

Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov/index.cfm>, and then selecting File No. 14726 from the list of available applications. These documents are also 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 Southeast Region, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701; phone (727)824-5312; fax (727)824-5309.

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301)713-0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing e-mail comments is NMFS.Pr1Comments@noaa.gov. Include in the subject line of the e-mail comment the following document identifier: File No. 14726.

FOR FURTHER INFORMATION CONTACT: Patrick Opay or Amy Hapeman, (301)713-2289.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of 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).

The purpose of this project is to locate and describe areas of the Atlantic Ocean and Gulf of Mexico near Florida that serve as developmental habitat for pelagic-stage juvenile and neonate loggerhead, green, Kemp's ridley, hawksbill, and leatherback sea turtles, to quantify threats to pelagic sea turtles, and to gather information on their life-history, genetics, movements, behavior, and diet. Researchers propose to capture by dip net, flipper tag, passive integrated transponder tag, measure, weigh, and oral swab up to 250 loggerheads, 100 greens, 50 Kemp's ridleys, 50 hawksbills, and 10

leatherbacks. Up to 100 of the loggerheads, all of the greens, all of the Kemp's ridleys, all of the hawksbills, and all of the leatherbacks would be esophageal lavaged.

Up to 100 of the loggerheads, all of the greens, and all of the hawksbills would be skin biopsied. Up to 5 of the Kemp's ridleys would have a satellite tag attached. The requested permit duration is five years.

Dated: October 15, 2009.

P. Michael Payne,

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

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DEPARTMENT OF COMMERCE

International Trade Administration

C-489-806

Certain Pasta From Turkey: Final Results of Countervailing Duty Changed Circumstances Review

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

SUMMARY: On January 28, 2009, the Department of Commerce ("the Department") published a notice of initiation of a changed circumstances review ("CCR") of the countervailing duty ("CVD") order on certain pasta from Turkey as requested by Marsan Gida Sanayi ve Ticret A.S. ("Marsan"). See *Notice of Initiation of Countervailing Duty Changed Circumstances Review: Certain Pasta from Turkey*, 74 FR 4938 (January 28, 2009) ("Initiation Notice"). On September 15, 2009, we published our preliminary results of the CVD CCR. See *Certain Pasta From Turkey: Preliminary Results of Countervailing Duty Changed Circumstances Review*, 74 FR 47225 (September 15, 2009) ("Preliminary Results"). Pursuant to the new criteria outlined in the *Preliminary Results*, we preliminarily found that Marsan is not the successor to Gidasa Sabanci Gida Sanayi ve Ticaret A.S. ("Gidasa") for purposes of the CVD cash deposit rates. We invited interested parties to comment on these preliminary results and we received comments from Marsan. For the final results, we continue to find that Marsan is not the successor to Gidasa, for purposes of the CVD cash deposit rates, and therefore its merchandise should continue to enter under the "all others" cash deposit rate.

EFFECTIVE DATE: October 21, 2009.

FOR FURTHER INFORMATION CONTACT:

Shelly Atkinson, or Brandon Farlander, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-0116 or (202) 482-0182, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 24, 1996, the Department published in the *Federal Register* the order on certain pasta from Turkey. See *Notice of Countervailing Duty Order: Certain Pasta ("Pasta") From Turkey*, 61 FR 38546 (July 24, 1996). On December 3, 2008, Marsan requested that the Department initiate and conduct expedited CCRs to determine that, for purposes of the antidumping duty ("AD") and CVD cash deposit rates, Marsan is the successor to Gidasa. See Marsan's December 3, 2008, submission entitled, "Pasta from Turkey: Request for Expedited Changed Circumstances Review of AD/CVD Orders" ("CCR Request"). On January 28, 2009, the Department published a notice of initiation of a CCR of the CVD order for Marsan. See *Initiation Notice*. On April 16, 2009, the Department requested additional information and issued a questionnaire to Marsan, to which it responded on May 1, 2009. See Marsan's May 1, 2009, response entitled, "Pasta from Turkey: Marsan response to the supplemental questionnaire."

On April 14, 2009, and June 2, 2009, the Department published its preliminary and final results, respectively, for the CCR of the AD order on certain pasta from Turkey and found that Marsan was the successor-in-interest to Gidasa for AD cash deposit purposes. See *Certain Pasta from Turkey: Notice of Preliminary Results of Antidumping Duty Changed Circumstances Review*, 74 FR 17153 (April 14, 2009); *Certain Pasta from Turkey: Notice of Final Results of Antidumping Duty Changed Circumstances Review*, 74 FR 26373 (June 2, 2009). On September 15, 2009, the Department published the preliminary results of the CVD CCR of the CVD order on pasta from Turkey and preliminarily found that, based on the Department's new methodology and criteria to analyze successorship claims in CVD CCRs, Marsan was not the successor to Gidasa, for purposes of the CVD cash deposit rate, and therefore its merchandise should continue to enter under the "all others" cash deposit rate. See *Preliminary Results*. We invited

parties to comment on our preliminary results and received comments from Marsan on September 24, 2009. We did not receive any rebuttal comments.

Scope of Review

Imports covered by this review are shipments of certain non-egg dry pasta in packages of five pounds (2.27 kilograms) or less, whether or not enriched or fortified or containing milk or other optional ingredients such as chopped vegetables, vegetable purees, milk, gluten, diastases, vitamins, coloring and flavorings, and up to two percent egg white. The pasta covered by this scope is typically sold in the retail market, in fiberboard or cardboard cartons, or polyethylene or polypropylene bags of varying dimensions.

Excluded from the scope of this review are refrigerated, frozen, or canned pastas, as well as all forms of egg pasta, with the exception of non-egg dry pasta containing up to two percent egg white.

The merchandise subject to review is currently classifiable under item 1902.19.20 of the *Harmonized Tariff Schedule of the United States* (“HTSUS”). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive.

Final Results of Changed Circumstances Review

For the final results, we are hereby adopting our methodology and findings from the *Preliminary Results*. We continue to find that Marsan’s merchandise is not entitled to enter under the CVD cash deposit rate previously established in the last CVD administrative review of Gidasa. Accordingly, we determine that Marsan’s merchandise should continue to enter under the “all others” CVD cash deposit rate of 9.38 percent.

All issues raised in the case brief filed by Marsan are addressed in the Issues and Decision Memorandum for the Final Results of the Countervailing Duty Changed Circumstances Review on Certain Pasta from Turkey (“Issues and Decision Memorandum”), which is dated concurrently with and hereby adopted by this notice. Attached to this notice as an appendix is a list of the issues which the interested party raised and to which we have responded in the Issues and Decision Memorandum. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in the Department’s Central Records

Unit in Room 1117 of the main Department building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Web at <http://ia.ita.doc.gov/frn/index.html>. The paper copy and electronic version of the Issues and Decision Memorandum are identical in content.

Notification

This notice serves as a final reminder to parties to administrative protective orders (“APO’s) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to timely notify the Department in writing of the return/destruction of APO material is a sanctionable violation.

We are issuing and publishing these results and notice in accordance with sections 751(b)(1) and 777(i)(1) and (2) of the Act and 19 CFR 351.216.

Dated: October 13, 2009.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

APPENDIX

List of Comments and Issues in the Issues and Decision Memorandum

Comment 1: Whether the Facts of the Case Warrant a Finding of Successorship

Comment 2: Whether Marsan was Denied Procedural Due Process

Comment 3: Whether the Department’s New Policy Furthers the Goals of the Statute

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U.S. DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

(Docket 43-2009)

Foreign-Trade Zone 174 Tucson, Arizona, Application for Expansion and Reorganization under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by Tucson Regional Economic Opportunities, Inc., grantee of FTZ 174, requesting authority to expand the zone and reorganize under the alternative site framework (ASF) adopted by the Board (74 FR 1170, 01/12/09; correction 74 FR 3987, 01/22/09). The ASF is an option for grantees for the establishment or reorganization of general-purpose zones and can permit significantly greater flexibility in the

designation of new “usage-driven” FTZ sites for operators/users located within a grantee’s “service area” in the context of the Board’s standard 2,000-acre activation limit for a general-purpose zone project. 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 October 13, 2009.

The grantee’s proposed service area under the ASF would be the County of Pima, Arizona. If approved, the grantee would be able to serve sites throughout the service area based on companies’ needs for FTZ designation. The proposed service area is adjacent to or within the Tucson Customs and Border Protection port of entry.

FTZ 174 was approved by the Board on January 30, 1991 (Board Order 508, 56 FR 4595, 02/05/91) and expanded on August 9, 2000 (Board Order 1114, 65 FR 50177, 08/17/00). The applicant is requesting to include its current six sites as “magnet sites”. The applicant proposes that Site 2 be exempt from “sunset” time limits that otherwise apply to sites under the ASF. The applicant is also requesting approval of the following initial “usage-driven” site: *Proposed Site 7* (97.71 acres) - the Target Corporation Distribution Center, 8940 East Rita Park Drive, in Tucson.

In accordance with the Board’s regulations, Christopher Kemp 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 listed below. The closing period for their receipt is December 21, 2009. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to January 4, 2010)

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. For further information, contact Christopher Kemp at christopher_kemp@ita.doc.gov or (202) 482-0862.