan (FMP). However, further review and consultation may be necessary before a final determination is made.

**DATES:** Comments must be received on or before April 8, 2009.

**ADDRESSES:** Comments may be submitted by e-mail to *herring.efp@noaa.gov*. Include in the subject line of the e-mail comment the following document identifier: “Comments on GMRI herring 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 GMRI herring EFP." Comments may also be sent via facsimile (fax) to (978) 281-9135.

**FOR FURTHER INFORMATION CONTACT:** Cheryl McGarrity, Fishery Management Specialist, phone: 978-281-9174, fax: 978-281-9135.

**SUPPLEMENTARY INFORMATION:** The Science and Research Director for NMFS's Northeast Fisheries Science Center selected the proposal submitted by GMRI under the 2008-2009 Atlantic Herring Research Set-Aside (RSA) Program entitled: "Effects of Fishing on Herring Aggregations," which would assess the effects of midwater trawling on herring aggregations. An EFP was issued to conduct this work in 2008, and this EFP would authorize exemptions for Year 2 of this research. The proposed research would examine the ability to evaluate potential impacts of midwater trawling on Atlantic herring aggregations through the use of hydroacoustics. Due to concern that other fishing vessels, particularly other herring midwater trawl vessels, fishing in the study area could interfere with the survey, GMRI submitted an EFP application to conduct its research during the midwater gear restriction period, thereby ensuring other midwater trawl vessels will not be fishing in the study area.

GMRI requests that a pair of trawl vessels perform midwater trawling for up to four sampling trips (each of 5-days duration) using standard midwater trawl gear in Areas 1A and 1B between June 1 and September 30, 2008, to evaluate the behavioral response of isolated herring schools to midwater trawls. During a sampling trip, the research team would sequentially perform a series of acoustic surveys, conduct midwater pair trawling, then perform another series of acoustic surveys; which would take less than 72 hr. Vessels would conduct five or fewer tows per day, with each tow lasting 2 to 4 hr. All trawling operations would be monitored by GMRI staff. All herring caught during the survey would be deducted from GMRI's Area 1A and 1B herring RSA allocations of 2,976,240 lb (1,350 mt) and 661,380 lb (300 mt), respectively. Vessels conducting the survey would not be allowed to exceed their Area 1A or Area 1B RSA allocations.

The subject EFP would exempt vessels fishing for herring in Management Area 1A and Management Area 1B from quota closures and herring trip possession limits, as specified at 50 CFR 648.201 and 648.204, respectively. It would also exempt vessels from the

seasonal Management Area 1A trawl gear restriction period (restriction period), as defined at § 648.202(a). Fish caught during research trips would be landed under the set-aside quota awarded to GMRI. Herring caught as part of this research would be deducted from the RSA quota, not from the commercial quota.

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: March 19, 2009.

**Emily H. Menashes,**

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

[FR Doc. E9-6409 Filed 3-23-09; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-X002

#### Mid-Atlantic Fishery Management Council; Atlantic Mackerel, Butterfish, Atlantic Bluefish, Spiny Dogfish, Summer Flounder, Scup, Black Sea Bass, Tilefish, Surfclam, and Ocean Quahog Annual Catch Limits and Accountability Measures Omnibus Amendment; Scoping Process

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

**ACTION:** Notice of intent to prepare an environmental impact statement (EIS); notice of public scoping meetings; requests for comments.

**SUMMARY:** The Mid-Atlantic Fishery Management Council (Council) announces its intention to prepare, in cooperation with NMFS, an EIS in accordance with the National Environmental Policy Act to assess potential effects on the human environment of alternative measures to address the new Magnuson-Stevens Fishery Conservation and Management Act requirements for annual catch limits

(ACLs) and accountability measures (AMs) in an Omnibus Amendment to the fishery management plans (FMPs) for Atlantic mackerel, butterfish, Atlantic bluefish, spiny dogfish, summer flounder, scup, black sea bass, tilefish, surfclams, and ocean quahogs. *Loligo* and *Illex* squid are exempt from these new requirements because they have annual life cycles and not subject to overfishing.

This notice announces a public process for determining the scope of issues to be addressed, and for identifying the significant issues related to the implementation of ACLs and AMs for these fisheries. This notice is to alert the interested public of the scoping process, the development of the Draft EIS, and to provide for public participation in that process.

**DATES:** Written comments must be received on or before 5 p.m., EST, on May 15, 2009. Three public scoping meetings will be held during this comment period. See **SUPPLEMENTARY INFORMATION** for dates, times, and locations.

**ADDRESSES:** Written comments may be sent by any of the following methods:

- E-mail to the following address: *Omnibus.NOI@noaa.gov*;
- Mail or hand deliver to Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 South New Street, Dover, Delaware 19904-6790. Mark the outside of the envelope "Omnibus Amendment: National Standard 1 Requirements Scoping Comments"; or
- Fax to (302) 674-5399.

The scoping document may also be obtained from the Council office at the previously provided address, or by request to the Council by telephone (302) 674-2331, or via the Internet at <http://www.mafmc.org/mid-atlantic/comments/comments.htm>.

Comments may also be provided verbally at any of the three public scoping meetings. See Supplementary Information for dates, times, and locations.

**FOR FURTHER INFORMATION CONTACT:** Mr. Daniel T. Furlong, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 S. New St., Dover, DE 19904-6790, (telephone 302-674-2331).

**SUPPLEMENTARY INFORMATION:** The management units for Atlantic mackerel, butterfish, Atlantic bluefish, spiny dogfish, summer flounder, scup, black sea bass, tilefish, surfclams, and ocean quahogs vary, but span the range from the eastern coast of Florida in the