

determines that the conditions of 19 CFR 351.526 have not been met, and no adjustment to the rate for cash deposit purposes is warranted.

#### Programs Preliminarily Determined to be Not Used

We preliminarily determine that MTZ did not apply for or receive benefits during the POR under the programs listed below:

1. *Duty Free Replenishment Certificate (DFRC) (GOI)*
2. *Export Oriented Units (EOU) (GOI)*
3. *Target Plus Scheme (GOI)*
4. *Capital Subsidy (GOI)*
5. *Exemption of Export Credit from Interest Taxes (GOI)*
6. *Loan Guarantees from the GOI*
7. *Income Tax Exemption Scheme (Sections 10A & 10B) (GOI)*
8. *State Sales Tax Incentive Programs other than SOG*
9. *State of Maharashtra (SOM) Electricity Duty Exemption*
10. *State of Maharashtra (SOM) Capital Incentive Scheme*
11. *Octroi Refund Scheme- SOM*
12. *Waiving of Interest on Loan by SICOM Limited (SOM)*
13. *State Sales Tax Incentives—Section 4–A of the Uttar Pradesh Trade Tax Act*
14. *State Sales Tax Incentive of Uttaranchel*
15. *State of Uttar Pradesh Capital Incentive*
16. *SOG Infrastructure Assistance Schemes*
17. *Capital Incentive Scheme of Uttaranchel*

#### Preliminary Results of Administrative Review

In accordance with 19 CFR 351.221(b)(4)(i), we have calculated an individual subsidy rate for MTZ for the POR. We preliminarily determine the total countervailable subsidy to be 66.61 percent *ad valorem* for MTZ.

#### Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the company listed above will be that established in the final results of this review, except if the

rate is less than 0.50 percent, and therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not participating in this review, 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, or in the original countervailing duty 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; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 20.40 percent *ad valorem*, the all-others rate made effective by the LTFV investigation. These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Assessment Rates

Upon publication of the final results of this review, the Department shall determine, and Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries. Pursuant to 19 CFR 351.212(b)(2), the Department will instruct CBP to assess countervailing duties by applying the rates included in the final results of the review to the entered value of the merchandise. The Department intends to issue appropriate assessment instructions directly to CBP 15 days after the date of publication of the final results of this review.

The Department clarified its “automatic assessment” regulation on May 6, 2003. *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003) (*Assessment Policy Notice*). This clarification applies to entries of subject merchandise during the POR produced by any company included in the final results of review for which the reviewed company did not know that the merchandise it sold to the intermediary (e.g., a reseller, trading company, or exporter) was destined for the United States. In such instances, the Department will instruct CBP to liquidate un-reviewed entries at the “all others” rate if there is no rate for the intermediary involved in the transaction. *See id.*

#### Disclosure and Public Hearing

We will disclose the calculations used in our analysis to parties to this segment of the proceeding within five days of the public announcement of this notice. *See* 19 CFR 351.224(b). Interested parties who wish to request a hearing, or to

participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, Room 1870, within 30 days of the date of publication of this notice. *See* 19 CFR 351.310(c). Requests should contain: (1) the party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed.

Pursuant to 19 CFR 351.309, interested parties may submit written comments in response to these preliminary results. Unless the time period is extended by the Department, case briefs are to be submitted within 30 days after the date of publication of this notice in the **Federal Register**. *See* 19 CFR 351.309(c). Rebuttal briefs, which must be limited to arguments raised in case briefs, are to be submitted no later than five days after the time limit for filing case briefs. *See* 19 CFR 351.309(d). Parties who submit arguments in this proceeding are requested to submit with the argument: (1) a statement of the issues; (2) a brief summary of the argument; and (3) a table of authorities cited. Further, we request that parties submitting written comments provide the Department with a diskette containing an electronic copy of the public version of such comments. Case and rebuttal briefs must be served on interested parties, in accordance with 19 CFR 351.303(f).

Unless extended, the Department will issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

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

Dated: July 30, 2008.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

[FR Doc. E8–18220 Filed 8–6–04; 8:45 am]

BILLING CODE 3510–DS–S

#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

RIN 0648–X167

#### Amendment 2 to the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species

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

**ACTION:** Notice; intent to prepare a supplemental environmental impact statement; request for comments.

**SUMMARY:** Pursuant to the National Environmental Policy Act (NEPA), the National Marine Fisheries Service (NMFS) announces its intent to prepare a supplemental environmental impact statement (SEIS) on Amendment 2 to the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP). An environmental impact statement (EIS) was prepared for the HMS FMP and finalized in August 2003; however, the HMS FMP was only partially approved and the West Coast-based shallow-set longline (SSLL) fishery was not implemented. Amendment 2 would establish a management framework for a West Coast-based SSLL fishery outside of the West Coast Exclusive Economic Zone (EEZ). The amendment is needed in order to provide high seas SSLL fishing opportunity for historic and/or current West Coast-based fishermen who have participated in fisheries targeting swordfish and landed swordfish in West Coast ports. NMFS provides this notice to describe the proposed action and possible alternatives; advise other Federal and State agencies, affected Tribes, and the public of our intent to prepare an EIS; announce the initiation of a public scoping period; and obtain suggestions and information on the scope of issues to be included in the EIS.

**DATES:** Public scoping will also be conducted through regular meetings of the Pacific Fishery Management Council and its advisory bodies. The Pacific Fishery Management Council is scheduled to select a preliminary preferred alternative at their September 2008 meeting and take final action to select a preferred alternative at their March 7–12, 2009 meeting in Seattle, Washington. The details of this and any other meetings related to this action will be announced in the **Federal Register**. Written, faxed or emailed comments must be received by 5 p.m., Pacific Daylight Time on September 8, 2008.

**ADDRESSES:** The public is encouraged to submit comments, on issues and alternatives, identified by RIN: 0648–X167 by any of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments. Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

- Mail: Submit written comments to Mark Helvey, Assistant Regional Administrator, National Marine Fisheries Service, Southwest Region, Sustainable Fisheries Division, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213.

- Fax: (562) 980–4047, Attention: Mark Helvey.

Instructions: All comments received are a part of the public record and may be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (e.g., name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. NMFS will accept anonymous comments (please enter N/A in the required fields, if you wish to remain anonymous). Copies of the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species and the Environmental Impact Statement are available on the Pacific Fishery Management Council's website ([www.pcouncil.org](http://www.pcouncil.org)).

**FOR FURTHER INFORMATION CONTACT:**

Mark Helvey, Assistant Regional Administrator, National Marine Fisheries Service, Southwest Region, Sustainable Fisheries Division, (562) 980–4040.

**SUPPLEMENTARY INFORMATION:**

**Background**

The HMS FMP, prepared by the Pacific Fishery Management Council (Council), would have authorized a West Coast-based SSLL fishery on the high seas outside the EEZ; however, on February 4, 2004 NMFS informed the Council that it had approved the HMS FMP with the exception of the provision that would have allowed SSLL fishing by West Coast-based vessels targeting swordfish east of 150° W. longitude. The disapproval was based on the Section 7 consultation for the HMS FMP, which concluded that allowing SSLL fishing for swordfish with traditional gear and no effort limits east of 150° W. longitude would appreciably reduce the likelihood of survival and recovery in the wild of loggerhead sea turtles. Hawaii-permitted vessels may currently fish seaward of the U.S. West Coast EEZ and east of 150 W. longitude and land on the West Coast; however, they have not done so since 2004.

The Magnuson-Stevens Act requires NMFS, if a FMP is disapproved in part or in whole, to advise the Council of actions it can take to address the disapproved FMP provisions. In a letter dated February 4, 2004, NMFS indicated

to the Council that alternative gear and bait options (e.g., large circle hooks and mackerel bait) being tested in the U.S. Atlantic SSLL swordfish fishery had proven successful in significantly reducing sea turtle interactions and consequent injury to or mortality of sea turtles. NMFS advised the Council that possible use of alternative gear and bait requirements, effort limits, time/area limits, turtle take caps, or other measures that would limit sea turtle mortality to low levels by any future West Coast-based SSLL fishery might provide the necessary conservation and management measures to operate a fishery without jeopardizing the continued existence of ESA-listed sea turtles. Since that time, the alternate gear and bait options have also proven to be successful in the Hawaii-based SSLL swordfish fishery, as well as in foreign longline swordfish fisheries (e.g., Brazil, Italy, Ecuador and Uruguay), resulting in significant reductions in sea turtle interactions and mortalities while maintaining economically viable fisheries. As a result of these successful gear innovations, NMFS recommended at the April 2007 meeting that the Council revisit the disapproved portion of the HMS FMP.

The SEIS will analyze the potential impacts of the following alternatives on the human environment, which were adopted by the Council at their March 2008 meeting in Sacramento, California.

**Alternatives**

Alternative 1 is the status quo or no action alternative, which would continue to prohibit the use of SSLL gear to fish for or target swordfish on the high seas north of the equator by West Coast-based vessels, unless a vessel has both a Western Pacific Fishery Management Council Pelagics limited entry (LE) permit and a Pacific Fishery Management Council HMS permit. Current regulations pursuant to the HMS FMP prohibit West Coast-based vessels from targeting swordfish with SSLL gear west of 150 W. longitude, and Endangered Species Act regulations prohibit West Coast-based vessels from targeting swordfish with SSLL gear east of 150 W. longitude.

Alternative 2 would implement a West Coast-based LE permit program for SSLL fishing on the high seas seaward of the West Coast EEZ. It is estimated that the fishery would be economically viable with an effort level of 1 to 1 1/2 million hooks. A maximum of 20 permits would be issued with the final number based in part on an evaluation of what would be an economically viable fleet size for the proposed fishery.

There are several LE options for Alternative 2 to establish an initial pool of qualifiers; the criteria that may be involved include prior landings history for swordfish, years of fishing experience, recent participation in a swordfish fishery, and/or ownership of a drift gillnet permit. Two area closure options will also be considered under this alternative. The fishery would either be constrained to east of 150 W. longitude, or east of 140 W. longitude; analyses developed in conjunction with the HMS FMP suggested that loggerhead takes were lower the farther east fishing occurred up to the West Coast EEZ boundary.

Alternative 3 would establish a management framework for a West Coast-based SSSL fishery seaward of the U.S. EEZ without a LE permit program. The management framework would contain the following provisions: (1) the fishery would be constrained to east of 140° W. longitude; (2) owners of a Hawaii Pelagics LE permit would not qualify for the West Coast LE permit; and (3) sea turtle take mitigation measures (e.g., gear requirements, 100 percent observer coverage, take caps) would be required.

#### Protected Species Mitigation Measures

Alternatives 2 and 3 would be subject to many of the same gear restrictions applicable to the Hawaii SSSL fishery, including the use of large circle hooks that are less likely to be deeply ingested by turtles as compared to traditional J-hooks, mackerel-type bait, and longer branch-lines to allow animals to surface and breathe after being hooked. In addition, U.S. fishermen would be required to have NMFS-approved safe handling gear on board to assist in boarding sea turtles, and de-hooking and releasing the gear from sea turtles, as well as training in resuscitation techniques to maximize the survival rate of sea turtles. Gear-related requirements would be harmonized with the Hawaii regulations as much as possible to ease compliance and minimize impacts to protected resources. In addition, any future West Coast-based SSSL fishery would be required to have 100 percent observer coverage.

There would also be established take caps for ESA-listed loggerhead and leatherback sea turtles based on a formal ESA Section 7 consultation. The Council could recommend specific take caps as part of their preferred alternative, based on informal consultation with NMFS Protected Resources Division, or the Incidental Take Statement that would be part of the Biological Opinion produced as part of the formal Section 7 consultation.

Take caps would be applied annually and the fishery would close immediately if they were reached. The fishery would reopen at the start of the next fishing year (April 1) with a new set of take caps in effect.

To address potential resource concerns and/or fishery conflicts for species not designated and managed as protected species, additional management measures, such as maximum allowable harvest caps may be considered. This may include, but is not bound by or limited to, striped marlin, and commercially important tuna species that are HMS FMP management unit species (e.g., yellowfin, bigeye, bluefin, and albacore tuna) and which are being managed under the purview of conservation measures established by Regional Fishery Management Organizations.

#### Other Documentation

As required in Section 7(a)(2) of the ESA (16 U.S.C. 1531 *et seq.*), NMFS will initiate a formal consultation with NMFS Protected Resources Division to determine if the proposed action is likely to jeopardize the continued existence and recovery of any endangered or threatened species, or result in the destruction or adverse modification of critical habitat. NMFS also plans to consult with the National Marine Sanctuary Program in regards to potential impacts to Sanctuary resources, the U.S. Fish and Wildlife Service concerning potential impacts to endangered seabirds, and internally with the NMFS Habitat Conservation Division concerning essential fish habitat components.

#### Additional Scoping Opportunities

Public scoping has already occurred as part of the Council's decision-making process and will continue through Council final action. All decisions during the Council process benefit from written and oral public comments delivered prior to or during the Council meetings. These public comments are considered integral to the scoping process and development of the SEIS. The Council is scheduled to choose a preliminary preferred alternative at their September 7–12, 2008 meeting in Boise, Idaho and take final action to select a preferred alternative at their March 7–12, 2009 meeting in Seattle, Washington. Written comments submitted to the Council by August 20, 2008 will be made available to the Council in advance briefing materials for their September meeting. Opportunities for oral public comment are also offered at Council meetings. For

more information see the Council's website ([www.pcouncil.org](http://www.pcouncil.org)).

Request for Comments NMFS requests public comment on the Notice of Intent to prepare a Supplemental Environmental Impact Statement for Amendment 2 to the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species.

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

Dated: August 1, 2008.

**Alan D. Risenhoover,**

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

[FR Doc. E8–18106 Filed 8–6–08; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648–XJ40

#### Endangered Species; File No. 13543

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

**ACTION:** Notice; receipt of application.

**SUMMARY:** Notice is hereby given that the South Carolina Department of Natural Resources, 217 Ft. Johnson Rd., Charleston, SC 29412, has applied in due form for a permit to take loggerhead (*Caretta caretta*), green (*Chelonia mydas*), Kemp's ridley (*Lepidochelys kempii*), leatherback (*Dermochelys coriacea*), and hawksbill (*Eretmochelys imbricata*) sea turtles for purposes of scientific research.

**DATES:** Written, telefaxed, or e-mail comments must be received on or before September 8, 2008.

**ADDRESSES:** The application 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)427–2521; 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