



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration

National Marine Fisheries Service  
P.O. Box 21668  
Juneau, Alaska 99802-1668

January 16, 2009

Dear Alaska Native and community representative:

With this letter, the National Marine Fisheries Service (NMFS) is notifying you that, in consultation with the North Pacific Fishery Management Council (Council), we intend to prepare an analysis of measures to minimize non-Chinook salmon bycatch in the Bering Sea, in accordance with the National Environmental Policy Act of 1969. We would appreciate your participation in the process and contribution to the final decision.

The analysis will support decision-making for management measures to minimize non-Chinook salmon bycatch in the Bering Sea pollock fishery by analyzing the impacts of the alternatives on the human environment. The Council is considering new measures to minimize non-Chinook salmon bycatch in the Bering Sea pollock fishery because of the potential negative impacts on salmon stocks in general, and on western Alaska salmon stocks in particular. Four species of salmon (sockeye, coho, pink, and chum) are aggregated into the "non-Chinook salmon" species category. Chum salmon comprise over 99.6% of the total bycatch of this non-Chinook salmon category.

We are seeking comments from Alaska Native and community representatives on the issues that should be addressed in the analysis and the alternatives that should be considered. The enclosed notice of intent and the NMFS Alaska Region website, at <http://alaskafisheries.noaa.gov/>, provide instructions for submitting comments and additional information on this project.

Please note that NMFS is obligated to consult and coordinate with tribal governments and Alaska Native Claims Settlement Act (ANCSA) corporations on a government-to-government basis pursuant to Executive Order 13175 and the Executive Memorandum of April 29, 1994, on "Government-to-Government Relations with Native American Tribal Governments." If you represent a tribal entity or ANCSA corporation, you have the opportunity to consult with and provide comments to NMFS at any time; however, comments submitted during the scoping period would be most helpful in developing the analysis. Additionally, you may request a tribal consultation with NMFS by contacting Gretchen Harrington at 907-586-7445.

I look forward to working with you through the completion of this project.

Sincerely,

Robert D. Mecum  
Acting Administrator, Alaska Region

Enclosure (Notice of Intent)



## DEPARTMENT OF COMMERCE

## International Trade Administration

[A-570-847]

**Persulfates From the People's Republic of China: Notice of Rescission of the 2007-2008 Administrative Review of the Antidumping Duty Order**

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

**DATES:** *Effective Date:* January 8, 2009.

**FOR FURTHER INFORMATION CONTACT:** Giselle Cubillos, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-1778.

**Background**

On July 11, 2008, the Department of Commerce ("the Department") published a notice of opportunity to request an administrative review of the antidumping duty order on persulfates from the People's Republic of China ("PRC"). See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 73 FR 39948 (July 11, 2008). On July 31, 2008, FMC Corporation ("FMC"), a domestic producer of persulfates, requested that the Department conduct an administrative review of Shanghai AJ Import & Export Corporation—Degussa-AJ Shanghai Initiators Co., LTD.'s exports to the United States for the period of review ("POR") July 1, 2007, through June 30, 2008. Pursuant to this request, the Department published a notice of the initiation of the administrative review of the antidumping duty order on persulfates from the PRC. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 73 FR 50308 (August 26, 2008).

**Rescission of Review**

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if a party that requested a review withdraws the request within 90 days of the date of publication of the notice of initiation. On December 3, 2008, FMC timely withdrew its request for a review, and no other interested party requested a review of this company.<sup>1</sup> Therefore,

<sup>1</sup> On November 26, 2008, in response to a request from FMC, the Department extended the deadline for FMC to withdraw its review request from November 24, 2008, until December 3, 2008.

the Department is rescinding this administrative review of the antidumping duty order on persulfates from the PRC covering the period July 1, 2007, through June 30, 2008, in accordance with 19 CFR 351.213(d)(1).

**Assessment**

The Department will instruct U.S. Customs and Border Protection ("CBP") to assess antidumping duties on all appropriate entries. Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping 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 15 days after the publication of this notice in the **Federal Register**.

**Notification to Interested Parties**

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. Pursuant to 19 CFR 351.402(f)(3), failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

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 and as explained in the APO itself. 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 the terms of an APO is a sanctionable violation.

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

Dated: January 2, 2009.

**Edward C. Yang,**

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

[FR Doc. E9-140 Filed 1-7-09; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

RIN 0648-XM37

**Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Fisheries in the Bering Sea and Aleutian Islands**

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

**ACTION:** Notice; intent to prepare an environmental assessment or an environmental impact statement; request for written comments.

**SUMMARY:** NMFS, in consultation with the North Pacific Fishery Management Council, announces its intent to prepare either an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) on measures to minimize non-Chinook salmon bycatch in the Bering Sea, in accordance with the National Environmental Policy Act of 1969. The proposed action would replace the current Chum Salmon Savings Area in the Bering Sea, and the specific exemption to the area closure, with new regulatory closures, salmon bycatch limits, or a combination of both. The scope of the EA or EIS will be to determine the impacts to the human environment resulting from the measures to minimize non-Chinook salmon bycatch. NMFS will accept written comments from the public to determine the issues of concern and the appropriate range of alternatives for analysis.

**DATES:** Written comments must be received by March 23, 2009.

**ADDRESSES:** Written comments on issues and alternatives should be sent to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian. Comments may be submitted by:

• E-mail:

*ChumSalmonBycatchEIS@noaa.gov*. Include in the subject line the following document identifier: "RIN 0648-XM37". E-mail comments, with or without attachments, are limited to 5 megabytes;

• Mail: P.O. Box 21668, Juneau, AK 99802;

• Hand Delivery to the Federal Building; 709 West 9th Street, Room 420A, Juneau, AK; or

• Fax: 907-586-7557.

All Personal Identifying Information (e.g., name, address) voluntarily submitted by the commenter may be

publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments. Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe portable document file (pdf) formats only.

**FOR FURTHER INFORMATION CONTACT:** Gretchen Harrington, (907) 586-7228.

**SUPPLEMENTARY INFORMATION:** Under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the United States has exclusive fishery management authority over all living marine resources found within the exclusive economic zone. The management of these marine resources, with the exception of certain marine mammals and birds, is vested in the Secretary of Commerce. The North Pacific Fishery Management Council (Council) has the responsibility to prepare fishery management plans for those marine resources off Alaska requiring conservation and management. Management of the Federal groundfish fishery in the Bering Sea is carried out under the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP). The FMP, its amendments, and implementing regulations (found at 50 CFR part 679) are developed in accordance with the requirements of the Magnuson-Stevens Act and other applicable Federal laws and executive orders, notably the National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA).

The Council is considering new measures to minimize non-Chinook salmon bycatch in the Bering Sea pollock fishery because of the potential negative impacts on salmon stocks in general, and on western Alaska salmon stocks in particular. Four species of salmon (sockeye, coho, pink, and chum) are aggregated into a "non-Chinook salmon" species category for catch accounting and prohibited species catch limits. Chum salmon comprises over 99.6% of the total catch in this category. The majority of non-Chinook bycatch occurs in the pollock trawl fishery during the B season (June 10 to November 1). Historically, the portion of the non-Chinook bycatch from the pollock trawl fishery has ranged from 88% to over 99.5% of all non-Chinook salmon bycatch in the federal groundfish fisheries. Since 2002, bycatch of non-Chinook salmon in the pollock fishery has comprised over 95%

of the total non-Chinook salmon bycatch.

From 1991 through 2002, the average annual bycatch in the Bering Sea pollock fishery was 72,668 non-Chinook salmon. From 2003 through 2006, non-Chinook salmon bycatch numbers increased substantially to a historic high of 704,989 non-Chinook salmon in 2005. Bycatch since 2006 has declined substantially, with a 2008 bycatch of 15,002 non-Chinook salmon. The numbers of non-Chinook salmon bycatch in the Bering Sea pollock fishery from 2003 through 2008 are shown in the following table:

Year	Number of non-Chinook salmon
2003	195,135
2004	440,692
2005	704,989
2006	309,676
2007	94,349
2008	15,002

NMFS and the Council are initiating scoping in the event that an Environmental Impact Statement (EIS) is the required NEPA document for the proposed action and its alternatives. We are seeking information from the public through the scoping process on the range of alternatives to be analyzed, and on the environmental, social, and economic issues to be considered in the analysis. Written comments generated during this scoping process will be provided to the Council and incorporated into the EIS, or the EA if we determine that an EIS is not required.

#### **Chum Salmon Savings Area and Prohibited Species Catch Limit**

The Chum Salmon Savings Area in the Bering Sea is a time-area closure designed to reduce overall non-Chinook salmon bycatch in the federal groundfish trawl fisheries. This time-area closure was adopted based on historically observed salmon bycatch rates and was designed to avoid areas and times of high non-Chinook salmon bycatch. The Chum Salmon Savings Area is closed to pollock fishing from August 1 through August 31 of each year. Additionally, if the prohibited species catch limit of 42,000 non-Chinook salmon are caught by vessels using trawl gear in the Catcher Vessel Operational Area during the period August 15 through October 14, the Chum Salmon Savings Area remains

closed to directed fishing for pollock for the remainder of the calendar year.

Non-CDQ and CDQ pollock vessels participating in an inter-cooperative agreement (ICA) using the Voluntary Rolling Hotspot System (VHRS) are exempted from closures of the Chum Salmon Savings Area. The purpose of the VHRS ICA is to use real-time salmon bycatch information to avoid areas of high non-Chinook salmon bycatch rates. The ICA utilizes a system of base bycatch rates, assignment of vessels to tiers based on bycatch rates relative to the base rate, a system of closures for vessels in certain tiers, and monitoring and enforcement through private contractual arrangements. The VRHS ICA was necessary because comparisons of non-community development quota (non-CDQ) vessels fishing outside of the salmon savings areas with CDQ vessels fishing inside of the salmon savings areas indicated that salmon bycatch rates were much higher outside of the savings areas, and closures were displacing vessels to higher bycatch areas.

#### **Proposed Action**

The proposed action is to replace the current Chum Salmon Savings Areas and the VRHS ICA regulations with new regulatory closures, salmon bycatch limits, or a combination of both based on current salmon bycatch information. The purpose of the proposed action is to minimize non-Chinook salmon bycatch to the extent practicable while achieving optimum yield from the pollock fishery. The proposed action is necessary to ensure long-term conservation and abundance of salmon, maintain a healthy marine ecosystem, provide maximum benefit to fishermen and communities that depend on salmon and pollock, and comply with the Magnuson-Stevens Act.

#### **Alternative Management Measures**

We will evaluate a range of alternative management measures for the Bering Sea pollock fishery. Alternatives may be formulated based on the elements identified here, and those developed through the public scoping and Council processes. Possible alternatives could be constructed from one or more of the following measures:

1. Hard Cap – Establish a hard cap for non-Chinook salmon bycatch in the CDQ and non-CDQ pollock fisheries. The eight hard cap options range from 58,176 to 488,045 non-Chinook salmon. Hard caps could be apportioned to the CDQ and non-CDQ pollock fisheries or divided among the fishery sectors. Sector level caps could be further divided among the cooperatives. Fishery

participants would be required to stop fishing when the hard cap is reached.

2. Triggered area closure – Establish a salmon savings area closure based on current salmon bycatch information. These closures would occur once a specified cap level was reached.

Additional information about non-Chinook salmon bycatch and the alternatives that the Council may consider may be found on the Council's website at: [http://www.alaskafisheries.noaa.gov/npfmc/current\\_issues/bycatch/chumbycatch1208.pdf](http://www.alaskafisheries.noaa.gov/npfmc/current_issues/bycatch/chumbycatch1208.pdf).

#### Preliminary Identification of Issues

A principal objective of the scoping and public input process is to identify potentially significant impacts to the human environment. The analysis will evaluate the impacts of the alternatives for all resources, species, and issues that may be directly or indirectly affected by non-Chinook salmon bycatch in the Bering Sea pollock fisheries. The following components of the biological and physical environment may be evaluated: (1) target and non-target fish stocks, forage fish, and prohibited species, including salmon species; (2) species listed under the ESA and their critical habitat; (3) seabirds; (4) marine mammals; and (5) the ecosystem.

Social and economic impacts also would be considered in terms of the effects that changes to non-Chinook salmon bycatch management measures would have on the following groups of individuals: (1) those who participate in harvesting pollock; (2) those who process and market pollock and pollock products; (3) those who consume pollock products; (4) those who rely on living marine resources caught in the management area, particularly non-Chinook salmon; (5) those who benefit from subsistence, commercial, and sport salmon fisheries; and (6) fishing communities.

#### Public Involvement

Scoping is an early and open process for determining the scope of issues to be addressed in an EA for EIS and for identifying the significant issues related to the proposed action. A principal objective of the scoping and public involvement process is to identify a range of reasonable alternatives that will delineate critical issues and provide a clear basis for distinguishing among those alternatives and selecting a preferred alternative. Through this notice, we are notifying the public that a NEPA analysis and decision-making process for this proposed action has been initiated so that interested or affected people may

participate and contribute to the final decision.

We are seeking written public comments on the scope of issues, including potential impacts, and alternatives that should be considered in revising non-Chinook salmon bycatch management measures. Written comments will be accepted at the address above (see **ADDRESSES**). Written comments should be as specific as possible to be the most helpful. Written comments received during the scoping process, including the names and addresses of those submitting them, will be considered part of the public record of this proposal and will be available for public inspection.

The public is invited to participate and provide input at Council meetings where the latest scientific information regarding salmon bycatch in the Bering Sea pollock fishery is reviewed and alternative non-Chinook salmon bycatch reduction measures are developed and evaluated. Notice of future Council meetings will be published in the **Federal Register** and posted on the Internet at <http://alaskafisheries.noaa.gov/>. Please visit this website for more information on this proposed action and for guidance on submitting effective public comments.

Dated: January 2, 2009.

**Emily H. Menashes**

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

[FR Doc. E9-125 Filed 1-7-09; 8:45 am]

**BILLING CODE 3510-22-S**

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

**RIN 0648-XM55**

##### Marine Mammals; File No. 782-1708

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

**ACTION:** Notice; issuance of permit amendment.

**SUMMARY:** Notice is hereby given that the NMFS National Marine Mammal Laboratory, Seattle, WA has been issued a minor amendment to Scientific Research Permit No. 782-1708-04.

**ADDRESSES:** The amendment and related documents are available for review upon written request or by appointment in the following office:

Permits, Conservation and Education Division, Office of Protected Resources,

NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)427-2521.

#### FOR FURTHER INFORMATION CONTACT:

Tammy Adams or Kate Swails, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The original permit (No. 782-1708), issued on August 23, 2003 (68 FR 53967) and valid through December 31, 2008, authorized research on northern fur seals (*Callorhinus ursinus*) of the San Miguel Islands Stock at San Miguel Island, California, and of the Eastern North Pacific Stock at Bogoslof Island and the Pribilof Islands in Alaska. The permit was subsequently amended four times to modify methods and take numbers. The minor amendment (No. 782-1708-05) extends the duration of the permit through December 31, 2009, and does not change any other terms or conditions of the permit.

Dated: January 2, 2009.

**P. Michael Payne,**

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

[FR Doc. E9-124 Filed 1-7-09; 8:45 am]

**BILLING CODE 3510-22-S**

#### DEPARTMENT OF COMMERCE

##### United States Patent and Trademark Office

[Docket No. PTO-C-2008-0058]

##### National Medal of Technology and Innovation Nomination Evaluation Committee

**AGENCY:** United States Patent and Trademark Office.

**ACTION:** Notice and request for nominations.

**SUMMARY:** The Department of Commerce (United States Patent and Trademark Office) is requesting nominations of individuals to serve on the National Medal of Technology and Innovation Nomination Evaluation Committee. The United States Patent and Trademark Office will consider nominations received in response to this notice as well as from other sources. The **SUPPLEMENTARY INFORMATION** section of this notice provides committee and membership criteria.

