

#4



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116
John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

September 18, 2009

Ms. Patricia A. Kurkul
Regional Administrator
NMFS, Northeast Regional Office
55 Great Republic Drive
Gloucester, MA 01930

RE: Comments on the SMAST Study Fleet Programmatic EFP Request

Dear Pat:

The New England Fishery Management Council has no objection to the exempted fishery permit for the above-mentioned study as described in the *Federal Register* Vol. 74, No. 176 dated September 14, 2009.

If you have any question please contact me.

Sincerely,

A handwritten signature in black ink that reads "Paul J. Howard". The signature is written in a cursive, flowing style.

Paul J. Howard
Executive Director

fur seals, increase the number of leopard seals (*Hydrurga leptonyx*) and fur seals tagged (for the purposes of retagging), and use an unmanned aircraft system for aerial photography. These activities are authorized for the duration of the permit, which expires on September 30, 2011.

The amendment to Permit No. 1032-1917 authorizes the use of a small temperature logging tag on Weddell seal pups in the Erebus Bay, McMurdo Sound, Ross Sea, and White Island areas of Antarctica. The additional tag will be used to measure the amount of time pups spend in the water. This information will be used as part of the mass dynamics studies. This activity is authorized for the duration of the permit, which expires on October 1, 2012.

Dated: September 9, 2009.

P. Michael Payne,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E9-22037 Filed 9-11-09; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XR50

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

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 the subject programmatic Exempted Fishing Permit (EFP) application for the Study Fleet Program contains all of the required information and warrants further consideration. Study Fleet projects are managed by the University of Massachusetts Dartmouth School of Marine Science and Technology (SMAST). The programmatic EFP would

grant exemptions from minimum fish sizes, and possession and landing limits. However, further review and consultation may be necessary before a final determination is made to issue the EFP. Therefore, NMFS announces that the Assistant Regional Administrator proposes to issue a programmatic EFP that would allow seven 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 September 29, 2009.

ADDRESSES: Comments on this notice may be submitted by e-mail. The mailbox address for providing e-mail comments is NERO.EFP@noaa.gov. Include in the subject line of the e-mail comment the following document identifier: "Comments on SMAST Study Fleet Programmatic 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 SMAST Study Fleet Programmatic EFP." Comments may also be sent via facsimile (fax) to (978) 281-9135.

FOR FURTHER INFORMATION CONTACT: Allison Murphy, Fishery Management Specialist, phone: 978-281-9122.

SUPPLEMENTARY INFORMATION: A complete application for an EFP was submitted by SMAST on May 26, 2009. The EFP would exempt federally permitted commercial fishing vessels from the regulations detailed below while participating in the following projects managed by SMAST:

- (1) Georges Bank (GB) Multispecies Otter Trawl Net Study Fleet (seven vessels);
- (2) Skate and Monkfish Age Validation Research and American Lobster Shell Disease Research (seven vessels).

The primary goal of the GB Multispecies Otter Trawl Net study fleet is to characterize catch on an effort level and collect size distributions of kept

and discarded catch by: 1) Training fishermen to representatively sample their catch, measuring 100 kept and 100 discarded fish for each statistical area fished per trip for each species that is assessed using an analytical stock assessment; 2) developing data protocols to integrate biological sampling into study fleet databases, including application of electronic measuring onboard; 3) measuring 100 kept and 100 discarded skates for each statistical area fished per trip for each species; and 4) measuring Atlantic wolffish when available.

The project is a continuation of research conducted since 2000 by SMAST, and which is now in its third phase of incorporating electronic reporting and EFPs for vessels collecting data. While fishing under Northeast (NE) multispecies day-at-sea (DAS), catch estimations would be derived by one of three methods: 1) Measuring actual weight using an electronic scale; 2) using basket weight, calculated by using a standard weight for a basket and counting the number of baskets filled; or 3) by using hail weight that is estimated by the crew. Length and weight measurements of 100 kept and 100 discarded fish, by statistical area, would be taken from a predetermined list of species (see Table 1). The landing of fish for sale at authorized dealers would be conducted according to each vessel's fishing permits and within current regulations. Temporary exemptions from the NE multispecies possession limits at § 648.86, and NE multispecies minimum fish sizes at § 648.83(a)(3), are necessary to obtain the proposed data from undersized individuals, prohibited species, and/or fish in excess of trip limits. Similarly, temporary exemptions from monkfish possession limits at § 648.94(a) and (b), and monkfish minimum fish sizes at § 648.93, are necessary to obtain data from undersized individuals in excess of trip limits. Exemptions from skate possession restrictions at § 648.322(a)(1), and prohibitions on possession of skates at § 648.322(c)(1), are also necessary, as these species may be encountered when catch estimation is being completed. Vessels would be prohibited from landing undersized fish or amounts of fish greater than the allowable landing limits.

TABLE 1. LIST OF SPECIES FOR BIOLOGICAL LENGTH FREQUENCY SAMPLES

Species	Proposed Sample Size
Southern New England (SNE) Yellowtail Flounder	100 kept fish per statistical area per trip, 100 discarded fish per statistical area per trip.

TABLE 1. LIST OF SPECIES FOR BIOLOGICAL LENGTH FREQUENCY SAMPLES—Continued

Species	Proposed Sample Size
Georges Bank (GB) Yellowtail Flounder	100 kept fish per statistical area per trip, 100 discarded fish per statistical area per trip.
Cape Cod/GOM Yellowtail Flounder	100 kept fish per statistical area per trip, 100 discarded fish per statistical area per trip.
SNE Winter Flounder	100 kept fish per statistical area per trip, 100 discarded fish per statistical area per trip.
GB Winter Flounder	100 kept fish per statistical area per trip, 100 discarded fish per statistical area per trip.
GB Haddock	100 kept fish per statistical area per trip, 100 discarded fish per statistical area per trip.
GB Atlantic Cod	100 kept fish per statistical area per trip, 100 discarded fish per statistical area per trip.
GOM Atlantic Cod	100 kept fish per statistical area per trip, 100 discarded fish per statistical area per trip.
Monkfish	100 kept fish per statistical area per trip, 100 discarded fish per statistical area per trip.
American Plaice	100 kept fish per statistical area per trip, 100 discarded fish per statistical area per trip.
Witch Flounder	100 kept fish per statistical area per trip, 100 discarded fish per statistical area per trip.
Atlantic Wolffish	100 kept fish per statistical area per trip, 100 discarded fish per statistical area per trip.
Northeast Skate Complex (each species)	100 kept fish per statistical area per trip, 100 discarded fish per statistical area per trip.

Sampling would be conducted aboard seven fishing vessels that intend to fish on GB from the date of issuance through April 2010, with a minimum of two trips per month and an average trip duration of 7 days. All vessels would utilize otter trawl gear, with gear configuration and mesh size dictated by current fishery regulations.

The primary goals of the laboratory research are to validate the age of multiple skate species and monkfish using ocytetracycline markers and to examine the relationship between trophic feeding levels and American lobster epizootic shell disease (ESD).

A target of 6–10 individuals of each skate species (see Table 1) would be caught and maintained in the SMAST seawater laboratory, and given an injection of ocytetracycline. Most individuals would be maintained for a minimum of 1 year prior to sacrifice. Skates would then be immediately dissected, and vertebra would be removed for further processing. In addition, egg cases would be collected and injected with tetracycline to determine whether there is a difference between the birth mark and the hatch mark. Exemptions from skate possession

restrictions at § 648.322(a)(1) and prohibitions on possession of skates at § 648.322(c)(1) are necessary to collect specimens for laboratory research. Vessels would be prohibited from landing undersized fish or amounts of fish greater than the allowable landing limits.

Monkfish (see Table 2) would be collected by the study fleet fishing under a monkfish DAS and transport techniques would be tested. Monkfish would be marked with ocytetracycline, and most would be cultured for 1 year to allow for growth. Temporary exemptions from monkfish possession limits at § 648.94(a) and (b), and monkfish minimum fish sizes at § 648.93, are necessary to obtain specimens for laboratory research. Vessels would be prohibited from landing undersized fish or amounts of fish greater than the allowable landing limits.

TABLE 2. LIST OF SPECIES FOR BIOLOGICAL LENGTH FREQUENCY SAMPLES

Species	Proposed Sample Size
Northern Monkfish	10 fish/month
Southern Monkfish	10 fish/month
Thorny Skate	10 fish/month
Smooth Skate	10 fish/month
Clearnose Skate	10 fish/month
Barndoor Skate	10 fish/month
Rosette Skate	10 fish/month
Little Skate	10 fish/month
Winter Skate	10 fish/month
American Lobster	10 animals/month

Laboratory feeding experiments would be conducted on American lobster to determine the trophic levels from which they feed. The isotope ^{15}N would be measured, with the theoretical basis that the higher the trophic level an animal feeds, the higher the level of the isotope. Exemptions from lobster restrictions at §§ 697.7(c)(1)(xxiii) and 697.17(a) are necessary to collect specimens for laboratory research.

Samples for the laboratory research would be collected aboard the same seven fishing vessels participating in the Otter Trawl study fleet, which intend to fish on GB from the date of issuance through April 2010, with a minimum of two trips per month and an average trip duration of 7 days. All vessels would utilize otter trawl gear, with gear configuration and mesh size dictated by current fishery regulations.

Based on preliminary review of this project, and in accordance with NOAA Administrative Order 216-6, a Categorical Exclusion from requirements to prepare either an Environmental Impact Statement or an Environmental Assessment under the National Environmental Policy Act appears to be justified. 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.

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

Dated: September 8, 2009.

Emily H. Menashes,

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

[FR Doc. E9-21981 Filed 9-11-09; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration (C-570-953)

Narrow Woven Ribbons With Woven Selvedge From the People's Republic of China: Postponement of Preliminary Determination in the Countervailing Duty Investigation

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

EFFECTIVE DATE: September 14, 2009.

FOR FURTHER INFORMATION CONTACT: Scott Holland or Shelly Atkinson, AD/CVD Operations, Import

Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-1279 and (202) 482-0166, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 6, 2009, the Department of Commerce (the "Department") initiated an investigation of narrow woven ribbons with woven selvedge from the People's Republic of China ("PRC"). See *Narrow Woven Ribbons With Woven Selvedge From the People's Republic of China: Initiation of Countervailing Duty Investigation*, 74 FR 39298 (August 6, 2009). Currently, the preliminary determination is due no later than October 2, 2009.

Postponement of Due Date for Preliminary Determination

Under section 703(c)(1)(B) of the Tariff Act of 1930, as amended (the "Act"), the Department may extend the period for reaching a preliminary determination in a countervailing duty investigation until no later than the 130th day after the date on which the investigation is initiated, if the Department determines that the parties are cooperating and the case is extraordinarily complicated. The Department finds that the instant case is extraordinarily complicated by reason of the number and complexity of the alleged countervailable subsidy practices, the need to determine the extent to which particular countervailable subsidies are used by individual manufacturers, producers, and exporters, and the number of firms whose activities must be investigated. Accordingly, we are fully extending the due date for the preliminary determination to no later than 130 days after the day on which the investigation was initiated (i.e., December 6, 2009). As December 6, 2009, is a Sunday, we will issue the preliminary determination no later than the next business day (i.e., December 7, 2009).

This notice is issued and published pursuant to section 703(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: September 8, 2009.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

[FR Doc. E9-22046 Filed 9-11-09; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

International Trade Administration

Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty

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

EFFECTIVE DATE: September 14, 2009.

FOR FURTHER INFORMATION CONTACT:

Gayle Longest, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW, Washington, DC 20230, telephone: (202) 482-3338.

SUPPLEMENTARY INFORMATION: Section 702 of the Trade Agreements Act of 1979 (as amended) ("the Act") requires the Department of Commerce ("the Department") to determine, in consultation with the Secretary of Agriculture, whether any foreign government is providing a subsidy with respect to any article of cheese subject to an in-quota rate of duty, as defined in section 701(c)(1) of the Act, and to publish an annual list and quarterly updates to the type and amount of those subsidies. We hereby provide the Department's quarterly update of subsidies on articles of cheese that were imported during the period April 1, 2009, through

June 30, 2009.

The Department has developed, in consultation with the Secretary of Agriculture, information on subsidies (as defined in section 702(h)(2) of the Act and section 771(5) of the Tariff Act of 1930, as amended ("Tariff Act"), being provided either directly or indirectly by foreign governments on articles of cheese subject to an in-quota rate of duty.

The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amounts of each subsidy for which information is currently available. The Department will incorporate additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on foreign government subsidy programs which benefit articles of cheese subject to an in-quota rate of duty to submit such information in writing to the Assistant Secretary for Import Administration, U.S. Department of Commerce, 14th