

ACTION: Notice of Final Results of Antidumping Duty Administrative Review.

SUMMARY: On October 30, 1995, the Department of Commerce (the Department) published the preliminary results of review of the antidumping finding on titanium sponge from Russia (33 FR 12138, August 28, 1968). The review covers four manufacturers/exporters, VILS-All Union Institute of Light Alloys (VILS), Verkhnyaya Salda Metallurgical Production Organization (VSMPO), V/O Techsnabexport (TENEX), and the Berezniaki Titanium-Magnesium Works (AVISMA), and exports of the subject merchandise to the United States for the period August 1, 1992 through July 31, 1993.

We gave interested parties an opportunity to comment on the preliminary results of review. Since the Department received no comments, these final results of review remain unchanged from the preliminary results of review.

EFFECTIVE DATE: February 20, 1996.

FOR FURTHER INFORMATION CONTACT: David Genovese or Zev Primor, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 482-5254.

SUPPLEMENTARY INFORMATION:

Background

On August 30, 1993, Oregon Metallurgical Corporation (OREMET), a petitioner, requested an administrative review of TENEX and AVISMA. On August 27 and 31, 1993, Titanium Metals Corporation (TIMET), also a petitioner, requested an administrative review of VILS, VSMPO, TENEX, and AVISMA. The Department initiated the review on September 30, 1993 (58 FR 51053), covering the period August 1, 1992, through July 31, 1993. On October 30, 1995, the Department published the preliminary results of review (60 FR 55241). The Department has now completed this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). Unless otherwise indicated, all citations to the statute and to the Department's regulations are references to the provisions as they existed on December 31, 1994.

Scope of the Review

The merchandise covered by this review is titanium sponge from Russia. Titanium sponge is chiefly used for aerospace vehicles, specifically, in the construction of compressor blades and

wheels, stator blades, rotors, and other parts in aircraft gas turbine engines.

Imports of titanium sponge are currently classifiable under the harmonized tariff schedule (HTS) subheading 8108.10.50.10. The HTS subheading is provided for convenience and U.S. Customs purposes; our written description of the scope of this finding is dispositive.

This review covers four manufacturers/exporters of titanium sponge, VILS, VSMPO, TENEX, and AVISMA. The review period is August 1, 1992, through July 31, 1993.

Final Results of Review

In the preliminary results of review, the Department determined that while there were entries of the subject merchandise during the period of review, AVISMA was a non-shipper since it lacked knowledge at the time of sale of the ultimate destination of the merchandise. We gave interested parties an opportunity to comment on the preliminary results. The Department received no comments. Accordingly, we have determined that, consistent with the preliminary results, the margin for Russian titanium sponge that entered the United States during the period of review will continue to be the rate from the most recent review, which is 83.96 percent. The Department will issue appraisal instruction directly to the U.S. Customs Service.

Furthermore, as provided by section 751(a)(1) of the Act, the cash deposit rate for all shipments of titanium sponge from Russia, entered or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, will be 83.96 percent. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

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 353.34(d). Timely written

notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: February 8, 1996.

Susan G. Esserman,
Assistant Secretary for Import Administration.

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National Oceanic and Atmospheric Administration

[Docket No. 951213300-5300-01; I.D. 120795A]

Weakfish; Interstate Fishery Management Plans

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

ACTION: Notice of determination of noncompliance; notice of intent to implement a moratorium.

SUMMARY: In accordance with the Atlantic Coastal Fisheries Cooperative Management Act of 1993 (Act), the Secretary of Commerce (Secretary) has determined that the State of Maryland is not in compliance with the Atlantic States Marine Fisheries Commission's (Commission) Interstate Coastal Fishery Management Plan (FMP) for weakfish and that the measures Maryland has failed to implement are necessary for the conservation of the fishery in question. Pursuant to the Act, a Federal moratorium on weakfish-fishing within Maryland State waters is hereby declared. This moratorium will become effective on April 15, 1996, unless, by April 1, 1996, Maryland adopts measures to come into compliance with the Commission's FMP.

DATES: Date of moratorium declaration: January 31, 1996.

FOR FURTHER INFORMATION CONTACT: Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, NMFS, 301-713-2334.

SUPPLEMENTARY INFORMATION:

Background

The Act, 16 U.S.C. 5101 *et seq.*, was enacted to support and encourage the development, implementation, and enforcement of the Commission's Interstate Coastal FMPs to conserve and

manage Atlantic coastal fishery resources.

Section 807 of the Act specifies that, after notification by the Commission that an Atlantic coastal state is not in compliance with a Commission's coastal FMP, the Secretary shall make a finding, no later than 30 days after receipt of the Commission's determination, on: (1) Whether the state has failed to carry out its responsibilities to implement and enforce the Commission's FMP; and (2) whether the measures that the state has failed to implement and enforce are necessary for the conservation of the fishery in question. If the Secretary finds that the state is not in compliance with the Commission's FMP, and if the measures the state has failed to implement are necessary for the conservation of the fishery, the Secretary shall declare (i.e., impose) a moratorium on fishing in that fishery within the waters of the noncomplying state. The Secretary shall specify the moratorium's effective date, which shall be any date within 6 months after declaration of the moratorium. In making such a finding, the Secretary shall carefully consider the comments of the Commission, the coastal state found out of compliance by the Commission, and the appropriate Regional Fishery Management Councils.

Activities Pursuant to the Act

On November 17, 1995, the Secretary received a letter from the Commission prepared pursuant to section 806(b) of the Act. The Commission's letter stated that the State of Maryland's weakfish regulations did not meet the provisions of the Commission's FMP, and, therefore, the Commission found the State of Maryland out of compliance with the FMP as described below:

Maryland failed to implement appropriate mesh size restrictions in gill nets and finfish trawl nets in appropriate times and areas by July 1, 1995, to achieve 75 percent escapement of Maryland's minimum size weakfish.

In order to come into compliance with Amendment #2 for the fishing year ending March 31, 1996, Maryland would have to increase its minimum otter trawl mesh-sizes to 3-3/4 inches diamond (inside measurement) and 3-3/8 inches square (inside measurement). Alternatively, Maryland could increase total seasonal reductions to 40.5 percent for the diamond mesh otter trawl fishery and 35.8 percent for the square mesh otter trawl fishery.

The Commission's letter also suggested that the Secretary use his discretionary authority under the Act to delay the date of the moratorium for up to 6 months, because Maryland appears to be taking administrative action to

implement the management measures necessary to bring the State into compliance. On December 4, 1995, officials representing the Secretary met with representatives from Maryland's Department of Natural Resources, Tidal Fisheries Division. Maryland officials noted that Maryland had implemented most measures necessary under the Commission's weakfish FMP, such as a 12-inch (30-cm) size limit and seasonal restrictions to fishing, but had not, as yet, implemented the required mesh sizes. They noted that administrative procedures were underway to implement the required mesh sizes. The NMFS representatives received from the Maryland officials a memorandum that presented Maryland's intent to take administrative actions necessary to bring Maryland into compliance with the Commission's FMP. Their administrative actions would implement the required mesh sizes by February 12, 1996. Further comments were received from the New England, Mid-Atlantic, and South Atlantic Regional Fishery Management Councils; NMFS' Northeast and Southeast Science Centers; and the Department of the Interior's U.S. Fish and Wildlife Service.

Determination Regarding Compliance by the State of Maryland

Based on a careful analysis of all relevant information, and taking into account comments presented by the State of Maryland during the meeting on December 4, 1995, the Secretary has determined that the State of Maryland is not in compliance with the Commission's coastal FMP for weakfish. This determination is based on Maryland's failure to implement and enforce regulatory measures established in the Commission's weakfish FMP. Further, the Secretary has determined that enforcement of these measures is necessary for the conservation of weakfish.

Although it has been determined that the State of Maryland is not in compliance with the Commission's FMP for weakfish, it is recognized that expeditious efforts are being made to implement State regulations which would bring Maryland into compliance by February 12, 1996. In recognition of these efforts, the Secretary has agreed to allow Maryland until April 1, 1996, to promulgate appropriate regulations. If the State of Maryland has not complied by that date, a moratorium will be implemented on weakfish-fishing within the waters of the State of Maryland effective April 15, 1996. The delay of the effective date of the moratorium will not diminish conservation efforts, because the fishing

season for this species has ended and will not resume until spring.

NMFS will notify the Governor of Maryland of this action and will promulgate regulations necessary to implement this moratorium in the Federal Register. This moratorium will be terminated immediately upon receipt of notification from the Commission, and concurrence by the Secretary, that the State has taken appropriate remedial actions to bring the State into compliance.

Dated: February 12, 1996.

Rolland A. Schmitten,

*Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

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[I.D. 020896A]

Gulf of Maine Aquaculture-Pinniped Interaction Task Force; Hearing

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

ACTION: Notice of availability; public hearing; request for comments.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), the Gulf of Maine Aquaculture-Pinniped Interaction Task Force (Task Force) was established to advise NMFS of issues and problems regarding pinnipeds interacting in a dangerous or damaging manner with aquaculture resources in the Gulf of Maine. That advice comprises the Task Force's final report to NMFS, which is complete and is available to the public upon request (see **ADDRESSES**).

NMFS is required by the MMPA to consider the Task Force report and to prepare a separate report to Congress that will recommend alternatives to mitigate the effects of the aquaculture-pinniped interactions. To that end, NMFS is seeking public comment on the Task Force report, and will hold a public hearing.

DATES: Comments on the Task Force report must be submitted on or before March 21, 1996.

The hearing will be held on February 20, 1996 in two sessions from 3:00-5:00 p.m. and 6:30-8:00 p.m. Sessions will be extended if necessary.

ADDRESSES: The hearing will be held at the Washington County Technical College, Marine Trade Center, RR#1, Eastport, ME, 04631-9618. Written comments should be sent to, and copies of the Task Force report are available from Chief, Marine Mammal Division,