

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

RIN 0648-XO82

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Northeast Region, NMFS (Assistant Regional Administrator), has made a preliminary determination that an Exempted Fishing Permit (EFP) application submitted by the University of Rhode Island/Rhode Island Sea Grant (URI/RISG) contains all of the required information and warrants further consideration. The Assistant Regional Administrator has made a preliminary determination that the activities authorized under this EFP would be consistent with the goals and objectives of the Atlantic Mackerel, Squid and Butterfish Fishery Management Plans (FMP). However, further review and consultation may be necessary before a final determination is made to issue an EFP. Therefore, NMFS announces that the Assistant Regional Administrator proposes to recommend that an EFP be issued that would allow two commercial fishing vessels to conduct fishing operations that are otherwise restricted by the regulations governing the fisheries of the Northeastern United States.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

DATES: Comments must be received on or before May 14, 2009.

ADDRESSES: You may submit written comments by any of the following methods:

- Email: DA9-088@noaa.gov. Include in the subject line "Comments on URI/RISG *Loligo* fishery EFP."

- Mail: Patricia A. Kurkul, Regional Administrator, NMFS, NE Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on URI/RISG *Loligo* fishery EFP, DA9-088."

- Fax: (978) 281-9135.

FOR FURTHER INFORMATION CONTACT: Aja Peters-Mason, Fishery Management Specialist, 978-281-9195.

SUPPLEMENTARY INFORMATION: An application for an EFP was submitted on March 23, 2009, by David Beutel, the Fishery Extension Specialist at URI/RISG. The primary goal of this study is to investigate the effects of an experimental trawl in reducing bycatch of butterfish and scup in the *Loligo* squid fishery. The results of this research could be submitted to the Mid-Atlantic Fishery Management Council to provide information that could be used to enhance the management of the *Loligo* squid fishery.

Two chartered fishing vessels will be used to conduct five one-day fishing trips during the spring (May/June 2009) and five one-day fishing trips in the fall (September/October 2009) in and around Block Island Sound and Rhode Island Sound. On each day of sampling, two vessels will tow side-by-side with one vessel towing the control net and the other the experimental net. Each fishing day will consist of six tows of 45 to 60 minutes duration. Each vessel will have one scientific observer on board.

The researchers will conduct a bottom trawl catch characterization study aboard two commercial fishing vessels targeting *Loligo* squid using a "side-by-side" towing method comparing the control net with the experimental net. The control net is a 362 x 12 cm two seam polyethylene balloon net equipped with an 20-cm (8-inch) rockhopper sweep. The experimental net is identical to the control except for the addition of the eighteen foot long rope escape panel with the final two bellies repeated. The rope escape panel will be fitted over the circumference of the original bellies 35.5 meshes down from the wide end of the 8-cm lower belly. This will cause the original 8-cm bellies to act as a funnel. Small canvas flow diverters will be used to maintain the shape of the after bellies, the escape panel, and the funnel. Flow diverters also create small pockets of low pressure which may facilitate the butterfish and scup in finding the route of escape.

For each tow, either all of the butterfish and scup or a subsample consisting of at least 10% of the catch will be weighed and measured for total length (to nearest cm). Total catch size will be determined prior to subsampling. Other expected bycatch includes summer flounder and Atlantic bluefish, which will be weighed and measured.

In addition to harvesting the target species, *Loligo* squid, the applicant expects to incidentally catch butterfish,

scup, summer flounder, and bluefish. Because the vessel would be temporarily retaining both target and non-target fish for data collection purposes that it otherwise should not, the vessel requires exemption from minimum fish size and possession restrictions found throughout 50 CFR part 648.

All *Loligo* and other legally-sized fish caught during research would be landed as normal commercial harvest and sold to defray the costs of chartering the collaborating fishing vessels. All other organisms would be discarded as quickly and carefully as practicable following data collection to ensure maximum likelihood of survival.

The applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

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

Dated: April 24, 2009.

Kristen C. Koch,

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

[FR Doc. E9-9814 Filed 4-28-09; 8:45 am]

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

RIN 0648-XO60

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

ACTION: Notification of a proposal to conduct exempted fishing; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Northeast Region, NMFS (Assistant Regional Administrator), has made a preliminary determination that the subject exempted fishing permit (EFP) application submitted by Coonamesett Farm, which would exempt Atlantic sea scallop (scallop) vessels participating in a modified scallop dredge twine top

(twine top) study from minimum twine top mesh sizes, Closed Area I Access Area (CAI) and Closed Area II Access Area (CAII) scallop vessel trip restrictions, and fish possession restrictions, should be issued for public comment. Although the Assistant Regional Administrator has not made a preliminary determination that the activities authorized under the EFP would be consistent with the goals and objectives of the Atlantic Sea Scallop Fishery Management Plan (FMP), NMFS seeks public comment on the exemptions the EFP is requesting. Further review and consultation may be necessary before a final determination is made.

DATES: Comments must be received on or before May 14, 2009.

ADDRESSES: Comments may be submitted by e-mail to *DA9-039@noaa.gov*. Include in the subject line of the e-mail comment the following document identifier: "Comments on dredge twine top EFP." Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope, "Comments on dredge twine top EFP." Comments may also be sent via facsimile (fax) to (978) 281-9135.

FOR FURTHER INFORMATION CONTACT: Don Frei, Fisheries Management Specialist, phone: 978-281-9221, fax: 978-281-9135.

SUPPLEMENTARY INFORMATION:

Coonamessett Farm submitted this EFP application for research activities that would assess a modified scallop dredge twine top (twine top) designed to reduce finfish bycatch while improving the retention of scallops. The subject EFP would exempt vessels from the following regulations: Ten-inch (25.4-cm) minimum twine top mesh size specified at 50 CFR 648.51(b)(2); CAI and CA II scallop vessel trip restrictions specified at § 648.81(a)(1)(vi) and (b)(1)(v); and exemptions from scallop, Northeast multispecies, monkfish, summer flounder, black sea bass, scup, spiny dogfish, and skate possession restrictions specified throughout 50 CFR part 648.

The applicant states that previous twine top selectivity research found that the aft portion of the twine top is where most scallop escapement occurs, and the forward portion of the twine top is where most finfish escapement occurs. The applicant postulates, that by decreasing the mesh size to 6 inches (15.2 cm) in the aft portion of the twine top while increasing the mesh size to 12

in (30.5 cm) in the forward portion of the twine top, both scallop retention and finfish escapement would increase. The experimental twine top would also have a lower hanging ratio than that of a traditionally hung twine top, with the hypothesis that this may further reduce finfish bycatch.

The applicant states that, to effectively test the modified twine top, field trials must occur in areas of high finfish bycatch such as those found in the scallop Access Areas CAI and CAII. However, the CAI Access Area is closed to scallop fishing for the 2009 fishing year (March 1, 2009—February 28, 2010). The applicant requests up to three 7-day trips between May and June of 2009, in the Access Areas CAI and/or CAII, when the access areas are closed to scallop fishing. On these trips, the applicant would compare identical dredge frames fitted with a standard twine top and a modified twine top. All scallops and finfish caught during these trips would be processed to obtain morphological data and then returned to the sea as soon as possible.

In addition to testing the twine top in CAI and CAII, the applicant requests authorization to test the modified twine top on up to three fishing trips to the Delmarva Scallop Access Area (DELMARVA) and/or Elephant Trunk Access Area (ETAA). Both the DELMARVA and ETAA are open to scallop fishing in the 2009 fishing year.

Exemption from scallop, Northeast multispecies, monkfish, summer flounder, black sea bass, scup, spiny dogfish, and skate possession restrictions would authorize project investigators to temporarily possess finfish for scientific data collection purposes prior to returning all finfish to the sea.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs. The applicant may place requests for minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and minimal so as not to change the scope or impact of the initially approved EFP request.

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

Dated: April 24, 2009.

Kristen C. Koch,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. E9-9816 Filed 4-28-09; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

A-201-822

Implementation of the Findings of the WTO Dispute Settlement Panel and Appellate Body in United States - Final Anti-Dumping Measures on Stainless Steel from Mexico: Notice of Determination Under Section 129 of the Uruguay Round Agreements Act

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

SUMMARY: On March 31, 2009, the Department of Commerce (the Department) issued a determination regarding the dumping margin calculation in the less-than-fair-value investigation of stainless steel sheet and strip in coils (stainless steel) from Mexico challenged by Mexico before the World Trade Organization (WTO). On April 23, 2009, the U.S. Trade Representative (USTR) instructed the Department to implement in whole this determination under section 129 of the Uruguay Round Agreements Act (URAA). The Department is now implementing this determination.

EFFECTIVE DATE: The effective date of this determination is April 23, 2009.

FOR FURTHER INFORMATION CONTACT: Deborah Scott or Robert James, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW, Washington, DC 20230; telephone: (202) 482-2657 or (202) 482-0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 9, 2008, the Department advised interested parties it was initiating a proceeding under section 129 of the URAA to issue a determination with respect to the investigation of stainless steel from Mexico that would implement findings of the WTO dispute settlement panel in *United States - Final Anti-Dumping Measures on Stainless Steel from Mexico*, WT/DS344/R (December 20, 2007). On January 12, 2009, the Department issued its preliminary results, in which it recalculated the weighted-average dumping margins from the less-than-fair-value investigation of stainless steel from Mexico¹ by applying the calculation

¹ See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order; *Stainless Steel Sheet and Strip in Coils*