

*Canned Warmwater Shrimp From Thailand*, 69 FR 76918 (Dec. 23, 2004), as amended by the *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from Thailand*, 70 FR 5145 (Feb. 1, 2005) (*Final Determination*).

**EFFECTIVE DATE:** July 6, 2009.

**FOR FURTHER INFORMATION CONTACT:**

Elizabeth Eastwood, AD/CVD 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:**

**Background**

On February 5, 2005, the Department published its amended final determination in the LTFV investigation of certain frozen warmwater shrimp from Thailand. See *Final Determination*. In the *Final Determination*, we based the constructed value (CV) profit for one respondent, Thai I-Mei Frozen Foods Co., Ltd. (Thai I-Mei), on the weighted-average profits earned by the other respondents in the investigation, in accordance with our practice.

On August 26, 2008, the CIT held that the CV profit rate for Thai I-Mei was not determined according to a "reasonable method" as required by the Tariff Act of 1930, as amended (the Act), and remanded the issue to the Department to "redetermine a constructed value profit rate for Thai I-Mei that is in accordance with law."<sup>1</sup> See *Thai I-Mei II*.

On March 18, 2009, the Department issued its final results of redetermination pursuant to *Thai I-Mei II*. In this remand redetermination, the Department recalculated the CV profit rate for Thai I-Mei using the weighted-average of the other respondents' profit on the third country sales of the foreign like product both within and outside the ordinary course of trade, because the CIT found this method reasonable. The Department's second redetermination changed the *Final Determination* dumping margin for Thai I-Mei from 5.29 percent to 1.88 percent.

<sup>1</sup> This was the second remand ruling by the CIT on this issue. Previously, the CIT required the Department to provide further explanation of its CV profit methodology. See *Thai I-Mei Frozen Foods Co., Ltd. v. United States*, 477 F. Supp. 2d 1332 (CIT 2007) (*Thai I-Mei I*). Although the Department complied with this order (see *Final Results of Redetermination Pursuant to Court Remand*, dated June 8, 2007, found at <http://ia.ita.doc.gov/> remands), the CIT rejected it in *Thai I-Mei Frozen Foods Co., Ltd. v. United States*, Court No. 05-00197 (Aug. 26, 2008) (*Thai I-Mei II*).

**Timken Notice**

In its decision in *Timken*, 893 F.2d at 341, the CAFC held that, pursuant to section 516A(e) of the Act, the Department must publish a notice of a court decision that is not "in harmony" with a Department determination and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's decision in *Thai I-Mei III* on June 24, 2009, constitutes a final decision of that court that is not in harmony with the Department's *Final Determination*. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. In the event the CIT's ruling is not appealed or, if appealed, upheld by the CAFC, the Department will publish an amended final determination and exclude shrimp produced and exported by Thai I-Mei from the antidumping duty order on frozen warmwater shrimp from Thailand.

This notice is issued and published in accordance with section 516A(c)(1) of the Act.

Dated: June 29, 2009.

**John M. Andersen,**

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

[FR Doc. E9-15831 Filed 7-2-09; 8:45 am]

**BILLING CODE 3510-DS-S**

**DEPARTMENT OF COMMERCE**

**Foreign-Trade Zones Board**

[Docket 24-2009]

**Foreign-Trade Zone 7 - San Juan, PR, Request for Manufacturing Authority, CooperVision Caribbean Corporation (Contact Lenses), Juana Diaz, PR**

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Puerto Rico Industrial Development Company, grantee of FTZ 7, requesting authority on behalf of CooperVision Caribbean Corporation (CooperVision), to manufacture contact lenses under FTZ procedures within FTZ 7. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on June 26, 2009.

The CooperVision facilities (441,000 sq.ft./1,300 employees) are located within Site 4 at 500 Road 584, Amuelas

Industrial Park (manufacturing plant and warehouse) and at Road 149, Lomas Industrial Park (warehouse) in Juana Diaz, Puerto Rico. The facilities are used to manufacture and distribute disposable contact lenses (HTSUS 9001.30; duty rate: 2.0%) for export and the domestic market. At full capacity, the manufacturing plant can produce up to 800 million contact lenses annually. Activity under FTZ procedures would include manufacturing, cleaning, hydrating, polishing, power reading, and packaging. Foreign-origin materials and components that would be purchased from abroad (representing up to 65% of total material inputs, by value) to be used in manufacturing include: polypropylene polymers, quaternary ammonium (PC Hema, YT-Lipidure), esters of acrylic acid, acyclic amides, silicone (primary), and aluminum foil (duty rate range: free 6.5%).

FTZ procedures would exempt CooperVision from customs duty payments on the foreign material inputs used in export production (up to 90% of shipments). On its domestic sales, CooperVision would be able to elect the duty rate that applies to finished contact lenses (2%) for the foreign-origin inputs noted above that have higher duty rates. FTZ designation would further allow CooperVision to realize logistical benefits through the use of weekly customs entry procedures. Customs duties also could possibly be deferred or reduced on foreign status production equipment. The application indicates that the savings from FTZ procedures would help improve the facilities' international competitiveness.

In accordance with the Board's regulations, Pierre Duy of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the Board. Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for receipt of comments is September 4, 2009. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to September 21, 2009.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230-0002, and in the "Reading Room" section of the Board's

website, which is accessible via [www.trade.gov/ftz](http://www.trade.gov/ftz).

For further information, contact Pierre Duy, examiner, at [pierre\\_duy@ita.doc.gov](mailto:pierre_duy@ita.doc.gov), or (202) 482-1378.

Dated: June 26, 2009.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. E9-15824 Filed 7-2-09; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XO42**

#### Marine Mammals; File Nos. 14197 and 782-1812

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

**ACTION:** Notice; issuance of permit and permit amendment.

**SUMMARY:** Notice is hereby given that the U.S. Air Force, 30th Space Wing Civil Engineer Environmental Flight, Vandenberg Air Force Base, CA has been issued a permit to conduct research on marine mammals (File No. 14197); and NMFS National Marine Mammal Laboratory, Seattle, WA, has been issued a major amendment to Scientific Research Permit No. 782-1812 for research on marine mammals.

**ADDRESSES:** The permits and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)427-2521;

(File No. 782-1812 only) Northwest Region, NMFS, 7600 Sand Point Way NE, BIN C15700, Bldg. 1, Seattle, WA 98115-0700; phone (206)526-6150; fax (206)526-6426; and

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562)980-4001; fax (562)980-4018.

**FOR FURTHER INFORMATION CONTACT:** Tammy Adams or Kate Swails, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** On April 6, 2009, notice was published in the **Federal Register** (74 FR 15460) that requests for a permit and permit amendment to conduct research on marine mammals had been submitted by the above-named applicants. The

requested permit and permit amendment have been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

Permit No. 14197 authorizes continued studies of the effects of noise from rocket and missile launches and subsequent launch-generated sonic booms on Pacific harbor seals (*Phoca vitulina richardii*), California sea lions (*Zalophus californianus*), and northern elephant seals (*Mirounga angustirostris*) at Vandenberg Air Force Base and the northern California Channel Islands. The permit is valid through June 30, 2014.

Permit No. 782-1812-00, issued on May 9, 2006 (71 FR 27996), authorizes research related to population and health assessment and studies of the ecology of and disease in California sea lions, northern elephant seals, harbor seals, and northern fur seals (*Callorhinus ursinus*) on the southern California Channel Islands, surrounding waters, and at haul-out sites along the coast of California, Oregon, and Washington. The amendment revises protocols and numbers related to research on California sea lions, and is valid through permit expiration on June 30, 2011.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activities proposed are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Dated: June 29, 2009.

**P. Michael Payne,**

*Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. E9-15843 Filed 7-2-09; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XQ11**

#### Bering Sea and Aleutian Islands Crab Rationalization Program

**AGENCY:** Alaska Fishery Science Center (AFSC), National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of a public workshop.

**SUMMARY:** NMFS will hold a workshop for participants in the Bering Sea and Aleutian Islands Crab Rationalization Program who are required to submit a crab Economic Data Report.

**DATES:** The workshop will be held on Friday, July 17, 2009, from 9:00 a.m. to 5:00 p.m. Pacific standard time.

**ADDRESSES:** The workshop will be held at the Pacific Seafood Processors Association office Conference Room, 1900 W. Emerson Place, Number 205, Seattle, WA 98119.

**FOR FURTHER INFORMATION CONTACT:** Dr. Brian Garber-Yonts, AFSC, 206-526-6301 or Steven K. Minor at 360-440-4737.

**SUPPLEMENTARY INFORMATION:** NMFS Alaska Fishery Science Center staff and the Pacific Northwest Crab Industry Advisory Committee are holding a workshop for Crab Rationalization Program fishing industry members to review, discuss, and comment on draft revised crab economic data report (EDR) forms to improve the quality of information collected in the Bering Sea and Aleutian Islands Crab Rationalization Program. The revised EDRs are intended to address critical data quality limitations resulting from the design of the existing forms. The workshop is intended to ensure that NMFS receives consistent and accurate information. Participation from individuals involved in completing the EDR forms is important. This workshop is part of a process to respond to the North Pacific Fisheries Management Council's Crab Rationalization Program economic data collection requirements. The workshop discussion also will address "Best Practices" recommendations for recordkeeping and data validation documentation issued by the EDR auditor.

This is NOT a committee meeting or a presentation or discussion of any analysis. It is a workshop for industry input on EDR forms. It is open to the public and any interested stakeholders.

Copies of the draft revised EDR forms and other relevant documents can be downloaded from the NMFS Alaska Regions BSAI CRAB EDR website at: [http://www.fakr.noaa.gov/sustainable\\_fisheries/crab/rat/edr/default.htm](http://www.fakr.noaa.gov/sustainable_fisheries/crab/rat/edr/default.htm)

This workshop is physically accessible to people with disabilities. Requests for special accommodations should be directed to Brian Garber-Yonts (see **FOR FURTHER INFORMATION CONTACT**) by DATE.