

FOR FURTHER INFORMATION CONTACT: Robert Copyak or Richard Herring, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC.; telephone: (202) 482-2786.

SUPPLEMENTARY INFORMATION:

Background

On August 12, 1992, the Department published in the **Federal Register** a notice of "Opportunity to Request Administrative Review" (57 FR 36063) of the antidumping order on PTFE resin from Italy (53 FR 33163; August 30, 1988). On August 31, 1992, Ausimont S.p.A. and Ausimont U.S.A. requested an administrative review of the order for the period August 1, 1991 through July 31, 1992. We initiated the review on September 28, 1992 (57 FR 44551). Verifications were conducted in Milan, Italy, September 13-16, 1993, and in Morristown, New Jersey, November 22-23, 1993. On December 21, 1994, the preliminary results of this administrative review were published (59 FR 65753). We have now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Review

Imports covered by this review are shipments of PTFE resin which is classifiable under *Harmonized Tariff Schedule* (HTS) item number 3904.61.00. PTFE dispersions in water and fine powders are not covered by this order. The HTS item number is provided for convenience and Customs purposes. The written description remains dispositive. The order on PTFE resin from Italy also covers PTFE wet raw polymer exported from Italy to the United States (see *Granular Polytetrafluoroethylene Resin from Italy; Final Determination of Circumvention of Antidumping Duty Order* (58 FR 26100; April 30, 1993)). However, because the Department issued its preliminary affirmative determination of circumvention and ordered the suspension of liquidation of wet raw polymer entries after the review period, entries of PTFE wet raw polymer were not subject to this particular review (see *Granular Polytetrafluoroethylene Resin from Italy; Preliminary Results of Antidumping Administrative Review*, 59 FR 65753, and Memorandum to Joseph A. Spetrini, Acting Assistant Secretary for Import Administration, dated September 10, 1993; The Third Administrative Review of the Antidumping Duty Order on Granular

Polytetrafluoroethylene Resin from Italy, which is on file in the Central Records Unit (room B099 of the Main Commerce Building)). The review covers one manufacturer/exporter of Italian PTFE resin to the United States, Ausimont S.p.A., and the review period is August 1, 1991 through July 31, 1992.

Final Results of the Review

We gave interested parties an opportunity to comment on the preliminary results. We did not receive any comments. Therefore, the final results are unchanged from those presented in the preliminary results. As a result of our comparison of United States price with foreign market value, we determine that the following weighted-average dumping margin existed during the period August 1, 1991 through July 31, 1992:

Manufacturer/exporter	Period	Margin (percent)
Ausimont S.p.A.	08/01/91-07/31/92	13.31

Furthermore, the following deposit requirements will be effective upon publication of these final results of this administrative review, for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed company will be 13.31 percent; (2) for exporters not covered in this review, but covered in previous reviews or the original less-than-fair-value (LTFV) investigation, 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 and exporters will be 46.46 percent, the "all other" rate established in the original LTFV investigation by the Department (53 FR 26096, July 11, 1988), in accordance with the decisions of the CIT in *Floral Trade Council v. United States*, 822 F. Supp. 766 (1993), and *Federal-Mogul Corporation v. United States*, 822 F. Supp. 782 (1993).

These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a final reminder to importers of their responsibility

under 19 CFR 353.26 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.

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibilities concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Failure to comply is a violation of the APO.

This administrative review and notice are in accordance with section 751(a)(1)(B) of the Act (19 U.S.C. 1675(a)(1)(B)) and 19 CFR 353.22(c)(5).

Dated: April 7, 1995.

Paul L. Joffe,

Deputy Assistant Secretary for Import Administration.

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National Oceanic and Atmospheric Administration

[I.D. 040495C]

Endangered and Threatened Wildlife; Notice of Availability of the Sea Turtle/Shrimp Fishery Emergency Response Plan

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

ACTION: Notice of availability.

SUMMARY: NMFS announces the availability of an Emergency Response Plan (ERP) for protecting sea turtles in shrimp fishery operations. The ERP provides a general statement of policy with respect to NMFS' enforcement practice and use of future rulemaking in response to elevated sea turtle strandings associated with shrimping effort and ensures compliance with sea turtle conservation regulations.

DATES: The Sea Turtle/Shrimp Fishery Emergency Response Plan (ERP) describes NMFS policy as of March 14, 1994.

ADDRESSES: Persons wishing to obtain a copy of the ERP should address correspondence to the Protected Species Branch, National Marine Fisheries Service, Southeast Regional Office, 9721 Executive Center Drive, St. Petersburg, FL, 33702 telephone: 813-570-5312.

FOR FURTHER INFORMATION CONTACT:
Charles A. Oravetz, 813-570-5312, or
Russell Bellmer, 301-713-1401.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to section 7 of the Endangered Species Act (ESA), 16 U.S.C. 1531 *et seq.*, NMFS consults on shrimp fishing operations in the southeastern United States that may affect sea turtles listed as threatened or endangered under the ESA. These shrimp fishing operations are managed, in part, under the Gulf of Mexico Shrimp Fishery Management Plan and the South Atlantic Shrimp Fishery Management Plan, both implemented pursuant to the Magnuson Fisheries Management and Conservation Act, 16 U.S.C. 1801 *et seq.*, and the Sea Turtle Conservation Regulations at 50 CFR 227.72, implemented under the ESA.

Unprecedented levels of sea turtle stranding levels in Texas, Louisiana, and Georgia associated with shrimp fishing during 1994 resulted in a reinitiation of consultation pursuant to 50 CFR 402.16 on shrimp fishing in the southeastern United States. The resulting Biological Opinion (Opinion), issued on November 14, 1994, concluded that continued long-term operation of the fishery under the current management regime was likely to jeopardize the continued existence of the Kemp's ridley and prevent the recovery of loggerheads, but identified a reasonable and prudent alternative to allow the fishery to continue while avoiding jeopardy. One of the components of the alternative was to develop an ERP by March 14, 1995, to ensure compliance with sea turtle conservation regulations and respond to sea turtle stranding events. The ERP provides internal guidance and policy on NMFS' enforcement efforts and seeks to use future rulemaking to meet these goals. The ERP is available for public information, and NMFS will accept public comments.

The scope of the ERP extends to waters 10 nautical miles (18.5 km) seaward of the COLREGs demarcation line (72 COLREGs) as described in 33 CFR part 80. This includes offshore waters, and does not include bays, estuaries and sounds.

The Opinion includes an incidental take statement identifying the expected impact of takings as a result of shrimp fishing. The Opinion provides that strandings of sea turtles will be considered an indicator of nearshore mortality resulting from shrimp fishing during periods when intensive shrimping effort occurs and there are no significant or intervening natural or

human sources of mortality other than shrimping conclusively identified as the cause of the strandings. The ERP provides procedures for notification of strandings by Sea Turtle Stranding and Salvage Network coordinators to NMFS. The ERP also provides procedures for public dissemination of stranding report summaries, enforcement activities, and management measures.

In addition, the ERP provides internal guidelines for enforcement actions and future management measures to be implemented through rulemaking. The purpose of the ERP in providing this guidance is to take a progressive approach in avoiding increased levels of strandings as those levels approach the incidental take level identified in the Opinion.

The ERP identifies two areas in which strandings of Kemp's ridley sea turtles are historically high: The Northern Gulf Interim Special Management Area, including waters off Louisiana and Texas, and the Atlantic Special Management Area, including waters off northeast Florida and Georgia, from the COLREGs line out to 10 nautical miles (18.5 km). From April 1 through November 30, members of a trained Turtle Excluder Device (TED) law enforcement team will investigate compliance with TED regulations in these areas. If strandings exceed 75 percent of the weekly incidental take levels, identified in the Opinion, for 2 consecutive weeks, management measures will be implemented through separate rulemaking pursuant to 50 CFR 227.72(e)(6) and the Administrative Procedure Act, 5 U.S.C. 551 *et seq.* (APA). These measures will remain in effect for 30 days in those NMFS statistical zones in which elevated strandings occur and adjacent statistical zones (or portions of adjacent zones), seaward of the COLREGs line to 10 nautical miles (18.5 km). These measures are expected to be:

1. Prohibition of the use of soft TEDs;
2. Prohibition of the use of bottom opening TEDs;
3. Prohibition of the use of try nets, unless equipped with legal TEDs; and
4. Prohibition of the use of flaps over the escape opening of TEDs.

Changes to the size and extent of the restricted area, or modification of restrictions, may be required through additional rulemaking effective for 30 days.

Continued elevated strandings associated with shrimping effort after the above restrictions have been implemented may result in closures to shrimp fishing in the NMFS statistical zones in which elevated strandings occur and adjacent statistical zones (or

portions of adjacent zones), seaward of the COLREGs line to 10 nautical miles (18.5 km). Area closures, if necessary, will be implemented through separate rulemaking pursuant to the procedures identified at 50 CFR 227.72(e)(6) and the APA. Changes to the size and extent of the area closures, or modification of restrictions, may be required, through additional rulemaking, effective for 30 days.

The ERP further provides for procedures in the event that the Agency determines that such management measures are not necessary despite elevated stranding levels.

Lastly, the ERP provides for stranding notification procedures, procedures regarding enforcement efforts, and procedures for taking management measures in areas outside the Interim Special Management Areas.

The Opinion, in addition to the ERP, requires a number of other management initiatives. In fulfilling these requirements, permanent rules may be prepared establishing special sea turtle management areas and/or contingency restrictions to the shrimp fishery. Such rulemaking will be done through normal rulemaking procedures, including publication of a proposed rule with a public comment period and, as appropriate, public hearings, prior to publication of a final rule and delayed effective date.

Dated: April 5, 1995.

William W. Fox, Jr.,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

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[I.D. 041195B]

Marine Mammals

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

ACTION: Request to export nonreleasable beached and stranded marine mammals (P588).

SUMMARY: Notice is hereby given that Enoshima Aquarium, 2-17-25, Katase-Kaigan, Fujisawa-City, Kanagawa, 251, Japan, has requested authorization to export for public display purposes two nonreleasable beached and stranded California sea lions from a U.S. rehabilitation facility.

ADDRESSES: The request for authorization and related documents are available for review upon written request to the Chief, Permits Division, F/PR1, Office of Protected Resources,