

Orleans; *Site 40* (8 acres)—PCS, 4400 Florida Avenue, New Orleans; *Site 41* (2 acres)—PCS, 410/420/440 Josephine Street, New Orleans and 427 Jackson Avenue, New Orleans; *Site 42* (7 acres)—MITS, 500 Louisiana Avenue, New Orleans; *Site 43* (1 acre)—Dave Streiffer Warehouse, 500 N. Cortez Street, New Orleans; *Site 44* (3 acres)—LME warehouse, 720 Richard Street, New Orleans; *Site 45* (12 acres)—PCS, 701/801 Thayer Street, New Orleans and 700/800 Atlantic Street, New Orleans; *Site 46* (9 acres)—PCS, 500 Edwards Avenue, New Orleans; *Site 47* (9 acres)—NKI, 14100 Chef Menteur Highway, New Orleans; *Site 48* (1 acre)—PCS, 2114–2120 Rousseau Street, New Orleans; *Site 49* (10 acres)—LME warehouse, 1000 Burmaster Street, New Orleans; *Site 50* (7 acres)—LME warehouse, 6025 River Road, New Orleans; *Site 51* (17 acres)—PCS, 620/640 River Road, New Orleans; *Site 52* (1 acre)—Stoyonoff Warehouses, 1806 Religious Street, New Orleans; *Site 53* (3 acres)—Delivery Network, 1050 S. Jeff Davis Parkway, New Orleans; *Site 54* (2 acres)—PCS, 1600 Annunciation Street, New Orleans; *Site 55* (5 acres)—Pacorini, 402 Alabo Street, New Orleans; *Site 56* (4 acres)—NKI, 4400 N. Galvez Street, New Orleans; *Site 57* (2 acres)—LME warehouse, 1883 Tchoupitoulas Street, New Orleans; *Site 58* (2 acres)—LME warehouse, 2311 Tchoupitoulas Street, New Orleans; *Site 59* (2 acres)—Pacorini, 2940 Royal Street, New Orleans; *Site 60* (1.62 acres)—NKI, 4403/4405 Roland Street, New Orleans; and, *Site 61* (3 acres)—Dupuy, 6101 Terminal Drive, New Orleans.

The grantee's proposed service area under the ASF would be Orleans, Jefferson and St. Bernard Parishes, Louisiana. 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 the New Orleans Customs and Border Protection port of entry.

The applicant is requesting authority to reorganize its existing zone project as follows: Sites 2, 4, 6 and 7 would become "magnet" sites; Sites 1 and 8–61 would become "usage-driven" sites; and, Site 3 would be removed from the zone project due to changed circumstances. The applicant proposes that Site 2 be exempt from "sunset" time limits that otherwise apply to sites under the ASF. No new magnet or usage-driven sites are being requested at this time. Because the ASF only pertains to establishing or reorganizing a general-purpose zone, the application would

have no impact on FTZ 2's authorized subzones.

In accordance with the Board's regulations, Camille Evans 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 their receipt is February 22, 2010. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to March 8, 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 Web site, which is accessible via <http://www.trade.gov/ftz>. For further information, contact Camille Evans at [Camille.Evans@trade.gov](mailto:Camille.Evans@trade.gov) or (202) 482–2350.

Dated: December 14, 2009.

**Andrew McGilvray,**  
*Executive Secretary.*

[FR Doc. E9–30397 Filed 12–21–09; 8:45 am]

**BILLING CODE P**

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[Application No. 97–10A03]

**Export Trade Certificate of Review**

**ACTION:** Notice of Application (#97–10A03) to amend an Export Trade Certificate of Review issued to the Association for the Administration of Rice Quotas, Inc.

**SUMMARY:** Export Trading Company Affairs, International Trade Administration, U.S. Department of Commerce, has received an application to amend an Export Trade Certificate of Review ("Certificate"). This notice summarizes the proposed amendment and requests comments relevant to whether the Certificate should be issued.

**FOR FURTHER INFORMATION CONTACT:** Joseph E. Flynn, Director, Office of Competition and Economic Analysis, International Trade Administration, (202) 482–5131 (this is not a toll-free

number) or by E-mail at [oetca@ita.doc.gov](mailto:oetca@ita.doc.gov).

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from State and Federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Export Trading Company Act of 1982 and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

**Request for Public Comments**

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked privileged or confidential business information will be deemed to be nonconfidential. An original and five (5) copies, plus two (2) copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Export Trading Company Affairs, International Trade Administration, U.S. Department of Commerce, Room 7021X, Washington, DC 20230, or transmit by E-mail at [oetca@ita.doc.gov](mailto:oetca@ita.doc.gov). Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as "Export Trade Certificate of Review, application number 97–10A03."

The original Certificate for the Association for the Administration of Rice Quotas, Inc. was issued on January 21, 1998 (63 FR 4220, January 28, 1998). The Certificate has been previously amended nine times. The last amendment was issued on March 31, 2009 (74 FR 16363, April 10, 2009). A summary of the current application for an amendment follows.

**Summary of the Application**

*Applicant:* Association for the Administration of Rice Quotas, Inc. (AARQ), c/o AARQ Chairman, Christian Bonnesen of ADM Rice, Inc., 660 White Plains Road, Tarrytown, New York 10591.

*Contact:* M. Jean Anderson, Esq., Counsel to Applicant, Telephone: (202) 682-7217.

*Application No.:* 97-10A03.

*Date Deemed Submitted:* December 11, 2009.

*Proposed Amendment:* AARQ seeks to amend its Certificate to reflect the following changes:

1. Add the following companies as new Members of the Certificate within the meaning of section 325.2(1) of the Regulations (15 C.F.R. 325.1): ADM Grain Company, Decatur, Illinois (a subsidiary of Archer Daniels Midland Company) and TRC Trading Corporation, Roseville, California (a subsidiary of The Rice Company).

2. Amend the listing of the following Members: "American Commodity Company, LLC Robbins, California" should be amended to read "American Commodity Company, LLC, Williams, California"; "American Rice, Inc., Houston, Texas (a subsidiary of SOS Cuetara USA, Inc.)" should be amended to read "American Rice, Inc., Houston, Texas (a subsidiary of SOS Corporation Alimentaria, SA)"; "Cargill Americas, Inc., and its subsidiary CAI Trading Company LLC, Coral Gables, Florida" should be amended to read "Cargill Americas, Inc. and its subsidiary CAI Trading, LLC, Coral Gables, Florida"; "JFC International Inc., San Francisco, California (a subsidiary of Kikkoman Corp.)" should be amended to read "JFC International Inc., Los Angeles, California (a subsidiary of Kikkoman Corp.)"; and "Nidera, Inc., Stamford, Connecticut (a subsidiary of Nidera Handelscompagnie BV (Netherlands))" should be amended to read "Nidera, Inc., Wilton, Connecticut (a subsidiary of Nidera Handelscompagnie BV (Netherlands))."

Dated: December 16, 2009.

**Joseph E. Flynn,**

*Director, Office of Competition and Economic Analysis.*

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**BILLING CODE 3510-DR-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

**RIN 0648-XQ91**

**Fisheries of the Pacific Region; Mid-Atlantic Region, Gulf of Mexico Region**

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

**ACTION:** Notification of determination of overfishing and or an overfished condition.

**SUMMARY:** This action serves as a notice that NMFS, on behalf of the Secretary of Commerce (Secretary), has determined that in the Pacific Region, the canary rockfish stock, as well as the Queets coho stock and the Western Straights of Juan de Fuca coho stocks, have been determined to be in an overfished condition. In addition, the Gulf of Mexico stock of gag grouper has been determined to be in an overfished condition. Finally, the Mid-Atlantic stock of black sea bass was found to be experiencing overfishing in 2007. However, since this determination, an updated assessment using 2008 data has been completed and NMFS has determined that overfishing is no longer occurring.

For any stocks which NMFS determines to be experiencing overfishing in 2009, the applicable fishery management council (Council) must amend the stock's Fishery Management Plan (FMP) to establish a mechanism for specifying Annual Catch Limits (ACLs) and Accountability Measures (AMs) and specify ACLs and AMs in 2010, if possible, but no later than 2011. For stocks which NMFS determines to be in or approaching an overfished condition and provides notice to the applicable Council(s) after July 12, 2009, the applicable Council(s) must, within two years of such notification, prepare and implement an FMP amendment or proposed regulations to rebuild such stocks.

**FOR FURTHER INFORMATION CONTACT:** Mark Nelson, (301) 713-2341.

**SUPPLEMENTARY INFORMATION:** Pursuant to sections 304(e)(2) and (e)(7) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1854(e)(2) and (e)(7), and implementing regulations at 50 CFR 600.310(e)(2), NMFS, on behalf of the Secretary, notifies Councils whenever it determines; a stock or stock complex is approaching an overfished condition; a

stock or stock complex is overfished; or existing action taken to prevent previously identified overfishing or rebuilding a previously identified overfished stock or stock complex has not resulted in adequate progress. NMFS also notifies Councils when it determines a stock or stock complex is subject to overfishing.

For a fishery determined to be overfished or approaching an overfished condition, NMFS also requests that the appropriate Council, or the Secretary, for fisheries under section 302(a)(3) of the Magnuson-Stevens Act, take action to end overfishing in the fishery and to implement conservation and management measures to rebuild affected stocks. Councils (or the Secretary) receiving notification after July 12, 2009, that a fishery is overfished must, within 2 years of notification, implement a rebuilding plan, through an FMP Amendment or proposed regulations, which ends overfishing immediately and provides for rebuilding the fishery in accordance with 16 U.S.C. 1854(e)(3)-(4) as implemented by 50 CFR 600.310(j)(2)(ii). Councils receiving a notice that a fishery is approaching an overfished condition must prepare and implement, within two years, an FMP amendment or proposed regulations to prevent overfishing from occurring. When developing rebuilding plans Councils (or the Secretary), in addition to rebuilding the fishery within the shortest time possible in accordance with 16 U.S.C. 1854(e)(4) and 50 C.F.R. 600.310(j)(2)(ii), must ensure that such actions address the requirements to amend the FMP for each affected stock or stock complex to establish a mechanism for specifying and actually specify Annual Catch Limits (ACLs) and Accountability Measures (AMs) to prevent overfishing in accordance with 16 U.S.C. 1853(a)(15) and 50 CFR 600.310(j)(2)(i).

On July 31, 2009, NMFS informed the Pacific Fisheries Management Council that both the Queets stock of coho salmon and the Western Straight of Juan de Fuca stocks of coho salmon failed to meet their escapement goals for the third consecutive year, which has triggered an overfished status determination.

In addition, on September 9, 2009, NMFS notified the Pacific Fisheries Management Council that the latest stock assessment for canary rockfish estimated the current biomass to be below the overfished threshold.

During the third quarter of 2009, the first stock assessment for the Gulf of Mexico stock of gag grouper was finalized. The assessment found that the