

whether frozen, wild-caught (ocean harvested) or farm-raised (produced by aquaculture), head-on or head-off, shell-on or peeled, tail-on or tail-off,<sup>2</sup> deveined or not deveined, cooked or raw, or otherwise processed in frozen form.

The frozen warmwater shrimp and prawn products included in the scope of this investigation, regardless of definitions in the Harmonized Tariff Schedule of the United States (“HTSUS”), are products which are processed from warmwater shrimp and prawns through freezing and which are sold in any count size.

The products described above may be processed from any species of warmwater shrimp and prawns. Warmwater shrimp and prawns are generally classified in, but are not limited to, the *Penaeidae* family. Some examples of the farmed and wild-caught warmwater species include, but are not limited to, whiteleg shrimp (*Penaeus vannamei*), banana prawn (*Penaeus merguensis*), fleshy prawn (*Penaeus chinensis*), giant river prawn (*Macrobrachium rosenbergii*), giant tiger prawn (*Penaeus monodon*), redspotted shrimp (*Penaeus brasiliensis*), southern brown shrimp (*Penaeus subtilis*), southern pink shrimp (*Penaeus notialis*), southern rough shrimp (*Trachypenaeus curvirostris*), southern white shrimp (*Penaeus schmitti*), blue shrimp (*Penaeus stylirostris*), western white shrimp (*Penaeus occidentalis*), and Indian white prawn (*Penaeus indicus*).

Frozen shrimp and prawns that are packed with marinade, spices or sauce are included in the scope of this investigation. In addition, food preparations, which are not “prepared meals,” that contain more than 20 percent by weight of shrimp or prawn are also included in the scope of this investigation.

Excluded from the scope are: (1) Breaded shrimp and prawns (HTS subheading 1605.20.10.20); (2) shrimp and prawns generally classified in the *Pandalidae* family and commonly referred to as coldwater shrimp, in any state of processing; (3) fresh shrimp and prawns whether shell-on or peeled (HTS subheadings 0306.23.00.20 and 0306.23.00.40); (4) shrimp and prawns in prepared meals (HTS subheading 1605.20.05.10); (5) dried shrimp and prawns; (6) canned warmwater shrimp and prawns (HTS subheading 1605.20.10.40); (7) certain dusted shrimp; and (8) certain battered shrimp. Dusted shrimp is a shrimp-based

product: (1) That is produced from fresh (or thawed-from-frozen) and peeled shrimp; (2) to which a “dusting” layer of rice or wheat flour of at least 95 percent purity has been applied; (3) with the entire surface of the shrimp flesh thoroughly and evenly coated with the flour; (4) with the non-shrimp content of the end product constituting between four and 10 percent of the product’s total weight after being dusted, but prior to being frozen; and (5) that is subjected to individually quick frozen (“IQF”) freezing immediately after application of the dusting layer. Battered shrimp is a shrimp-based product that, when dusted in accordance with the definition of dusting above, is coated with a wet viscous layer containing egg and/or milk, and par-fried.

The products covered by this investigation are currently classified under the following HTS subheadings: 0306.13.00.03, 0306.13.00.06, 0306.13.00.09, 0306.13.00.12, 0306.13.00.15, 0306.13.00.18, 0306.13.00.21, 0306.13.00.24, 0306.13.00.27, 0306.13.00.40, 1605.20.10.10, and 1605.20.10.30. These HTS subheadings are provided for convenience and for customs purposes only and are not dispositive, but rather the written description of the scope of this investigation is dispositive.

#### Final Results of Changed Circumstances Reviews

For the reasons stated in the preliminary results, and because the Department did not receive any comments on the preliminary results of these reviews, the Department continues to find that the Five CCR Requestors are the successors-in-interest to the Original Companies, respectively, and that CAFISH is not the successor-in-interest to CATACO, for purposes of the antidumping duty cash-deposit rate.<sup>3</sup> Accordingly, the Five CCR Requestors should receive the same antidumping duty treatment as the respective Original Companies to which we found them to be the successor-in-interest.

<sup>3</sup> On July 21, 2006, Bac Lieu JSC became the successor to Bac Lieu Limited; on February 1, 2005, Cadovimex Vietnam became the successor to Cadovimex; on June 1, 2006, STAPIMEX JSC became the successor to STAPIMEX; on June 29, 2007, Thuan Phuoc JSC became the successor to Thuan Phuoc SOE; on June 15, 2006, UTXI Corp. became the successor to UTXI. See Memo to File, from Jerry Huang, International Trade Compliance Analyst, through Scot T. Fullerton, Program Manager, AD/CVD Office 9, regarding Analysis Memo for Preliminary Determination of Antidumping Duty Changed Circumstances Reviews of Frozen Warmwater Shrimp from the Socialist Republic of Vietnam (June 25, 2009)

CAFISH remains subject to the Vietnam-wide entity rate.

#### Notification

The Department will instruct U.S. Customs and Border Protection that the cash deposit determination from these changed circumstances reviews will apply to all shipments of the subject merchandise produced and exported by the Five CCR Requestors entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of these changed circumstances reviews. This deposit rate shall remain in effect until publication of the final results of the next administrative review in which the Five CCR Requestors participate.

This notice also serves as a reminder to parties subject to administrative protective orders (“APOs”) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.306. Timely written notification of the return/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 published in accordance with sections 751(b)(1) and 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.216.

Dated: August 14, 2009.

**Carole Showers,**

*Acting Deputy Assistant Secretary for Policy and Negotiations.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XF97**

#### Marine Mammals; File No. 10137–01

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

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

**SUMMARY:** Notice is hereby given that the NMFS Pacific Islands Fisheries Science Center, Marine Mammal Research Program (MMRP), 2570 Dole Street, Honolulu, HI 96822–2396 (Responsible Party: Frank Parrish, Ph.D.), has been issued an amendment to Permit No. 10137 to conduct research and enhancement activities on

<sup>2</sup> “Tails” in this context means the tail fan, which includes the telson and the uropods.

Hawaiian monk seals (*Monachus schauinslandi*).

**ADDRESSES:** The permit and related documents are available for review upon written request or by appointment in the following offices:

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)713-0376; and Pacific Islands Region, NMFS, 1601 Kapiolani Blvd., Rm 1110, Honolulu, HI 96814-4700; phone (808)944-2200; fax (808)973-2941.

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

**SUPPLEMENTARY INFORMATION:** On March 6, 2008, notice was published in the *Federal Register* (73 FR 12137) that a request for a permit to take the species identified above had been submitted by the MMRP. The permit was issued on June 30, 2009 (74 FR 33210), under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226). Notice of the proposed amendment was published on June 30, 2009 (74 FR 33210).

Permit No. 10137 authorizes the MMRP to: (1) assess survivorship, reproductive rates, pup production, condition, abundance, movements among subpopulations, and incidence and causes of injury or mortality of Hawaiian monk seals; (2) diagnose disease, monitor exposure to disease, and develop normal baseline hematology and biochemistry parameters; (3) conduct activities to increase survival of individuals; and (4) investigate foraging ecology to determine foraging locations, diving parameters, characteristics of foraging substrate, and prey identification and foraging behaviors.

Permit No. 10137-01 amends and replaces Permit No. 10137. Permit No. 10137-01 authorizes the activities describe above and includes authorization to translocate six pups from French Frigate Shoals to Nihoa Island in 2009. Further translocations of up to 20 pup or juvenile between islands/atolls within the Northwestern Hawaiian Islands, as described in the original permit application, will be deferred until a separate Endangered Species Act section 7 consultation is

completed. At such time, NMFS proposes to amend Permit No. 10137-01 to include additional translocations of seals. Permit No. 10137-01 expires on June 30, 2014.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an environmental assessment was prepared analyzing the effects of the permitted activities. After a Finding of No Significant Impact, the determination was made that it was not necessary to prepare an environmental impact statement.

Issuance of this permit, as required by the ESA, was based on a finding that such permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: August 14, 2009.

**P. Michael Payne,**

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

[FR Doc. E9-20032 Filed 8-19-09; 8:45 am]

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## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[Order No. 1638]

#### Reorganization/Expansion of Foreign-Trade Zone 26; Atlanta, GA, Area

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

*Whereas*, the Georgia Foreign-Trade Zone, Inc., grantee of Foreign-Trade Zone 26, submitted an application to the Board for authority to reorganize and expand its zone to remove acreage from Site 2, delete Site 8 in its entirety, and add eight new sites (proposed Sites 11-18) in the Atlanta, Georgia, area, within and adjacent to the Atlanta Customs and Border Protection port of entry (FTZ Docket 55-2008, filed 10/6/08);

*Whereas*, notice inviting public comment was given in the **Federal Register** (73 FR 60676-60677, 10/14/08; correction, 73 FR 63675, 10/27/08) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

*Whereas*, the Board adopts the findings and recommendation of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal, with respect to Site 2,

Site 8 and Sites 11-17, is in the public interest;

*Now, therefore*, the Board hereby orders:

The application to reorganize and expand FTZ 26 is approved in part (with respect to Site 2, Site 8 and Sites 11-17), subject to the FTZ Act and the Board's regulations, including Section 400.28, and to the Board's standard 2,000-acre activation limit for the overall general-purpose zone project, and further subject to a sunset provision that would terminate authority on August 31, 2014, for Sites 11-17 where no activity has occurred under FTZ procedures before that date.

Signed at Washington, DC, this 7th day of August 2009.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.*

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. E9-20025 Filed 8-19-09; 8:45 am]

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## COMMODITY FUTURES TRADING COMMISSION

### Notice of Intent, Pursuant to the Authority in Section 2(h)(7) of the Commodity Exchange Act and Commission Rule 36.3(c)(3), To Undertake a Determination Whether the Carbon Financial Instrument Contract Offered for Trading on the Chicago Climate Exchange, Inc., Performs a Significant Price Discovery Function

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of action and request for comment.

**SUMMARY:** The Commodity Futures Trading Commission ("CFTC" or "Commission") is undertaking a review to determine whether the Carbon Financial Instrument contract offered for trading on the Chicago Climate Exchange, Inc. (CCX), an exempt commercial market ("ECM") under Sections 2(h)(3)-(5) of the Commodity Exchange Act ("CEA" or the "Act"), performs a significant price discovery function. Authority for this action is found in section 2(h)(7) of the CEA and Commission rule 36.3(c) promulgated thereunder. In connection with this evaluation, the Commission invites comment from interested parties.

**DATES:** Comments must be received on or before September 4, 2009.