

percent natural honey by weight, and flavored honey. The subject merchandise includes all grades and colors of honey whether in liquid, creamed, comb, cut comb, or chunk form, and whether packaged for retail or in bulk form.

The merchandise under the scope of the order is currently classifiable under subheadings 0409.00.00, 1702.90.90, and 2106.90.99 of the Harmonized Tariff Schedule of the United States (HTSUS).

Although the HTSUS subheadings are provided for convenience and U.S. Customs and Border Protection (CBP) purposes, the Department's written description of the merchandise under this order is dispositive.

### Rescission, in Part, of the Antidumping Duty Administrative Review

Section 351.213(d)(1) of the Department's regulations provides that the Department will rescind an administrative review if the party that requested the review withdraws its request for review within 90 days of the date of publication of the notice of initiation of the requested review, or withdraws at a later date if the Department determines it is reasonable to extend the time limit for withdrawing the request.

Both petitioners and Nexco withdrew their review requests after the 90-day deadline. However, the Department finds it reasonable to extend the withdrawal deadline for Nexco and petitioners because the Department has not yet devoted significant time or resources to this review. Further, we find that neither petitioners' nor Nexco's withdrawal of their requests for a review of Nexco constitutes an abuse of our procedures. *See, e.g., Persulfates from the People's Republic of China: Notice of Rescission of Antidumping Duty Administrative Review*, 71 FR 13810, 13811 (March 17, 2006). As a result, we are rescinding this review with regard to Nexco.

### Assessment

The Department will issue appropriate assessment instructions directly to U.S. Customs and Border Protection (CBP) 15 days after the publication of this notice. The Department will direct CBP to assess antidumping duties for Nexco at the cash deposit rate in effect on the date of entry for entries during the period December 1, 2007 to November 30, 2008.

### Notification to Importers

This notice serves as a reminder to importers of their responsibility under section 351.402(f) of the Department's

regulations to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this period of time. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and subsequent assessment of double antidumping duties.

### Notification Regarding Administrative Protective Orders (APOs)

This notice also serves as a reminder to parties subject to APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with section 351.305(a)(3) of the Department's regulations. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This notice is issued and published in accordance with section 351.213(d)(4) of the Department's regulations and sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended.

Dated: July 8, 2009.

**John M. Andersen,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XQ16**

### Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Crab Rationalization Cost Recovery Program

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

**ACTION:** Notification of fee percentage.

**SUMMARY:** NMFS publishes a notification of a zero (0) percent fee for cost recovery under the Bering Sea and Aleutian Islands Crab Rationalization Program. This action is intended to provide holders of crab allocations with the fee percentage for the 2009/2010 crab fishing year.

**DATES:** The Crab Rationalization Program Registered Crab Receiver permit holder is responsible for

submitting the fee liability payment to NMFS on or before July 31, 2010.

### FOR FURTHER INFORMATION CONTACT:

Gabrielle Aberle or Gretchen Harrington, 907-586-7228.

### SUPPLEMENTARY INFORMATION:

#### Background

NMFS Alaska Region administers the Bering Sea and Aleutian Islands Crab Rationalization Program (Program) in the North Pacific. Fishing under the Program began in August 15, 2005. Regulations implementing the Program are set forth at 50 CFR part 680.

The Program is a limited access system authorized by section 313(j) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Program includes a cost recovery provision to collect fees to recover the actual costs directly related to the management and enforcement of the Program. NMFS developed the cost recovery provision to conform to statutory requirements and to partially reimburse the agency for the unique added costs of management and enforcement of the Program. Section 313(j) of the Magnuson-Stevens Act provided supplementary authority to section 304(d)(2)(A) and additional detail for cost recovery provisions specific to the Program. The cost recovery provision allows collection of 133 percent of the actual management, data collecting, and enforcement costs up to three percent of the ex-vessel value of crab harvested under the Program. Additionally, section 313(j) requires the harvesting and processing sectors to each pay half the cost recovery fees. Catcher/processor quota share holders are required to pay the full fee percentage for crab processed at sea.

A crab allocation holder generally incurs a cost recovery fee liability for every pound of crab landed. The crab allocations include Individual Fishing Quota, Crew Individual Fishing Quota, Individual Processing Quota, Community Development Quota, and the Adak community allocation. The Registered Crab Receiver (RCR) permit holder must collect the fee liability from the crab allocation holder who is landing crab. Additionally, the RCR permit holder must collect his or her own fee liability for all crab delivered to the RCR. The RCR permit holder is responsible for submitting this payment to NMFS on or before the due date of July 31, following the crab fishing year in which landings of crab were made.

The dollar amount of the fee due is determined by multiplying the fee percentage (not to exceed three percent)

by the ex-vessel value of crab debited from the allocation. Specific details on the Program's cost recovery provision may be found in the implementing regulations set forth at 50 CFR 680.44.

#### Fee Percentage

Each year, NMFS calculates and publishes in the **Federal Register** the fee percentage according to the factors and methodology described in Federal regulations at § 680.44(c)(2). The formula for determining the fee percentage is the "direct program costs" divided by "value of the fishery," where "direct program costs" are the direct program costs for the Program for the previous fiscal year, and "value of the fishery" is the ex-vessel value of the catch subject to the crab cost recovery fee liability for the current year.

The fee percentage has declined over time because of a variety of factors including the increasing value of the fishery due to increased total allowable catch limits for various crab species such as Bristol Bay red king crab (*Paralithodes camtschaticus*) and Bering Sea Snow crab (*Chionoecetes opilio*), increased ex-vessel price per pound of crab relative to previous years, and decreased management costs relative to previous years primarily due to decreased staff and contract costs. Because by regulation the fee percentage is established in the first quarter of a crab fishery year based on the fishery value and the costs of the prior year, fee collections for any given year may be less than, or greater than, the actual costs and fishery value for that year.

Using the fee percentage formula described above, the estimated percentage of costs to value for the 2007/2008 and 2008/2009 crab fishing years was 3.0 percent and 1.05 percent, respectively. These fee levels have resulted in a fee collection greater than the actual management, data collection, and enforcement costs for the 2008/2009 crab fishing year. Therefore, fee revenues remain to cover projected actual costs for 2009/2010. As a result, NMFS has determined that the fee percentage will be 0 percent for the 2009/2010 crab fishing year.

**Authority:** 16 U.S.C. 1862 *et seq.*

Dated: July 9, 2009.

**Kristen C. Koch,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[Docket No. 0907021106-91110-01]

RIN 0648-ZC09

#### Northeast Region Fishing Gear Exchange Project

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

**ACTION:** Notice of funding availability.

**SUMMARY:** Right, humpback and fin whales, which are listed as endangered under the Endangered Species Act, are occasionally injured or killed through incidental entanglement in fishing gear. Based on gear retrieved from entangled whales, interactions can occur with any component of the fishing gear, including buoy lines, groundlines, gillnet floatlines, and surface systems. Provisions of the Atlantic Large Whale Take Reduction Plan (ALWTRP) require that permit holders using trap/pot and gillnet gear comply with requirements designed to reduce the serious injury and mortality of large whales. One such gear modification requires the use of sinking groundlines. Other risk reduction measures include adding weak links to fixed fishing gear which can assist entangled whales in breaking free after an interaction has occurred.

NMFS is providing financial assistance in the form of a grant to support the development and implementation of a fishing gear exchange project for Lobster Management Areas 2 and 3 in the Northeast Region. This document describes how to submit proposals for funding and how NMFS will determine which proposals will be funded; this document should be read in its entirety prior to the submission of a proposal.

This project will support NOAA's mission goal to protect, restore, and manage the use of coastal and ocean resources through an ecosystem approach to management.

**DATES:** Applications must be postmarked, provided to a delivery service or received by <http://www.grants.gov> by 11:59 p.m. Eastern Daylight Time on July 30, 2009. Use of U.S. Mail or another delivery service must be documented with a receipt. Please note that it may take Grants.gov up to two business days to validate or reject an application. Please keep this in mind when developing your submission timeline.

**ADDRESSES:** The Full Funding Opportunity (FFO) announcement and application instructions for this grant program are available through the Grants.gov website at <http://www.grants.gov>. For applicants without internet access, an application package may be obtained by contacting Amanda Johnson, NOAA's National Marine Fisheries Service, Northeast Regional Office, 55 Great Republic Drive, Suite 04-400, Gloucester, MA 01930; Phone: 978-282-8463, E-mail: [Amanda.Johnson@noaa.gov](mailto:Amanda.Johnson@noaa.gov).

Applications should be submitted electronically through the Grants.gov website at <http://www.grants.gov>. Those applicants without internet access may submit a hard copy (by postal mail or commercial delivery) to: NMFS Northeast Regional Office, Attn: Amanda Johnson, 55 Great Republic Drive, Suite 04-400, Gloucester, MA 01930. No other methods of submission are permissible without explicit NOAA approval.

**FOR FURTHER INFORMATION CONTACT:** If you have any questions regarding this proposal solicitation, please contact Amanda Johnson at the NOAA/NMFS/Northeast Regional Office, Protected Resources Division, 55 Great Republic Drive, Suite 04-400, Gloucester, MA 01930, by phone at 978-282-8463, or by email at [Amanda.Johnson@noaa.gov](mailto:Amanda.Johnson@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

The principal objective of the Northeast Region Fishing Gear Exchange Project is to implement a voluntary fishing gear exchange project in which participating fishing industry members regulated by the ALWTRP are provided with financial assistance to comply with the ALWTRP's sinking groundline and weak link requirements. Another objective of this project is to develop a plan for recycling the collected floating groundline to ensure that none of the lines are returned to the ocean for any purpose, fishing or otherwise. A third objective is to work cooperatively with participating industry members to collect gear configuration information via a gear survey.

For a proposal to be competitive, it must demonstrate a clear process for developing and implementing a successful fishing gear exchange project. This includes notifying, registering, and communicating with participating fishing industry members; approximating the amount of floating groundline to be exchanged and determining an assigned price per pound for the delivered groundline; working with gear manufacturers and