

EFP would authorize the applicant to collect red drum in Federal waters using state of MS-licensed charter and headboat vessels (for-hire vessels). The purpose of this study is to collect population data specific to the genetics, age and growth, reproduction, and food habits of adult red drum in Federal waters where harvest is currently prohibited. The data would then be used to support future stock assessment information for red drum.

DATES: Comments must be received no later than April 23, 2015.

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

- *Email:*

0648.XD816.Red.Drum.EFP@noaa.gov. Include in the subject line of the email comment the following document identifier: "MS Red Drum_EFP".

- *Mail:* Steve Branstetter, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

The application and related documents are available for review upon written request to any of the above addresses.

FOR FURTHER INFORMATION CONTACT: Steve Branstetter, 727-824-5305; email: *Steve.Branstetter@noaa.gov*.

SUPPLEMENTARY INFORMATION: The EFP is requested under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), and regulations at 50 CFR 600.745(b) concerning exempted fishing.

The harvest and possession of red drum in the Federal waters of the Gulf of Mexico (Gulf) has been prohibited since 1988 (53 FR 24662, June 29, 1988). The harvest and possession prohibition was implemented to protect the Gulf red drum stock from overfishing. The Gulf of Mexico Fishery Management Council (Council) is currently discussing whether to modify or remove this harvest and possession prohibition, but data regarding the adult red drum in Gulf Federal waters is limited. The existing population data is not representative of the Gulf red drum population as a whole as it mainly consists of younger and smaller red drum samples obtained from state waters where harvest is permitted.

The proposed collection for scientific research involves activities that would be prohibited by regulations at 50 CFR part 622, as they pertain to red drum managed by the Council. Specifically, the EFP requests exemption from Federal regulations at § 622.92 (Prohibited species) that prohibit the harvest and possession of red drum in Gulf Federal waters.

The applicant requests authorization through the EFP to allow state of MS-licensed for-hire vessels to have a recreational bag and possession limit of one red drum per person per trip from Federal waters. There would be no size limits applicable for the red drum collected through this EFP. Additionally, the red drum bag and possession limits for captain and crew of any for-hire vessel participating in this study would be zero.

Beginning in the fall of 2015, the applicant requests to collect a maximum of 30,000 lb (13,608 kg) of red drum during a 2-year period. The 30,000 lb (13,608 kg) is equivalent to approximately 2,000 red drum or about 1,000 red drum per each year of the study. According to MS DMR, as many as 70 for-hire vessels would be a part of the study. For any vessel trip that plans to harvest red drum, the vessel would be required to hail-in and hail-out with a representative of MS DMR using an existing MS DMR electronic reporting format. A representative of MS DMR would then meet the vessel that has red drum onboard harvested from Federal waters to collect sample information.

The applicant would monitor the amount of red drum collected to ensure that the 30,000 lb (13,608 kg) sample limit is not exceeded. After biological sampling by MS DMR is completed for each red drum landed by participating for-hire vessels, recreational fishers from the for-hire vessel would be allowed to retain the red drum as recreational harvest. All red drum collected through this study would be harvested during regular for-hire trips using hook-and-line gear in Gulf Federal waters. A MS-licensed for-hire vessel would not be permitted to fish for or possess either Gulf reef fish species or coastal migratory pelagic species unless that vessel also had a Federal charter vessel/headboat permit for the applicable species. It is not anticipated that the study will increase any overall fishing effort in the Gulf.

Samples to be collected by the applicant include biological material for red drum population genetics, age and growth, reproduction, and food habits analyses of adult red drum in Federal waters. Some specific information to be collected include using molecular techniques to identify possible meta-populations and genetic structure, stomach content analysis, tissue analysis, several length measurements, otolith sampling, and histology analysis.

The research data are intended to provide better life history information to assist with any future red drum stock assessments and to assist the Council with future management decisions.

NMFS finds this application warrants further consideration. Possible conditions the agency may impose on this permit, if it is indeed granted, include but are not limited to, a prohibition of conducting research within marine protected areas, marine sanctuaries, or special management zones, without additional authorization. A report on the research would be due at the end of the collection period, to be submitted to NMFS and reviewed by the Council.

A final decision on issuance of the EFP will depend on NMFS' review of public comments received on the application, consultations with appropriate fishery management agencies of the affected states, the Council, and the U.S. Coast Guard, as well as a determination that it is consistent with all applicable laws.

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

Dated: March 18, 2015.

Emily H. Menashes,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-896]

Magnesium Metal From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2013-2014

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* March 24, 2015.

SUMMARY: On November 24, 2014, the Department of Commerce ("the Department") published in the **Federal Register** the preliminary results of the administrative review of the antidumping duty order on magnesium metal from the People's Republic of China ("PRC") covering the period April 1, 2013 through March 31, 2014.¹ This review covers two PRC producer/exporters, Tianjin Magnesium International, Co., Ltd. ("TMI") and Tianjin Magnesium Metal, Co., Ltd. ("TMM"). The Department gave interested parties an opportunity to comment on the *Preliminary Results*, but we received no comments. Hence, these final results are unchanged from

¹ See *Magnesium Metal From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2013-2014*, 79 FR 69834 (November 24, 2014) ("*Preliminary Results*").

the *Preliminary Results*, and we continue to find that TMI and TMM did not have reviewable entries during the period of review (“POR”).

FOR FURTHER INFORMATION CONTACT:

James Terpstra or Erin Begnal, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3965 or (202) 482–1442, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 24, 2014, the Department published the *Preliminary Results* of the instant review.² TMI and TMM submitted timely-filed certifications indicating that they had no shipments of subject merchandise to the United States during the POR.³ In addition, in response to the Department’s query, U.S. Customs and Border Protection (“CBP”) did not provide any evidence that contradicted TMI’s and TMM’s claims of no shipments.⁴ The Department received no comments from interested parties concerning the results of the CBP query. Therefore, based on TMI’s and TMM’s certification and our analysis of CBP information, we preliminarily determined that TMI did not have any reviewable entries during the POR.⁵ We invited interested parties to comment on the *Preliminary Results*.⁶ We received no comments from interested parties.

The Department conducted this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (“the Act”).

Scope of the Order

The product covered by this antidumping duty order is magnesium metal from the PRC, which includes primary and secondary alloy magnesium metal, regardless of chemistry, raw material source, form, shape, or size. Magnesium is a metal or alloy containing by weight primarily the element magnesium. Primary magnesium is produced by decomposing raw materials into magnesium metal. Secondary

magnesium is produced by recycling magnesium-based scrap into magnesium metal. The magnesium covered by this order includes blends of primary and secondary magnesium.

The subject merchandise includes the following alloy magnesium metal products made from primary and/or secondary magnesium including, without limitation, magnesium cast into ingots, slabs, rounds, billets, and other shapes; magnesium ground, chipped, crushed, or machined into rasping, granules, turnings, chips, powder, briquettes, and other shapes; and products that contain 50 percent or greater, but less than 99.8 percent, magnesium, by weight, and that have been entered into the United States as conforming to an “ASTM Specification for Magnesium Alloy”⁷ and are thus outside the scope of the existing antidumping orders on magnesium from the PRC (generally referred to as “alloy” magnesium).

The scope of this order excludes: (1) All forms of pure magnesium, including chemical combinations of magnesium and other material(s) in which the pure magnesium content is 50 percent or greater, but less than 99.8 percent, by weight, that do not conform to an “ASTM Specification for Magnesium Alloy”⁸; (2) magnesium that is in liquid or molten form; and (3) mixtures containing 90 percent or less magnesium in granular or powder form by weight and one or more of certain non-magnesium granular materials to make magnesium-based reagent mixtures, including lime, calcium metal, calcium silicon, calcium carbide, calcium carbonate, carbon, slag coagulants, fluorspar, nepheline syenite, feldspar, alumina (Al₂O₃), calcium aluminate, soda ash, hydrocarbons, graphite, coke, silicon, rare earth metals/mischmetal, cryolite, silica/fly ash, magnesium oxide, periclase, ferroalloys, dolomite lime, and colemanite.⁹

⁷ The meaning of this term is the same as that used by the American Society for Testing and Materials in its Annual Book for ASTM Standards: Volume 01.02 Aluminum and Magnesium Alloys.

⁸ The material is already covered by existing antidumping orders. See *Notice of Antidumping Duty Orders: Pure Magnesium from the People’s Republic of China, the Russian Federation and Ukraine; Notice of Amended Final Determination of Sales at Less Than Fair Value: Antidumping Duty Investigation of Pure Magnesium from the Russian Federation*, 60 FR 25691 (May 12, 1995); and *Antidumping Duty Order: Pure Magnesium in Granular Form from the People’s Republic of China*, 66 FR 57936 (November 19, 2001).

⁹ This third exclusion for magnesium-based reagent mixtures is based on the exclusion for reagent mixtures in the 2000–2001 investigations of magnesium from China, Israel, and Russia. See *Final Determination of Sales at Less Than Fair*

The merchandise subject to this order is classifiable under items 8104.19.00, and 8104.30.00 of the Harmonized Tariff Schedule of the United States (“HTSUS”). Although the HTSUS items are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Final Determination of No Shipments

As explained above, in the *Preliminary Results*, the Department found that TMI and TMM did not have reviewable entries during the POR.¹⁰ Also in the *Preliminary Results*, the Department stated that consistent with its refinement to its assessment practice in non-market economy (“NME”) cases, it is appropriate not to rescind the review in this circumstance but, rather, to complete the review with respect to TMI and TMM and to issue appropriate instructions to CBP based on the final results of the review.¹¹

After issuing the *Preliminary Results*, the Department received no comments from interested parties, nor has it received any information that would cause it to revisit its preliminary results. Therefore, for these final results, the Department continues to find that TMI and TMM did not have any reviewable entries during the POR.

Assessment Rates

The Department determined, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.¹² The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

Additionally, consistent with the Department’s refinement to its assessment practice in NME cases, because the Department determined that TMI and TMM had no shipments of subject merchandise during the POR, any suspended entries that entered under TMI’s antidumping duty case

Value: Pure Magnesium in Granular Form From the People’s Republic of China, 66 FR 49345 (September 27, 2001); *Final Determination of Sales at Less Than Fair Value: Pure Magnesium From Israel*, 66 FR 49349 (September 27, 2001); *Final Determination of Sales at Not Less Than Fair Value: Pure Magnesium From the Russian Federation*, 66 FR 49347 (September 27, 2001). These mixtures are not magnesium alloys, because they are not combined in liquid form and cast into the same ingot.

¹⁰ See *Preliminary Results*, 79 FR at 69834–35.

¹¹ See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011) (“*Assessment Practice Refinement*”) and the “Assessment Rates” section, below.

¹² See 19 CFR 351.212(b).

² *Id.*

³ See letter from TMI, “Magnesium Metal from the People’s Republic of China; A–570–896; Certification of No Sales by Tianjin Magnesium International, Co., Ltd.,” dated June 25, 2014, at 1; and letter from TMM, “Magnesium Metal from the People’s Republic of China; A–570–896; Certification of No Sales by Tianjin Magnesium Metal, Co., Ltd.,” dated July 21, 2014 at 1.

⁴ See *Preliminary Results*, 79 FR at 69834.

⁵ *Id.*

⁶ *Id.*

number (*i.e.*, at that exporter's rate) will be liquidated at the PRC-wide rate.¹³ As TMM's entries are subject to the PRC-wide rate, any suspended entries will also be liquidated at the PRC-wide rate.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice of final results of the administrative review, as provided by section 751(a)(2)(C) of the Act: (1) For TMI, which claimed no shipments, the cash deposit rate will remain unchanged from the rate assigned to TMI in the most recently completed review of the company; (2) for previously investigated or reviewed PRC and non-PRC exporters who are not under review in this segment of the proceeding but who have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate (including TMM, which claimed no shipments, but has not been found to be separate from the PRC-wide entity), the cash deposit rate will be the PRC-wide rate of 141.49 percent;¹⁴ and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter(s) that supplied that non-PRC exporter. These deposit 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 POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order

This notice also serves as a 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 the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

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

Dated: March 18, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 141015853-4853-01]

RIN 0648-XD563

Endangered and Threatened Wildlife and Plants; Notice of 12-Month Finding on a Petition To List the Harbor Porpoise (*Phocoena phocoena*) in the Baltic Sea as an Endangered or Threatened Distinct Population Segment (DPS) Under the Endangered Species Act (ESA)

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

ACTION: Notice of 12-month Finding.

SUMMARY: We, NMFS, announce a 12-month finding on a petition to list the harbor porpoise (*Phocoena phocoena*) in the Baltic Sea as an endangered or threatened distinct population segment (DPS) under the Endangered Species Act of 1973, as amended. We conducted a DPS analysis based on our joint U.S. Fish and Wildlife Service and NMFS DPS Policy. Based on the best available scientific and commercial information, we find that the harbor porpoise population in the Baltic Sea is not a DPS because it does not meet the criterion for significance outlined by our DPS Policy. Thus, we find this population is not warranted for listing.

DATES: This finding was made on March 24, 2015.

ADDRESSES: Information used to make this finding is available for public inspection by appointment during normal business hours at NMFS, Office of Protected Resources, 1315 East West Highway, Silver Spring, MD 20910. The petition and a list of the references we used can also be found at <http://>

www.nmfs.noaa.gov/pr/species/petition81.htm.

FOR FURTHER INFORMATION CONTACT: Heather Coll, NMFS, Office of Protected Resources, (301) 427-8455.

SUPPLEMENTARY INFORMATION:

Background

On July 15, 2013, we received a petition from the WildEarth Guardians to list 81 marine species or subpopulations as threatened or endangered under the Endangered Species Act (ESA). We found that the petitioned actions may be warranted for 24 species and 3 subpopulations, announced the initiation of status reviews, and solicited information from the public for each of the 24 species and 3 subpopulations (78 FR 63941, October 25, 2013; 78 FR 66675, November 6, 2013; 78 FR 69376, November 19, 2013; 79 FR 9880, February 21, 2014; and 79 FR 10104, February 24, 2014). We completed comprehensive status reviews under the ESA for six foreign marine species and evaluated whether one foreign marine subpopulation met our DPS Policy criteria in response to the petition (79 FR 74954; December 16, 2014).

This notice addresses the finding for one of the petitioned subpopulations: a putative Baltic Sea harbor porpoise (*Phocoena phocoena*) subpopulation (79 FR 9880; February 21, 2014). The remaining species and subpopulation will be addressed in subsequent findings.

We are responsible for determining whether species are threatened or endangered under the ESA (16 U.S.C. 1531 *et seq.*). To make this determination, we first consider whether a group of organisms constitutes a "species" under the ESA, then whether the status of the species qualifies it for listing as either threatened or endangered. Section 3 of the ESA defines a "species" as "any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature." On February 7, 1996, NMFS and the U.S. Fish and Wildlife Service (USFWS; together, the Services) adopted a policy describing what constitutes a DPS of a taxonomic species or subspecies (the DPS Policy; 61 FR 4722). The DPS Policy identified two elements that must be considered when identifying a DPS: (1) The discreteness of the population segment in relation to the remainder of the species (or subspecies) to which it belongs; and (2) the significance of the population segment to the remainder of the species (or subspecies) to which it

¹³ See *Assessment Practice Refinement*, 76 FR 65694.

¹⁴ See *Notice of Antidumping Duty Order: Magnesium Metal From the People's Republic of China*, 70 FR 19928 (April 15, 2005).