

This Order, which constitutes the final agency action in this matter, is effective immediately.<sup>5</sup>

Issued this 30th day of December, 2011.

**Donald G. Salo, Jr.,**

*Acting Assistant Secretary of Commerce for Export Enforcement.*

[FR Doc. 2012-298 Filed 1-10-12; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-533-825]

#### **Polyethylene Terephthalate Film, Sheet and Strip From India: Rescission, in Part, of Countervailing Duty Administrative Review**

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

**DATES:** *Effective Date:* January 11, 2012.

**FOR FURTHER INFORMATION CONTACT:** Toni Page, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-1398.

#### **Background**

On July 1, 2011, the Department of Commerce (Department) published a notice of opportunity to request an administrative review of the countervailing duty (CVD) order on polyethylene terephthalate film, sheet and strip from India covering the period January 1, 2010, through December 31, 2010. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 76 FR 38609, 38610 (July 1, 2011). The Department received a timely request from Petitioners<sup>1</sup> for a CVD administrative review of five companies: Ester Industries Limited (Ester), Garware Polyester Ltd. (Garware), Jindal Poly Films Limited of India (Jindal), Polyplex Corporation Ltd. (Polyplex), and SRF Limited (SRF). The Department also received timely requests for a CVD review from Vacmet India Ltd. (Vacmet) and Polypacks Industries of India (Polypacks). On August 26, 2011, the Department published a notice of initiation of administrative review with respect to

Ester, Garware, Jindal, Polyplex, SRF, Vacmet, and Polypacks. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 76 FR 53404 (August 26, 2011). On August 23, 2011, Vacmet and Polypacks withdrew their requests for a review. The Department published a rescission, in part, of the CVD administrative review with respect to Vacmet and Polypacks on September 20, 2011. *See Polyethylene Terephthalate Film, Sheet and Strip From India: Rescission, In Part, of Countervailing Duty Administrative Review*, 76 FR 58248 (September 20, 2011). On November 25, 2011, Petitioners withdrew their request for CVD administrative reviews of Ester, Garware, Polyplex, and Jindal.

#### **Rescission, in Part**

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if a party that requested the review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. Petitioners' withdrawal was submitted within the 90-day period and, thus, is timely.<sup>2</sup> Because Petitioners' withdrawal of their requests for review is timely and because no other party requested a review of Ester, Garware, Polyplex, or Jindal, we are rescinding this review with respect to these companies in accordance with 19 CFR 351.213(d)(1). The administrative review of SRF continues.

#### **Assessment**

The Department will instruct U.S. Customs and Border Protection (CBP) to assess countervailing duties on all appropriate entries. Subject merchandise exported by Ester, Garware, Polyplex, and Jindal will be assessed countervailing duties at rates equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions directly to CBP within 15 days of publication of this notice.

#### **Notification Regarding Administrative Protective Orders**

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their

responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/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 violation which is subject to sanction.

This notice is issued and published in accordance with section 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: January 5, 2012.

**Christian Marsh,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. 2012-353 Filed 1-10-12; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[Docket No. 111205722-1793-01]

RIN 0648-XA851

#### **Endangered and Threatened Species; 90-Day Finding on Petition To Delist the Southern Oregon/Northern California Coast Evolutionarily Significant Unit of Coho Salmon Under the Endangered Species Act**

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

**ACTION:** Notice of 90-day petition finding.

**SUMMARY:** We, NMFS, announce a 90-day finding on a petition to delist the Southern Oregon/Northern California Coast (SONCC) Evolutionarily Significant Unit (ESU) of coho salmon (*Oncorhynchus kisutch*) under the Endangered Species Act (ESA). We find that the petition does not present substantial scientific or commercial information indicating that the petitioned action may be warranted.

**ADDRESSES:** Copies of the petition are available at: <http://www.nmfs.noaa.gov/pr/or> upon request from the Assistant Regional Administrator, Protected Resources Division, NMFS, Southwest Regional Office, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802.

**FOR FURTHER INFORMATION CONTACT:** Rosalie del Rosario, NMFS, Southwest Region Office, (562) 980-4085; or Dwayne Meadows and Margaret H.

<sup>5</sup> Review and consideration of this matter have been delegated to the Deputy Assistant Secretary for Export Enforcement.

<sup>1</sup> Petitioners are DuPont Teijin Films, Mitsubishi Polyester Film, Inc., SKC, Inc. and Toray Plastics (America), Inc.

<sup>2</sup> The 90th day fell on November 24, 2011, a non-business day. Pursuant to 19 CFR 351.303(b), if an applicable due date falls on a non-business day, the Department will accept as timely a document that is filed on the next business day.

Miller, NMFS, Office of Protected Resources (301) 427-8403.

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 4 of the ESA (16 U.S.C. 1533) contains provisions allowing interested persons to petition the Secretary of Commerce (Secretary) to add a species to or remove a species from the List of Endangered and Threatened Wildlife and to designate critical habitat. The Secretary has delegated the authority for these actions to the NOAA Assistant Administrator for Fisheries.

On October 31, 2011, we received a petition from the Siskiyou County Water Users Association and Dr. Richard Gierak requesting that we delist the SONCC ESU of coho salmon under the ESA. The petitioners previously submitted three petitions requesting we delist coho salmon. We analyzed those petitions and found the petitions did not present substantial scientific or commercial information indicating the petitioned action may be warranted. The negative 90-day finding notice for the three petitions was published in the **Federal Register** on October 7, 2011 (76 FR 62375). The current petition largely reiterates the petitioners' previous arguments, including that the species is not native to the Klamath River watershed, the species is in good condition overall, and extinction is inevitable. These arguments were rejected in our response to the previous petitions, and need not be repeated here.

In the current petition, the petitioners have specified their request to delist the SONCC ESU, presented some additional information regarding the status of coho stocks before and after construction of dams, and have added citations to articles on ocean temperature, heat content and volcanic activity in the Pacific Ocean. However, the data and citations are either offered without context or relationship to the petitioned action, or relate to the entire taxonomic species of coho salmon and not specifically to the SONCC ESU. In addition, petitioners have added a discussion of threats to the species, and included the full minutes of a Karuk Tribal Council meeting that were mentioned, but not provided, in their earlier petitions, to support their argument. However, petitioners' discussion of threats to the species supports maintaining the listing, and the Karuk Tribal Council minutes provide no additional evidence indicating whether the species is or is not, as petitioners claim, native to the Klamath River basin. Accordingly, none of this additional information modifies

the underlying scientific basis for our original determination or causes us to re-evaluate our earlier position.

**ESA Statutory and Regulatory Provisions and Evaluation Framework**

Section 4(b)(3)(A) of the ESA (16 U.S.C. 1533(b)(3)(A)) requires that we make a finding as to whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating the petitioned action may be warranted. ESA implementing regulations define "substantial information" as the "amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted" (50 CFR 424.14(b)(1)). In determining whether a petition presents substantial scientific or commercial information to list or delist a species, we take into account information submitted with, and referenced in, the petition and all other information readily available in our files. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the **Federal Register** (16 U.S.C. 1533(b)(3)(A)). ESA implementing regulations state that a species may be delisted only if the best scientific and commercial data available substantiate that it is neither endangered nor threatened for one or more of the following reasons: The species is extinct; the species is recovered; or subsequent investigations show the best scientific or commercial data available when the species was listed, or the interpretation of such data, were in error (50 CFR 424.11(d)).

**Petition Finding**

As discussed above, this subject petition does not present any new or substantial scientific or commercial information related to whether the SONCC ESU of coho salmon is recovered, extinct, or that the best scientific or commercial data available when the species was listed, or the interpretation of such data, were in error. Therefore, we determine that the petition does not present substantial scientific or commercial information to indicate that the petitioned action may be warranted.

**References Cited**

A complete list of the references used in this finding is available upon request (see **ADDRESSES**).

**Authority:** 16 U.S.C. 1531 *et seq.*

Dated: January 5, 2012.

**Samuel D. Rauch III,**

*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

[FR Doc. 2012-393 Filed 1-10-12; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648-XA778**

**Endangered and Threatened Species; Recovery Plan for the Southern California Steelhead Distinct Population Segment**

**AGENCY:** National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

**ACTION:** Notice of Availability.

**SUMMARY:** The National Marine Fisheries Service (NMFS) announces the adoption of an Endangered Species Act (ESA) recovery plan for the Southern California Steelhead (*Oncorhynchus mykiss*) Distinct Population Segment (DPS), which spawn and rear in coastal rivers from the Santa Maria River to the Tijuana River California. The Final Southern California Steelhead Recovery Plan (Final Recovery Plan) and our summary of and responses to public comments are now available.

**ADDRESSES:** Electronic copies of the Final Recovery Plan and a summary of and response to public comments on the Final Recovery Plan are available online at <http://www.nmfs.noaa.gov/pr/recovery/plans/htm>. A CD-ROM of these documents can be obtained by emailing a request to [Penny.Ruvelas@noaa.gov](mailto:Penny.Ruvelas@noaa.gov) or by writing to NMFS Protected Resources Division, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802.

**FOR FURTHER INFORMATION CONTACT:** Penny Ruvelas, National Marine Fisheries Service, (562) 980-4197.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*) requires that we develop and implement recovery plans for the conservation and survival of threatened and endangered species under our jurisdiction, unless it is determined that such plans would not result in the conservation of the species. We designated the Southern California Steelhead Evolutionarily Significant Unit (ESU) as endangered in the **Federal**