

Analysis of Comments Received

All issues raised in the post-preliminary comments by parties in this review are addressed in the memorandum from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to David M. Spooner, Assistant Secretary for Import Administration, Issues and Decision Memorandum for the Final Results of Certain Helical Spring Lock Washers from the People's Republic of China (January 15, 2008) ("Issues and Decision Memorandum"), which is hereby adopted by this notice. A list of the issues that parties raised and to which we responded in the Issues and Decision Memorandum is attached to this notice as an appendix. The Issues and Decision Memorandum is a public document and is on file in the Central Records Unit ("CRU") in room B-099 in the main Commerce Department building, and is also accessible on the Web at <http://ia.ita.doc.gov/frn>. The paper copy and electronic version of the memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received, we have made changes in the margin calculations for HSW. *See* Issues and Decision Memorandum at Comments 1–3 and Comment 6.

We revised the calculation of the adverse facts available rate we have applied to packing usage rates for sales we did not verify. Specifically, we calculated a simple average exclusive of sales for which HSW over-stated that actual packing material usage, and used this rate to inflate the packing usage rates of all the sales that were not verified. *See* Comment 1.

We changed our surrogate value for steel wire rod ("SWR") and are using Indian imports from Harmonized Tariff Schedule ("HTS") numbers 7213.91 and 7213.99 to value SWR for the final results. We will weight-average HTS numbers 7213.91 and 7213.99 based on the March 2006 inventory-out quantities obtained at verification. *See* Comment 2.

We have included Indian imports from Germany in our SWR surrogate value calculation. We have excluded Indian imports from South Africa and Brazil in our SWR surrogate value calculation. *See* Comment 3.

We have excluded imports from North Korea and Belgium stainless SWR surrogate value calculation. *See* Comment 3.

We have revised our calculations of Suchi's financial ratios in two ways. First, we have not included octroi, insurance, and freight forwarding expenses in the calculations of Suchi's

financial ratios. Second, we have excluded traded goods from the overhead ratio, but included traded goods in the SG&A and profit ratios. *See* Comment 6.

Final Results of Review

We determined that the following dumping margin exists for the period October 1, 2005, through September 30, 2006:

Exporter/manufacturer	Weighted-average margin percentage
Hangzhou Spring Washer Co., Ltd. (also known as Zhejiang Wanxin Group, Ltd.)	0.00

Assessment Rates

The Department intends to issue assessment instructions to U.S. Customs and Border Protection ("CBP") 15 days after the date of publication of these final results of review. In accordance with 19 CFR 351.212(b)(1), we have calculated importer-specific assessment rates for merchandise subject to this review.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2)(C) of the Act: (1) For subject merchandise exported by HSW, the cash deposit rate will be zero; (2) for previously reviewed or investigated PRC and non-PRC exporters not listed above that have separate rates, the cash-deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash-deposit rate will continue to be the PRC-wide rate of 128.63 percent; and (4) for all non-PRC exporters of subject merchandise that have not received their own rate, the cash-deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements shall remain in effect until further notice.

Notification of Interested Parties

This notice also 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. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of double antidumping duties. This notice also serves as a reminder to parties subject to administrative protective orders ("APOs") 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 that is subject to sanction.

We are issuing and publishing this determination and notice in accordance with sections 751(a) and 777(i) of the Act.

Dated: January 15, 2008.

David M. Spooner,
Assistant Secretary for Import
Administration.

Appendix—List of Comments and Issues in the Issues and Decision Memorandum

- Comment 1: Appropriate Adverse Facts Available
- Comment 2: Surrogate Value for Steel Wire Rod: Source
- Comment 3: Surrogate Value for Steel Wire Rod: Adjustments to Calculation
- Comment 4: Surrogate Value for Hydrochloric Acid
- Comment 5: Surrogate Financial Statements: Source
- Comment 6: Surrogate Financial Statements: Adjustments to Calculation
- Comment 7: Whether To Adjust Overhead Ratio for Environmental Compliance

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE29

Endangered and Threatened Species; Recovery Plans; Final Recovery Plan for Southern Resident Killer Whales

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

ACTION: Notice of availability.

SUMMARY: We, the National Marine Fisheries Service (NMFS), announce the adoption of our final Endangered Species Act (ESA) Recovery Plan for the Southern Resident killer whale DPS (*Orcinus orca*). The Final Recovery Plan for Southern Resident Killer Whales (Final Recovery Plan) and the NMFS summary of and responses to public comments are now available.

ADDRESSES: The Recovery Plan, public comment summary and responses, and other supporting documents are available on-line on the NMFS web site www.nwr.noaa.gov. Copies of the Plan may be reviewed and/or copied at NMFS, Protected Resources Division, 7600 Sand Point Way NE, Seattle, WA, 98115.

FOR FURTHER INFORMATION CONTACT: Lynne Barre, NOAA/NMFS, Northwest Region, (206) 526-4745.

SUPPLEMENTARY INFORMATION: The Endangered Species Act (ESA) of 1973, as amended (15 U.S.C. 1531 *et seq.*) requires that NMFS develop and implement recovery plans for the conservation and survival of threatened and endangered species under its jurisdiction, unless it is determined that such plans would not result in the conservation of the species. NMFS We announced the endangered listing of the Southern Resident killer whale distinct population segment (DPS) on November 18, 2005 (70 FR 69903). Prior to the ESA listing, NMFS designated the Southern Resident killer whale population as a depleted stock under the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1361 *et seq.*) on May 29, 2003 (68 FR 31980). At the time of the designation, we announced our intention to develop a conservation plan.

We held a series of public meetings and technical workshops to gather input from Federal government agency representatives, state and tribal co-managers, Canadian officials, orca advocacy groups, non-governmental organizations, researchers, whale watch industry and concerned citizens. We circulated a preliminary draft conservation plan for public review on March 14, 2005. We received comments on the preliminary draft, and made revisions in response to the comments. We subsequently published a Notice of Availability of a Proposed Conservation Plan for Southern Resident Killer Whales in the **Federal Register** on October 3, 2005 (70 FR 57565) opening a public comment period. We received comments on the proposed conservation plan. Before the conservation plan was finalized, we listed the Southern Resident DPS as an endangered species.

In developing a proposed recovery plan for the whales, we addressed the comments we had received on the proposed conservation plan and incorporated ESA elements into the plan, including discussions of the ESA section 4(a)(1) listing factors, critical habitat, section 7, and ESA recovery criteria. We published a Notice of Availability of the Proposed Recovery Plan for Southern Resident Killer Whales in the **Federal Register** on November 29, 2006 (71 FR 69101) opening another public comment period. We received 50 comment letters by mail, fax or e-mail and prepared a summary of the comments and provided information on our responses, including descriptions of edits made to the Final Recovery Plan to incorporate the comments. We also included new information, research results, and references that have become available since the proposed recovery plan was released.

The Final Recovery Plan

The ESA requires that recovery plans incorporate (1) objective, measurable criteria which, when met, would result in a determination that the species is no longer threatened or endangered; (2) site-specific management actions necessary to achieve the plan's goals; and (3) estimates of time required and costs to implement recovery actions. NMFS's goal is to restore the endangered Southern Resident DPS killer whales to the point where they are again secure, self-sustaining members of their ecosystems and no longer need the protections of the ESA.

The Final Recovery Plan provides background on the natural history of killer whales, population trends and the potential threats to their viability. The Plan lays out a recovery strategy to address the potential threats based on the best available science and includes recovery goals and criteria. The Plan is not regulatory, but presents guidance for use by agencies and interested parties to assist in the recovery of Southern Resident killer whales. The Plan identifies substantive actions needed to achieve recovery by addressing the threats to the species. The strategy for recovery includes linking management actions to an active research program to fill data gaps, and monitor activities to assess effectiveness. The Plan incorporates an adaptive management framework by which management actions and other elements will evolve and adapt as we gain information through research and monitoring and it describes the agency guidance on time lines for reviews of the status of species and recovery plans. To address threats

related to prey availability and contaminants, the Plan references many of the significant efforts already underway to restore salmon runs and clean up Puget Sound, such as the Shared Strategy Puget Sound Salmon Recovery Plan and the Puget Sound Partnership.

We expect the Final Recovery Plan to help us and other Federal agencies take a consistent approach to section 7 consultations under the ESA and to other ESA decisions. For example, the plan will provide information on the biological context for the effects that a proposed action may have on the listed DPS. The best available information in the plan on the natural history, threats, and potential limiting factors, and priorities for recovery can be used to help assess risks. Consistent with the adoption of this Final Recovery Plan for Southern Resident killer whales, we will implement actions in the plan for which we have authority, work cooperatively on implementation of other actions, and encourage other Federal and state agencies to implement recovery actions for which they have responsibility and authority. Recovery of Southern Resident killer whales is a long-term effort and will require cooperation and coordination of Federal, state, tribal and local government agencies, and the community.

We conclude that the Final Recovery Plan meets the requirements of the ESA section 4(f) and are thus adopting it as the Final Recovery Plan for Southern Resident killer whales.

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

Dated: January 17, 2008.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

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