

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. Pursuant to 19 CFR 351.227(d)(3), interested parties may submit case briefs no later than seven days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than seven days after the date of filing for case briefs.⁴ Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.⁵ Executive summaries should be limited to five pages total, including footnotes.⁶ All submissions, with limited exceptions, must be filed electronically using ACCESS.⁷ Comments must be received successfully in their entirety by ACCESS by 5:00 p.m. Eastern Time on the due date. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.⁸ Each submission must be placed on the record of the segment of the proceeding for the AD order (A-570-954), ACCESS Covered Merchandise Inquiry segment "EAPA-7412."

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically and received successfully in its entirety via ACCESS by 5:00 p.m. Eastern Time within 10 days after the date of publication of this notice.⁹ Hearing requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; (3)

whether any participant is a foreign national; and (4) a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Notification to Interested Parties

This notice is issued and published pursuant to section 517 of the Act and 19 CFR 351.227(e)(1).

Dated: February 10, 2023.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Orders*
- IV. Description of Merchandise Subject to this Inquiry
- V. Legal Framework
- VI. Interested Party Comments
- VII. Analysis
- VIII. Recommendation

[FR Doc. 2023-03324 Filed 2-16-23; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XC781]

Atlantic Coastal Fisheries Cooperative Management Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit application contains all of the required information and warrants further consideration. The Exempted Fishing Permit would allow commercial fishing vessels to fish outside fishery regulations in support of research conducted by the applicant. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act and the Atlantic Coastal Fisheries Cooperative Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed Exempted Fishing Permits.

DATES: Comments must be received on or before March 6, 2023.

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

- *Email: nmfs.gar.efp@noaa.gov.*

Include in the subject line "NHFG Early Benthic-Phase Lobster Trap EFP."

FOR FURTHER INFORMATION CONTACT:

Laura Deighan, Fishery Management Specialist, *Laura.Deighan@noaa.gov*, (978) 281-9184.

SUPPLEMENTARY INFORMATION: The New Hampshire Fish and Game Department submitted a complete application for an Exempted Fishing Permit (EFP) to conduct commercial fishing activities that the regulations would otherwise restrict. The EFP would allow the Department to continue pilot testing of early benthic-phase (EBP) lobster traps, which target lobsters between 15- and 50-mm carapace length, to determine their feasibility for broader use in lobster surveys. This EFP would exempt the participating vessel from the Federal regulations described in Table 1.

TABLE 1—REQUESTED EXEMPTIONS

Citation	Regulation	Need for exemption
50 CFR 697.21(c) and § 697.21(d)	Gear specification requirements	To allow for the use of modified traps with no escape vents or ghost panels.
§ 697.19	Trap limit requirements	To allow for one additional trap.
§ 697.19(j)	Trap tag requirements	To allow for the use of four untagged traps.
§§ 697.20(a)(7), 697.20(a)(8), 697.20(b)(5), 697.20(b)(6), 697.20(d), and 697.20(g).	Possession restrictions	To allow for onboard biological sampling of undersized, oversized, v-notched, and egg-bearing lobsters.
§ 697.21(a)	Gear identification and marking requirements.	To allow for the use of four unmarked traps.

⁴ See 19 CFR 351.227(d)(3); see also *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020) (*Temporary Rule*).

⁵ See 19 CFR 351.309(c)(2) and (d)(2).

⁶ *Id.*

⁷ See 19 CFR 351.303.

⁸ See *Temporary Rule*.

⁹ Commerce is exercising its discretion under 19 CFR 351.310(c) to alter the time limit for requesting a hearing.

This project would use one federally permitted lobster vessel to pilot test the use of four EBP lobster traps in Lobster Management Area 3 (Statistical Areas 561, 562, and 522). The EBP traps are 80-cm square traps based on a modified crawfish trap. They have four square openings, measuring less than two inches (5.08 cm), which lead to ramps that drop the lobsters into a baited kitchen. Inside the traps, there are additional ramps that lead the lobsters to four cylindrical parlors with vertical openings. The traps are attached to cement runners that provide weight and maintain proper orientation.

The participants would place two EBP traps each on two of their existing trawls and haul them twice per trip during the course of the vessel's normal fishing activity. The vessel would take between 9 and 13 experimental trips, lasting from 7 to 12 days, between May 15 and November 15, 2023. The crew would rig the EBP traps within Atlantic Large Whale Take Reduction Plan-compliant commercial trawls, resulting in no additional end lines. The vessel would fish one trap above its 2023 allocation, but would remain within the universal Area 3 trap cap. Researchers would allow up to 144 total hauls, but expect 72 to 104 hauls. At each haul, the crew would record, and immediately release, all bycatch and measure, sex, and release all lobsters from the EBP trap. They would also sample catch in two standard traps per trawl (four total) as control data. They would land and sell the legal catch from the standard traps.

The goal of this project is to test the selectivity of the EBP trap (versus ventless traps that often catch eel and crab) and the scalability of its use. If successful, EBP traps could be used in lobster surveys to provide information about larval-settlement patterns and juvenile nursery grounds.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

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

Dated: February 13, 2023.

Jennifer M. Wallace,

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

[FR Doc. 2023-03321 Filed 2-16-23; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XC782]

Marine Mammals; File No. 27099

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that the Pacific Whale Foundation (Responsible Party: Jenson Curie), 300 Ma'alaea Rd. Ste. 211, Wailuku, Hawaii 96793, has applied in due form for a permit to conduct research on 22 species of cetaceans within waters of the Hawaiian Islands.

DATES: Written, telefaxed, or email comments must be received on or before March 20, 2023.

ADDRESSES: The application and related documents are available for review by selecting "Records Open for Public Comment" from the "Features" box on the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 27099 from the list of available applications. These documents are also available upon written request via email to NMFS.Pr1Comments@noaa.gov.

Written comments on this application should be submitted via email to NMFS.Pr1Comments@noaa.gov. Please include File No. 27099 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to NMFS.Pr1Comments@noaa.gov. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Courtney Smith, Ph.D., or Erin Markin, Ph.D., (301) 427-8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531

et seq.), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

The applicant proposes to harass up to 1200 of the following cetaceans species, annually, during vessel, underwater, and Unoccupied Aerial Systems (UAS) surveys within waters of the Main Hawaiian Islands: Blainville's beaked (*Mesoplodon densirostris*), Bryde's (*Balaenoptera brydeii*), Cuvier's beaked (*Ziphius cavirostris*), dwarf sperm (*Kogia sima*), false killer (*Pseudorca crassidens*; including the endangered Main Hawaiian Islands insular Distinct Population Segment), fin (*Balaenoptera physalus*), humpback (*Megaptera novaeangliae*), killer (*Orcinus orca*), melon-headed (*Peponocephala electra*), minke (*Balaenoptera acutorostrata*), pygmy killer (*Feresa attenuata*), pygmy sperm (*Kogia breviceps*), short-finned pilot (*Globicephala macrorhynchus*), and sperm (*Physeter macrocephalus*) whales; and common bottlenose (*Tursiops truncatus*), Fraser's (*Lagenodelphis hosei*), pantropical spotted (*Stenella attenuata*), Risso's (*Grampus griseus*), rough-toothed (*Steno bredanensis*), short-beaked common (*Delphinus delphis*), spinner (*Stenella longirostris longirostris*), and striped (*Stenella coeruleoalba*) dolphins. The objective of research is to assess the human impacts on, and the distribution, abundance, social organization, population structure, population size, foraging, diet, reproduction, movements, habitat use, body condition, health, and behavior of Hawaiian cetaceans. Proposed research procedures include photo-ID, photogrammetry, underwater filming, suction-cup tagging, biopsy collection, fecal sampling, sloughed skin collection, and exhaled air sample collection. Up to 10 suction-cup tags and up to 40 biopsy samples may be taken from the above listed species. The permit would be valid for 5 years from the date of issuance.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.