

exported subject merchandise to the United States during the POI, including those respondents not individually examined during the investigation. As required by section 351.214(b)(2)(iii)(B) of the Department's regulations, Thong Thuan also certified that its export activities were not controlled by the central government of Vietnam.

In addition to the certifications described above, pursuant to section 351.214(b)(2)(iv) of the Department's regulations, Thong Thuan submitted documentation establishing the following: (1) The date on which Thong Thuan first shipped subject merchandise for export to the United States and; (2) the volume of its first shipment; and (3) the date of its first sale to an unaffiliated customer in the United States.<sup>2</sup>

#### Initiation of New Shipper Review

Pursuant to section 751(a)(2)(B) of the Act and section 351.214(d)(1) of the Department's regulations, we find that the request submitted by Thong Thuan meets the threshold requirements for initiation of a NSR for shipments of shrimp from Vietnam produced and exported by Thong Thuan.<sup>3</sup> The POR is February 1, 2010—January 31, 2011.<sup>4</sup> The Department intends to issue the preliminary results of this NSR no later than 180 days from the date of initiation, and the final results no later than 270 days from the date of initiation.<sup>5</sup>

It is the Department's usual practice, in cases involving non-market economies, to require that a company seeking to establish eligibility for an antidumping duty rate separate from the NME entity-wide rate provide evidence of *de jure* and *de facto* absence of government control over the company's export activities. Accordingly, we will issue questionnaires to Thong Thuan, which will include a section requesting information with regard to Thong Thuan's export activities for separate rate purposes. The NSR will proceed if the response provides sufficient indication that Thong Thuan is not subject to either *de jure* or *de facto* government control with respect to its export of subject merchandise.

<sup>2</sup> See also "Memorandum to the File, from Paul Walker, Acting Program Manager, "Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Placing CBP data on the record," dated concurrently with this notice.

<sup>3</sup> See "Memorandum to the File, from Paul Walker, Acting Program Manager, "Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: New Shipper Initiation Checklist," dated concurrently with this notice.

<sup>4</sup> See section 351.214(g)(1)(i)(B) of the Department's regulations.

<sup>5</sup> See section 751(a)(2)(B)(iv) of the Act.

We will instruct U.S. Customs and Border Protection to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for each entry of the subject merchandise from Thong Thuan in accordance with section 751(a)(2)(B)(iii) of the Act and section 351.214(e) of the Department's regulations. Because Thong Thuan certified that it both produced and exported the subject merchandise, the sale of which is the basis for this new shipper review request, we will apply the bonding privilege to Thong Thuan only for subject merchandise which Thong Thuan both produced and exported.

Interested parties requiring access to proprietary information in this NSR should submit applications for disclosure under administrative protective order in accordance with sections 351.305 and 351.306 of the Department's regulations.

This initiation and notice are in accordance with section 751(a)(2)(B) of the Act and sections 351.214 and 351.221(c)(1)(i) of the Department's regulations.

Dated: March 14, 2011.

**Christian Marsh,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XA313**

#### Gulf of Mexico Fishery Management Council; Public Meetings

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

**ACTION:** Notice of public meetings.

**SUMMARY:** The Gulf of Mexico Fishery Management Council will convene public meetings.

**DATES:** The meetings will be held April 11-14, 2011.

**ADDRESSES:** The meetings will be held at the Perdido Beach Resort, 27200 Perdido Beach Boulevard, Orange Beach, AL 36561; telephone: (251) 981-9811.

*Council address:* Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

**FOR FURTHER INFORMATION CONTACT:** Dr. Stephen Bortone, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 348-1630.

#### SUPPLEMENTARY INFORMATION:

##### Council

*Wednesday, April 13, 2011*

3:30 p.m.—The Council meeting will begin with a review of the agenda and approval of the minutes.

3:45 p.m.—4 p.m.—The Council will receive a presentation titled "Fisheries 101."

4 p.m.—6 p.m.—The Council will receive public testimony on exempted fishing permits (EFPs), if any; Final Action on the interim rule for gag grouper; and hold an open public comment period regarding any fishery issue of concern. People wishing to speak before the Council should complete a public comment card prior to the comment period.

*Thursday, April 14, 2011*

8:30 a.m.—10 a.m.—The Council will receive presentations on fishery dependent/independent sampling and on the oil spill recovery in the Gulf of Mexico.

10 a.m.—3:45 p.m.—The Council will review and discuss reports from the committee meetings as follows: Budget/Personnel; Coastal Migratory Pelagic (Mackerel); Sustainable Fisheries/Ecosystem; Joint Allocation/Reef Fish; Advisory Panel Selection; Scientific & Statistical Committee Selection; and Reef Fish.

3:45 p.m.—4:15 p.m.—Other Business items will follow from. The Council will conclude its meeting at approximately 4:15 p.m.

##### Committees

*Monday, April 11, 2011*

8:30 a.m.—11:30 a.m.—Closed Session—The Advisory Panel Selection Committee/Full Council will meet to conduct the bi-annual appointment of members to the various Advisory Panels.

1 p.m.—3:30 p.m.—Closed Session—The Scientific & Statistical Committees Selection Committee/Full Council will meet to conduct the bi-annual appointment of members to the various Scientific & Statistical Committees.

3:30 p.m.—4 p.m.—The Budget/Personnel Committee will receive a report on the 2011 Council budget.

4 p.m.—5 p.m.—A joint meeting of the Allocation and Reef Fish Management Committees will be held to discuss Reef Fish

Amendment 28 that addresses grouper allocation.

—Recess—

Tuesday, April 12, 2011

8:30 a.m.–11:30 a.m. & 1 p.m.–3 p.m.—

The Sustainable Fisheries/Ecosystem Management Committee will review a public hearing draft of the Generic Annual Catch Limits/Accountability Measure Amendment. The Committee will also review sector separation scenarios.

3 p.m.–5 p.m.—The Coastal Migratory Pelagics (Mackerel) Management Committee will review the public hearing draft of Amendment 18 to the Coastal Migratory Pelagics Fishery Management Plan

—Recess—

*Immediately Following Committee Recess*—There will be an informal open public question and answer session on Gulf of Mexico Fishery Management Issues.

Wednesday, April 13, 2011

8:30 a.m.–11:30 a.m. & 1 p.m.–3:15

p.m.—The Reef Fish Management Committee will discuss the final action on the gag interim rule; review a public hearing draft of Reef Fish Amendment 32 to the Reef Fish Fishery Management Plan; received a report on the greater amberjack update assessment; receive a summary of the scoping meetings on the Earned Income Requirement/Crew Size Amendment to the Reef Fish Fishery Management Plan; and receive a report on the Reef Fish Limited Access Privilege Program Advisory Panel meeting.

3:15 p.m.–3:30 p.m.—The Joint Shrimp/Reef Fish Management Committee will discuss the adjustment to the shrimp trawl red snapper bycatch mortality target goal.

Although other non-emergency issues not on the agendas may come before the Council and Committees for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during these meetings. Actions of the Council and Committees will be restricted to those issues specifically identified in the agendas and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency. The established times for addressing items on the agenda may be

adjusted as necessary to accommodate the timely completion of discussion relevant to the agenda items. In order to further allow for such adjustments and completion of all items on the agenda, the meeting may be extended from, or completed prior to the date/time established in this notice.

#### Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira at the Council (*see ADDRESSES*) at least 5 working days prior to the meeting.

Dated: March 18, 2011.

**Tracey L. Thompson,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XZ29

#### NOAA Policy on Prohibited and Approved Uses of the Asset Forfeiture Fund

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

**ACTION:** Notice.

**SUMMARY:** The Magnuson-Stevens Fishery Conservation and Management Act authorizes the Secretary of Commerce through NOAA to pay certain enforcement related costs from sums received as fines, penalties, and forfeitures of property for violations of any marine resource law enforced by the Secretary. Fines, penalties, and forfeitures of property received by NOAA are deposited in an enforcement asset forfeiture fund. NOAA finalized its policy on March 16, 2011, to clearly articulate prohibited and approved uses of these funds to ensure no conflict of interest—either real or perceived—associated with its use while continuing to promote a sound enforcement program dedicated to conserving and protecting our nation's marine resources.

#### SUPPLEMENTARY INFORMATION:

#### I. NOAA Policy on Prohibited and Approved Uses of the Asset Forfeiture Fund

Strong management and oversight of the Asset Forfeiture Fund (AFF) is

essential to ensuring the public's trust in the National Oceanic and Atmospheric Administration's (NOAA) Enforcement Program. While the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) provides broad statutory authority for use of the AFF,<sup>1</sup> the Department of Commerce and NOAA are implementing this policy limiting approved uses as a means of ensuring no conflict of interest—real or perceived—is associated with the use of the AFF while continuing to promote a sound enforcement program dedicated to conserving and protecting our Nation's marine resources. To this end, the policy provides guidance on the prohibited and approved uses of the AFF that are consistent with but narrower than that authorized under applicable legal authorities. The AFF will also be used for compliance assistance activities, consistent with legal authorities, to better serve the needs of our stakeholders and improve the way NOAA engages and interacts with its regulated community.

The Department believes, as did Congress in establishing the AFF and specifying the authorized uses, that it is appropriate to use the proceeds of NOAA's enforcement program to offset in part the costs of administering that program. Those who violate these laws should help offset the cost of protecting our marine resources in lieu of those costs being borne by taxpayers. Further, the availability of these funds for enforcement reduces the requirement for additional appropriations and expands NOAA's ability to respond to violations of the laws it is charged with enforcing.

To ensure accountability and transparency in AFF accounting, NOAA has taken a number of actions to improve oversight, management, and tracking of the AFF in addition to this policy. NOAA has identified and is tracking AFF monies received and expended, and has centralized the AFF approval processes for expenditures. In the FY 2012 budget submission, NOAA will identify and account for the AFF in its annual budget. For FY 2011, an annual operating budget has been developed for the AFF based upon this policy, and modifications to that budget must be approved by the NOAA Chief Financial Officer.

<sup>1</sup> Memorandum from Cameron F. Kerry, Commerce Department General Counsel, and Lois Schiffer, NOAA General Counsel, Legal Opinion Regarding Collection and Use of Fines, Penalties, and Forfeiture Proceeds Pursuant to Section 311(e)(1) of the Magnuson-Stevens, Fishery Conservation and Management Act (Feb. 28, 2011).