entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the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 rates for each specific company listed above[4] will be the rates shown above, 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, a prior review, or the original LTFV 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 be 5.34 percent, the all–others rate made effective by the *Section 129 Determination*. These requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility, under 19 CFR 351.402(f)(2), 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.

Notification to Interested Parties

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). 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.

We are issuing and publishing these final results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: September 8, 2009.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

Appendix Issues in Decision Memo

General Comments:

Comment 1: Offsetting of Negative Margins
Comment 2: Using CBP Data for Respondent Selection
Comment 3: Restricting Count–Size Comparisons Under the Model–Matching Methodology
Comment 4: Assessment Rate Assigned to Companies Receiving the Review–Specific Average Rate

Company-Specific Comments:

Pakfood

Comment 5: Treatment of DDP Interest Income Earned by Pakfood
Comment 6: Application of Pakfood's Final Antidumping Duty Margin to its 100 Percent–Owned Subsidiaries

The Rubicon Group

Comment 7: Interest Income Offset to Financial Expenses
Comment 8: CEP Offset
Comment 9: Calculation of U.S. Warehousing and Inventory Carrying Costs
Comment 10: Inadvertent Errors in the Draft Cash Deposit and Liquidation Instructions

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[4] Effective January 16, 2009, there is no longer a cash deposit requirement for certain producers/exporters in accordance with the *Implementation of the Findings of the WTO Panel in United States Antidumping Measure on Shrimp from Thailand: Notice of Determination under Section 129 of the Uruguay Round Agreements Act and Partial Revocation of the Antidumping Duty Order on Frozen Warmwater Shrimp from Thailand*, 74 FR 5638 (January 30, 2009) (*Section 129 Determination*). These producers/exporters are as follows: Andaman Seafood Co., Ltd., Chanthaburi Frozen Food Co., Ltd., Chanthaburi Seafoods Co., Ltd., Intersia Foods Co., Ltd. (formerly Y2K Frozen Foods Co., Ltd.), Phatthana Seafood Co., Ltd., S.C.C. Frozen Seafood Co., Ltd., Thailand Fishery Cold Storage Public Co., Ltd., Thai International Seafoods Co., Ltd., Wales & Co. Universe Limited, and Thai I-Mei Frozen Foods Co., Ltd.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Hydrographic Services Review Panel Charter Renewal

AGENCY: National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of Hydrographic Services Review Panel Charter Renewal.

SUMMARY: The charter for NOAA's Hydrographic Services Review Panel, a Federal Advisory Panel, has been renewed. The charter is available for review on the following Web site: *http://www.nauticalcharts.noaa.gov/ocs/hsrp/charter.htm.*

DATE AND TIME: No comments are solicited through this notice.

FOR FURTHER INFORMATION CONTACT: Rebecca Arenson, Office of Coast Survey, National Ocean Service (NOS), NOAA (N/CS), 1315 East West Highway, Silver Spring, Maryland, 20910; Telephone: 301–713–2780 x158, Fax: 301–713–4019; E-mail: *Rebecca.Arenson@noaa.gov.*

SUPPLEMENTARY INFORMATION: The charter for NOAA's Hydrographic Services Review Panel has been renewed. The charter is available for review on the following Web site: *http://www.nauticalcharts.noaa.gov/ocs/hsrp/charter.htm.*

The charter has been renewed in accordance with the Federal Advisory Committee Act, 5 U.S.C. (as amended), Section 14(b)(1)(2) which states, ''Any advisory committee established by an Act of Congress shall file a charter in accordance with such section upon the expiration of each successive two-year period following the date of enactment of the Act establishing such advisory committee.''

Dated: August 19, 2009.

Steven Barnum,

Director, Office of Coast Survey, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. E9–22324 Filed 9–15–09; 8:45 am]
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DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–059]

Pressure Sensitive Plastic Tape From Italy: Notice of Initiation of Antidumping Duty Changed Circumstances Review

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

DATES: *Effective Date:* September 16, 2009.

SUMMARY: In response to a request from Evotape Packaging S.r.l. (Evotape Packaging), a producer/exporter of pressure sensitive plastic tape from Italy, and pursuant to section 751(b) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.216 and 351.221(c)(3), the Department is initiating a changed circumstances review of the antidumping duty finding

on pressure sensitive plastic tape from Italy. This review is being conducted to determine whether there is a successor-in-interest to Tyco Adhesives Italia S.p.A. (Tyco) for purposes of determining antidumping liability.

FOR FURTHER INFORMATION CONTACT: Terre Keaton Stefanova or Rebecca Trainor, AD/CVD Operations, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–1280 and (202) 482–4007, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 27, 2009, pursuant to section 751(b) of the Act and 19 CFR 351.216 and 351.221(c)(3), Evotape Packaging requested that the Department conduct a changed circumstances review to determine that it is the successor-in-interest to Tyco,[1] and therefore assign to it Tyco's antidumping duty deposit rate for future entries of subject merchandise. In addition, Evotape Packaging requested that the Department expedite this review in accordance with 19 CFR 351.221(c)(3)(ii), by issuing the notice of initiation and preliminary determination simultaneously within 45 days of the filing of the request. Evotape Packaging further requested that the Department issue a final affirmative changed circumstances determination within 45 days of initiation, in accordance with 19 CFR 351.216(e).

On August 28, 2009, at the request of the Department, Evotape Packaging submitted additional information pertaining to its changed circumstances review request.

Scope of the Finding

The products covered by the finding are shipments of pressure sensitive plastic tape measuring over one and three-eighths inches in width and not exceeding four millimeters in thickness, currently classifiable under subheadings 3919.90.20 and 3919.90.50 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheadings are provided for convenience and for customs purposes. The written description remains dispositive.

[1] On March 25, 2004, the Department determined that Tyco was the successor-in-interest to Manuli Tapes S.p.A. (Manuli). *See Final Results of Antidumping Duty Changed Circumstances Review: Pressure Sensitive Plastic Tape from Italy*, 69 FR 15297 (March 25, 2004).

Initiation of Changed Circumstances Review

Pursuant to section 751(b)(1) of the Act, the Department will conduct a changed circumstance review upon receipt of a request from an interested party or receipt of information concerning an antidumping duty order[2] which shows changed circumstances sufficient to warrant a review of the order.

As noted above, on July 27, 2009, Evotape Packaging submitted its request for a changed circumstances review. With its request, Evotape Packaging submitted certain information to demonstrate that in May 2005, its parent company (Evotape S.p.A) acquired Tyco's business and assets, which included two production units (packaging and masking tape) and related sales offices; and that in December 2007, Evotape S.p.A restructured the company and created two wholly-owned subsidiaries (*i.e.*, Evotape Packaging and Evotape Masking S.r.l. (Evotape Masking)) using the assets and business of the two production units. Evotape Packaging also provided information pertaining to management, production facilities, supplier relationships and customer base with respect to the production and sale of subject merchandise during the 2005 acquisition and 2007 restructuring. In its August 28, 2009, response to the Department's request for information, Evotape Packaging provided information regarding the business operations of Evotape Masking.

In its request, Evotape Packaging claims that it operates as the same business entity as Tyco with respect to merchandise exported to the United States,[3] and that its production facilities have not changed since it was part of Tyco. In addition, it claims that its product line, supplier relations, employees and customer base have remained largely the same, and although there were certain changes in management, these changes did not have a substantial impact on the production and sale of subject merchandise.

Based on the information submitted by Evotape Packaging and in accordance with section 19 CFR 351.216, the Department finds there is sufficient information to warrant initiating a changed circumstances review. Therefore, pursuant to section 751(b)(1) of the Act and 19 CFR 351.216, we are initiating a changed circumstances review to determine whether there is a successor-in-interest to Tyco.

In making a successor-in-interest determination in antidumping proceedings, the Department typically examines several factors including, but not limited to: (1) Management; (2) production facilities; (3) supplier relationships; and (4) customer base. *See, e.g., Notice of Final Results of Changed Circumstances Antidumping Duty Administrative Review: Polychloroprene Rubber from Japan*, 67 FR 58 (January 2, 2002) (*Polychloroprene Rubber from Japan*); *Brass Sheet and Strip from Canada; Final Results of Antidumping Duty Administrative Review*, 57 FR 20460 (May 13, 1992) (*Canadian Brass*). While no single factor or combination of these factors will necessarily be dispositive, the Department will generally consider the new company to be the successor to the previous company if its resulting operation is not materially dissimilar to that of its predecessor. *See, e.g., Polychloroprene Rubber from Japan; Industrial Phosphoric Acid from Israel: Final Results of Changed Circumstances Review*, 59 FR 6944 (February 14, 1994); *Canadian Brass; Fresh and Chilled Atlantic Salmon from Norway: Initiation and Preliminary Results of Changed Circumstances Antidumping Duty Administrative Review*, 63 FR 50880 (September 23, 1998) (unchanged in final results, *Fresh and Chilled Atlantic Salmon From Norway; Final Results of Changed Circumstances Antidumping Duty Administrative Review*, 64 FR 9979 (March 1, 1999)). Thus, if the evidence demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as the former company, the Department will generally accord the new company the same antidumping duty treatment as its predecessor.

Although Evotape Packaging has submitted information which is sufficient for purposes of initiating a changed circumstances review, as discussed above, this information is not a sufficient basis to make a preliminary successor-in-interest determination at

[2] Prior to the Trade Agreements Act of 1979 (1979 Act), Public Law 96–39, the Treasury Department issued antidumping ''findings.'' Section 106(a) of the 1979 Act expressly preserved the existing antidumping ''findings'' in the new law, but provided that after January 1, 1980, the Tariff Act of 1930 would be amended to require the Department to issue antidumping ''orders'' instead of ''findings.''

[3] Evotape Packaging states that it is the former production unit of Tyco that produces and sells pressure sensitive plastic tape to the United States, *i.e.*, merchandise subject to the antidumping duty finding. According to Evotape Packaging, Evotape Masking produces two products that fall within the scope of this finding, which Tyco also produced when it was in existence. However, Evotape Packaging states that Evotape Masking does not ship or sell these products to the United States, and has no future plans to do so.

this time. Specifically, the Department has questions concerning the restructuring discussed above with respect to the business operations of Evotape Masking and Evotape Packaging. It appears from the information on the record that both companies use facilities once owned by Tyco (and before Tyco, by Manuli). Manuli/Tyco's antidumping duty margin may have been calculated based on information derived from all of these facilities. Therefore, a determination of a successor-in-interest, for purpose of antidumping liability, requires the Department to gather further information before it can make a preliminary successor-in-interest determination.

Accordingly, the Department has determined that it would be inappropriate to expedite this action by combining the preliminary results of review with this notice of initiation, as permitted under 19 CFR 351.221(c)(3)(ii) and as requested by Evotape Packaging. As a result, the Department is not issuing preliminary results for this changed circumstances review at this time.

The Department will request additional information in accordance with 19 CFR 351.221(b)(2), and will publish in the **Federal Register** a notice of preliminary results of the changed circumstances review, in accordance with 19 CFR 351.221(b)(4) and (c)(3)(i), which will set forth the factual and legal conclusions upon which our preliminary results are based and a description of any action proposed. Interested parties will have an opportunity to comment on the preliminary results of review. In accordance with 19 CFR 351.216(e), the Department will issue the final results of this antidumping duty changed circumstances review no later than 270 days after the date on which this review was initiated, or within 45 days if all parties agree to our preliminary results.

During the course of this antidumping duty changed circumstances review, cash deposit requirements for the subject merchandise produced and exported by Evotape Packaging will continue to be the all-others rate established in the investigation. *See Pressure Sensitive Plastic Tape From Italy; Determination of Injury or Likelihood Thereof*, 42 FR 44853 (September 7, 1977). The cash deposit rate requirement will be altered, if warranted, pursuant only to the final results of this review.

This notice of initiation is in accordance with sections 751(b)(1) and 777(i) of the Act and 19 CFR 351.216 and 351.221(c)(3).

Dated: September 10, 2009.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XR44

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

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

ACTION: Notification of a proposal for an EFP 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 EFP application that was submitted by the University of Rhode Island (URI) warrants further consideration and should be issued for public comment. The EFP would exempt participating vessels from summer flounder size restrictions, scup size restrictions, scup possession restrictions, and possession restrictions for squid and butterfish. The Assistant Regional Administrator has also made a preliminary determination that the activities authorized under the EFP would be consistent with the goals and objectives of the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP); and the Atlantic Mackerel, Squid, and Butterfish FMP. However, further review and consultation may be necessary before a final determination is made.

DATES: Comments must be received on or before October 1, 2009.

ADDRESSES: Comments 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 URI Drop Chain Trawl Net 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 URI Drop Chain Trawl Net EFP.'' Comments may also be sent via facsimile (fax) to (978) 281–9135.

FOR FURTHER INFORMATION CONTACT: Sarah Bland, Fishery Management Specialist, (978) 281–9257.

SUPPLEMENTARY INFORMATION: A complete application for an EFP was submitted by URI on August 31, 2009, for a study that would test the effectiveness of a drop chain small mesh net in its ability to reduce catches of summer flounder in the small mesh fishery. The study would also evaluate discard mortality of summer flounder caught using the Reflex Action Mortality Predictor (RAMP) method.

The study would be conducted aboard two commercial fishing vessels in the directed small mesh fishery for squid in Block Island Sound and Rhode Island Sound. Research trips associated with the study would be conducted over a 12-month period, beginning in October 2009 and continuing through September 2010. Field work would be split into three time periods, consisting of a total of 12 fishing days. Vessels would conduct side-by-side tows, with one vessel towing a control net and the other towing an experimental net. The control net would be a 362 x 12–cm two-seam polyethylene balloon net equipped with a 20–cm rockhopper sweep. The experimental net would be identical to the control net, but equipped with a 1–ft (30.5–cm) drop chain sweep.

Each fishing day would consist of four to six tows of 1.5 hr duration. For each tow, total catch size would be determined prior to subsampling. Following Northeast Fisheries Science Center (NEFSC) protocols, either all of the summer flounder catch, or a subsample, would be weighed. Target catch species would include squid, butterfish, and scup. These species would also be sampled and weighed. Species would be sorted by sub-legal and legal-sized fish, and weights would be taken for each group.

On 5 fishing days, up to 50 legal and sub-legal sized summer flounder would be transferred to an on-board holding tank. Individual fish would be measured for length, and the presence or absence of six RAMP tests would be noted. After visual inspection, fish would be tagged, transported in coolers to the Blount Aquaculture Research Laboratory, and held for 60 days for survival and growth studies.

The applicants have requested exemptions from summer flounder size restrictions at § 648.103. This exemption would allow vessels to retain and land summer flounder that would be transported to the Blount Aquaculture