

rate of 32.70 percent is a reasonable indication of the margins that Hyosung, Hyundai Mipo, and JeongWoo would have received on their U.S. transactions had they responded to our request for information. We preliminarily find that use of the rate of 32.70 percent as adverse facts available is sufficiently high to ensure that Hyosung, Hyundai Mipo, and JeongWoo do not benefit from failing to cooperate in our review by refusing to respond to our questionnaire. *See CTL Plate from Korea 2006–07 Final*, 73 FR at 15133.

#### Preliminary Results of the Review

As a result of our review, we preliminarily determine that the weighted-average dumping margins for CTL plate from Korea for the period February 1, 2008, through January 31, 2009, are as follows:

Company	Margin (percent)
Hyosung .....	32.70
Hyundai Mipo .....	32.70
JeongWoo .....	32.70

#### Disclosure and Public Comment

We will disclose the draft liquidation instructions to parties to this review within five days of the date of publication of this notice. *See* 19 CFR 351.224(b). Any interested party may request a hearing within 30 days of the date of publication of this notice. *See* 19 CFR 351.310. Interested parties who wish to request a hearing or to participate in a hearing if a hearing is requested must submit a written request to the Assistant Secretary for Import Administration within 30 days of the date of publication of this notice. Requests should contain the following: (1) The party's name, address, and telephone number; (2) the number of participants; (3) a list of issues to be discussed.

Issues raised in the hearing will be limited to those raised in the case briefs. *See* 19 CFR 351.310(c). Case briefs from interested parties may be submitted not later than 30 days after the date of publication of this notice of preliminary results of review. *See* 19 CFR 351.309(c)(1)(ii). Rebuttal briefs from interested parties, limited to the issues raised in the case briefs, may be submitted not later than five days after the time limit for filing the case briefs or comments. *See* 19 CFR 351.309(d)(1) and 19 CFR 351.310(c). Any hearing, if requested, will be held two days after the scheduled date for submission of rebuttal briefs. *See* 19 CFR 351.310(d). Parties who submit case briefs or rebuttal briefs in this proceeding are

requested to submit with each argument a statement of the issue, a summary of the arguments not exceeding five pages, and a table of statutes, regulations, and cases cited. *See* 19 CFR 351.309(c)(2). The Department will issue the final results of this administrative review, including the results of its analysis of issues raised in any such written briefs, not later than 120 days after the date of publication of this notice. *See* section 751(a)(3)(A) of the Act.

#### Assessment Rates

Pursuant to 19 CFR 351.212(b), the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries. Because we are relying on total adverse facts available to establish the dumping margins for Hyosung, Hyundai Mipo, and JeongWoo, we intend to instruct CBP to apply a dumping margin of 32.70 percent to CTL plate from Korea that was produced and/or exported by Hyosung, Hyundai Mipo, and JeongWoo and entered, or withdrawn from warehouse, for consumption during the period of review.

The Department intends to issue appropriate assessment instructions to CBP 15 days after publication of the final results of review.

#### Cash-Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of steel plate from Korea entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2)(C) of the Act: (1) The cash-deposit rates for Hyosung, Hyundai Mipo, and JeongWoo will be the rate established in the final results of this review; (2) for previously reviewed or investigated companies not listed above, the cash-deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation but the manufacturer is, the cash-deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; (4) if neither the exporter nor the manufacturer has its own rate, the cash-deposit rate will be 0.98 percent,<sup>1</sup> the all-others rate established in the less-than-fair-value investigation, adjusted for the export-subsidy rate in the companion

<sup>1</sup> *See* the September XX, 2009, memorandum to the File entitled "Certain Cut-to-Length Carbon-Quality Steel Plate from the Republic of Korea: All-Others Cash-Deposit Rate" for details on the calculation of this rate.

countervailing duty investigation. These deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the period of review. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

These preliminary results of administrative review are issued and published in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.221(b)(4).

Dated: September 18, 2009.

**Carole A. Showers,**

*Acting Deputy Assistant Secretary for Policy and Negotiations.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648–XR53

#### Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits (EFPs)

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

**ACTION:** Notification of a proposal for an EFP 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 EFP application that was submitted by the Cornell Cooperative Extension of Suffolk County Marine Program (CCE) warrants further consideration and should be issued for public comment. The EFP would exempt participating vessels from summer flounder size restrictions and summer flounder mesh-size restrictions. 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 Summer Flounder, Scup, and Black Sea Bass 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 October 9, 2009.

**ADDRESSES:** Comments may be submitted by e-mail. The mailbox address for providing e-mail comments is [nero.eff@noaa.gov](mailto:nero.eff@noaa.gov). Include in the subject line of the e-mail comment the following document identifier: "Comments on CCE Offshore Fluke Discard 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 CCE Offshore Fluke Discard EFP." Comments may also be sent via facsimile (fax) to (978) 281-9135.

**FOR FURTHER INFORMATION CONTACT:** Sarah Bland, Fishery Management Specialist, (978) 281-9257.

**SUPPLEMENTARY INFORMATION:** A complete application for an EFP was submitted by CCE on August 31, 2009, for a study that would evaluate summer flounder discard mortality in the offshore winter trawl fishery off Long Island, NY. The EFP would be issued to an initial list of seven vessels.

Research trips would be conducted as normal fishing operations, modified only by standardized tow times and deck cull times, in the offshore winter trawl fishery off Long Island, NY. Research trips would occur south and east of Long Island, NY, between Veatch Canyon and Hudson Canyon, in statistical areas 616, 526, 537, 613, and 611. One to two trips would be made each month, beginning in October 2009, and continuing through April 2010, for a total of eight trips. Four trips would occur during normal fishing operations targeting *Loligo* squid using small-mesh gear, and four trips would target summer flounder using large-mesh gear. Trips are expected to take 2 days due to steaming time to and from winter fishing grounds; however, poor weather conditions may lengthen trip times.

For each trip, vessels would conduct three tows of 1, 2, and 3-hr durations. For each tow, two culls would be performed; an immediate cull and a delayed 30-min cull. Ten legal-sized summer flounder and 10 sub-legal sized summer flounder would be randomly collected from each cull, for a total of 20 fish per tow. If there are not 10 sub-legal sized summer flounder available, additional legal-sized summer flounder would be kept to maintain the random

sampling at 20 fish per tow. Summer flounder would be randomly selected using sub-sampling and random sampling guidelines established by the NMFS At-Sea Observer Program. In addition to the random sample, 10 jumbo market category summer flounder (greater than 4 lb (1.81 kg) or 55 cm) would be collected per tow.

Summer flounder collected would be measured, weighed, and their physical condition noted. Fish would be tagged at the dorsal area of the eyed-side anterior of the caudal peduncle with a Floy-FD-94 Super Heavy Duty T-Bar Anchor Tag and transferred to an on-board holding tank. During the time it takes to clear the deck of catch, summer flounder would be sorted into live and dead components on set time intervals, in addition to immediate and delayed cull times. Information on tow duration, location, boat and gear specifics, fishing speed, total volume of the catch and discards, depth and surface water temperatures, and on-deck air temperature would be recorded. The applicant anticipates that catch species would include a mix of summer flounder, scup, black sea bass, butterfish, whiting, and *Loligo* squid.

Collected fish would be transported from the on-board holding tanks to the Multi Aquaculture Systems, Inc., facility. Fish would be monitored for a 14-day period. Any fish still alive after the monitoring period would be examined and ranked according to a health index, and blood would be drawn for cortisol analysis. These fish would then be released into Gardiners Bay from the holding facility. The applicant anticipates that, although fish would be released inshore during winter or early spring, some of these fish would survive. Scales and otoliths would be taken from those fish not surviving the monitoring period. Up to 180 fish would be landed for the extended mortality monitoring period, and the applicant anticipates the mortality rate would be between 75 and 90 percent.

The applicant has requested an exemption from the summer flounder size restrictions at § 648.103 to allow sub-legal sized fish to be retained for data collection purposes. The applicant has also requested an exemption from the summer flounder mesh size restrictions at § 648.104(a)(1) to allow vessels targeting squid in the small-mesh fishery to retain more than the incidental limit of summer flounder. In addition, the applicant requested an exemption from the summer flounder fishery closure restrictions at § 648.101(a) and (b) to allow summer flounder to be landed during a closure and transported to the Multi

Aquaculture Systems facility for mortality observations. However, the regulations at § 648.12(a)(2) prevent NMFS from issuing an EFP that would cause a quota to be exceeded; therefore, unless research set-aside quota is made available to this project, no exemption from fishery closure restrictions would be granted.

The applicants may request minor modifications and extensions to the EFP throughout the course of research. EFP modifications and extensions may be granted without further public notice if they are deemed essential to facilitate completion of the proposed research and result in only a minimal change in the scope or impacts of the initially approved EFP request.

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

Dated: September 21, 2009.

**Emily H. Menashes,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XR76**

#### Marine Mammals; File No. 605-1904

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

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

**SUMMARY:** Notice is hereby given that the Whale Center of New England (WCNE), [Mason Weinrich, Principal Investigator], P.O. Box 159, Gloucester, MA 01930, has been issued an amendment to scientific research Permit No. 605-1904.

**ADDRESSES:** The amendment 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;

Northeast Region, NMFS, 55 Great Republic Drive, Gloucester, MA 01930; phone (978)281-9300; fax (978)281-9333; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, Florida 33701; phone (727)824-5312; fax (727)824-5309.