

agree with the petitioner that the merchandise Caye Furnishings described in its request is not within the scope of the investigations. Therefore, we have not modified the scope language as suggested by any of the parties.

**Adverse Facts Available**

For the final determination, we continue to find that, by failing to provide information we requested, Bedding Component Manufacturers (Pty) Ltd. (BCM), the mandatory respondent in this investigation, did not act to the best of its ability. Thus, the Department continues to find that the use of adverse facts available is warranted for this company under sections 776(a)(2) and (b) of the Act. See *Preliminary Determination*, 73 FR at 45743.

As we explained in the Preliminary Determination, the rate of 121.39 percent we selected as the adverse facts-available rate for BCM is the single margin alleged in the petition (see *Petitions on Uncovered Innerspring Units from China, South Africa, and Vietnam*, dated December 31, 2007 (*Petition*), and January 11, 2008, supplement to the Petition filed on behalf of Leggett and Platt, Incorporated, (the petitioner)), as recalculated in the January 22, 2008, *Antidumping Investigation Initiation Checklist: Uncovered Innerspring Units from South Africa*, on file in Import Administration's Central Records Unit, Room 1117, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230. See, also, *Uncovered Innerspring Units From the People's Republic of China, South Africa, and the Socialist Republic of Vietnam: Initiation of Antidumping Duty Investigations*, 73 FR 4822 (January 28, 2008). Further, as discussed in the Preliminary Determination, we corroborated the adverse facts-available rate pursuant to section 776(c) of the Act. See Preliminary Determination, 73 FR at 45743, 45744.

**All-Others Rate**

Section 735(c)(5)(B) of the Act provides that, where the estimated weighted-average dumping margins established for all exporters and producers individually investigated are zero or *de minimis* margins or are determined entirely under section 776 of the Act, the Department may use any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated. This provision contemplates that, if the data do not permit weight-averaging margins other

than the zero, *de minimis*, or total facts-available margins, the Department may use any other reasonable method. See also *Statement of Administrative Action* accompanying the Uruguay Round Agreements Act, H. Doc. No. 103-316, at 873 (1994).

As discussed above, BCM is the sole respondent in this investigation and has been assigned a margin based on total adverse facts available. Because the petition contained only one estimated dumping margin and because there are no other respondents in this investigation, there are no additional estimated margins available for purposes of establishing an all-others rate. See *Notice of Final Determination of Sales at Less Than Fair Value: Ferrovandium from the Republic of South Africa*, 67 FR 71136 (November 29, 2002). Therefore, with this final determination we are establishing 121.39 percent as the all-others rate.

**Final Determination of Investigation**

We determine that the following weighted-average dumping margins exist for the period October 1, 2006, through September 30, 2007:

Manufacturer or Exporter	Margin (percent)
Bedding Component Manufacturers (Pty) Ltd. ....	121.39
All Others .....	121.39

**Continuation of Suspension of Liquidation**

Pursuant to section 735(c)(1)(B) of the Act and 19 CFR 351.211(b)(1), we will instruct CBP to continue to suspend liquidation of all entries of subject merchandise from South Africa entered, or withdrawn from warehouse, for consumption on or after August 6, 2008, the date of publication of the *Preliminary Determination*. We will instruct CBP to require a cash deposit or the posting of a bond equal to the weighted-average margin as follows: (1) the rate for BCM will be 121.39 percent; (2) if the exporter is not a firm identified in this investigation but the producer is, the rate will be the rate established for the producer of the subject merchandise; (3) the rate for all other producers or exporters will be 121.39 percent. These suspension-of-liquidation instructions will remain in effect until further notice.

**International Trade Commission Notification**

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our final determination. As our final determination is affirmative and in

accordance with section 735(b)(2) of the Act, the ITC will determine, within 45 days, whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of the subject merchandise. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing CBP to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

**Notification Regarding APO**

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. Timely 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.

This determination is issued and published pursuant to sections 735(d) and 777(i)(1) of the Act.

Dated: October 14, 2008.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

[FR Doc. E8-25028 Filed 10-20-08; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648-XK73**

**Atlantic Highly Migratory Species; Advisory Panel**

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

**ACTION:** Notice.

**SUMMARY:** NMFS solicits nominations for the Atlantic Highly Migratory Species (HMS) Advisory Panel (AP). NMFS consults with and considers the comments and views of the AP when preparing and implementing Fishery Management Plans (FMPs) or FMP

amendments for Atlantic tunas, swordfish, sharks, and billfish. Nominations are being sought to fill one-third (10) of the seats on the HMS AP for a 3-year appointment. Individuals with definable interests in the recreational and commercial fishing and related industries, environmental community, academia, and non-governmental organizations will be considered for membership in the AP.

**DATES:** Nominations must be received on or before November 20, 2008.

**ADDRESSES:** You may submit nominations and requests for the Advisory Panel Statement of Organization, Practices, and Procedures by any of the following methods:

- Email:

*HMSAP.Nominations@noaa.gov.*

Include in the subject line the following identifier: "HMS AP Nominations."

- Mail: Margo Schulze-Haugen, Chief, Highly Migratory Species Management Division, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.
- Fax: 301-713-1917.

**FOR FURTHER INFORMATION CONTACT:** Chris Rilling at (301) 713-2347 x109.

**SUPPLEMENTARY INFORMATION:**

#### Introduction

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.*, as amended by the Sustainable Fisheries Act, Public Law 104-297, provided for the establishment of Advisory Panels to assist in the

collection and evaluation of information relevant to the development of any Fishery Management Plan (FMP) or FMP amendment. The HMS AP has consulted with NMFS on the HMS FMP (April 1999), Amendment 1 to the Billfish FMP (April 1999), Amendment 1 to the HMS FMP (November 2003), the Consolidated HMS FMP (July 2006), and Amendments 1 and 2 to the Consolidated HMS FMP (April 2008 and September 2008, respectively).

#### Procedures and Guidelines

##### A. Nomination Procedures for Appointments to the Advisory Panel

Nomination packages should include:

1. The name of the applicant or nominee and a description of his/her interest in HMS or in particular species of sharks, swordfish, tunas, or billfish;
2. A statement of background and/or qualifications;
3. A written commitment that the applicant or nominee shall actively participate in good faith in the tasks of the AP; and
4. A list of outreach resources that the applicant has at his/her disposal to communicate HMS issues to various interest groups.

Tenure for the HMS AP

Member tenure will be for 3 years (36 months), with approximately one-third of the members' terms expiring on December 31 of each year. Nominations are sought for terms beginning January 2009 and expiring December 2011.

##### B. Participants

Nominations for the AP will be accepted to allow representation from commercial and recreational fishing interests, the scientific community, and the conservation community who are knowledgeable about Atlantic HMS and/or Atlantic HMS fisheries. Current representation on the HMS AP, as shown in Table 1, consists of 12 members representing commercial interests, 12 members representing recreational interests, 4 members representing environmental interests, 4 academic representatives, and 1 International Commission for the Conservation of Atlantic Tunas (ICCAT) Advisory Committee Chairperson. Each AP member serves a three-year term with approximately one-third (11) of the total number of seats (33) expiring on December 31 of each year. NMFS seeks to fill 1 academic, 4 commercial, 3 recreational, and 2 environmental vacancies by December 31, 2008. NMFS will seek to fill vacancies based primarily on maintaining the current representation from each of the sectors, and secondarily by species expertise and/or representation from the regions (Northeast, Mid-Atlantic, South Atlantic, Gulf of Mexico, and Caribbean). Table 1 includes the current representation on the HMS AP by sector and species. It does not necessarily indicate that NMFS will only consider persons who have expertise in the species that are listed.

TABLE 1. CURRENT REPRESENTATION ON THE HMS AP BY SECTOR AND SPECIES.

Terms that are expiring or vacant are in bold.

Sector	Species	Date Appointed	Date Term Expires
Academic	Tuna	1/1/2007	12/31/2009
Academic	Shark	1/1/2007	12/31/2009
<b>Academic</b>	<b>Billfish</b>	<b>1/1/2006</b>	<b>12/31/2008</b>
Academic	Tuna/Shark	1/1/2007	12/31/2009
<b>Commercial</b>	<b>HMS</b>	<b>1/1/2006</b>	<b>12/31/2008</b>
Commercial	Swordfish/Tuna	1/1/2007	12/31/2009
Commercial	Swordfish/Tuna	1/1/2008	12/31/2010
<b>Commercial</b>	<b>HMS</b>	<b>1/1/2003</b>	<b>12/31/2008</b>
Commercial	Tuna	1/1/2008	12/31/2010
Commercial	Shark	1/1/2007	12/31/2009
Commercial	HMS	1/1/2007	12/31/2009
<b>Commercial</b>	<b>HMS</b>	<b>1/1/2006</b>	<b>12/31/2008</b>
Commercial	HMS	1/1/2008	12/31/2010

TABLE 1. CURRENT REPRESENTATION ON THE HMS AP BY SECTOR AND SPECIES.—Continued

Terms that are expiring or vacant are in bold.

Sector	Species	Date Appointed	Date Term Expires
Commercial	Swordfish	1/1/2008	12/31/2010
<b>Commercial</b>	<b>Tuna</b>	<b>VACANT</b>	
Commercial	HMS	1/1/2008	12/31/2010
<b>Environmental</b>	<b>Shark</b>	<b>1/1/2006</b>	<b>12/31/2008</b>
Environmental	HMS	1/1/2008	12/31/2010
Environmental	HMS	1/1/2008	12/31/2010
<b>Environmental</b>	<b>HMS</b>	<b>VACANT</b>	
Recreational	HMS	1/1/2008	12/31/2010
Recreational	Swordfish	1/1/2007	12/31/2009
Recreational	HMS	1/1/2007	12/31/2009
Recreational	HMS	1/1/2007	12/31/2009
Recreational	Billfish	1/1/2007	12/31/2009
<b>Recreational</b>	<b>Tuna</b>	<b>1/1/2006</b>	<b>12/31/2008</b>
Recreational	HMS	1/1/2008	12/31/2010
<b>Recreational</b>	<b>HMS</b>	<b>1/1/2006</b>	<b>12/31/2008</b>
Recreational	HMS	1/1/2008	12/31/2010
<b>Recreational</b>	<b>HMS</b>	<b>1/1/2006</b>	<b>12/31/2008</b>
Recreational	HMS	1/1/2007	12/31/2009
Recreational	Billfish	1/1/2008	12/31/2010
ICCAT Chair	HMS		

Each sector must be adequately represented, and the intent is to have a group that, as a whole, reflects an appropriate and equitable balance and mix of interests given the responsibilities of the AP. Criteria for membership include one or more of the following: (1) experience in the HMS recreational fishing industry; (2) experience in the HMS commercial fishing industry; (3) experience in fishery-related industries (e.g., marinas, bait and tackle shops); (4) experience in the scientific community working with HMS; and/or (5) representation of a private; non-governmental; regional, national, or international organization representing marine fisheries, environmental, governmental, or academic interests dealing with HMS.

Five additional members on the AP include one member representing each of the following Councils: New England Fishery Management Council, the Mid-Atlantic Fishery Management Council, the South Atlantic Fishery Management Council, the Gulf of Mexico Fishery

Management Council, and the Caribbean Fishery Management Council. The AP also includes 22 ex-officio participants: 20 representatives of the coastal states and two representatives of the interstate commissions (the Atlantic States Marine Fisheries Commission and the Gulf States Marine Fisheries Commission).

NMFS will provide the necessary administrative support, including technical assistance, for the AP. However, NMFS will not compensate participants with monetary support of any kind. Depending on availability of funds, members may be reimbursed for travel costs related to the AP meetings.

#### *C. Meeting Schedule*

Meetings of the AP will be held as frequently as necessary but are routinely held twice each year in the spring and fall. The meetings may be held in conjunction with public hearings.

Dated: October 9, 2008.

**Emily H. Menashes**

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

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## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

**RIN 0648-XL37**

### **Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Meeting**

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

**ACTION:** Notice of a joint meeting of the South Atlantic Fishery Management Council's Habitat and Environmental