

of *Countervailing Duty Administrative Review*, 70 FR 54027 (September 13, 2005) (2003 *In-shell Pistachios*).

If the Department relies on secondary information (e.g., data from a petition) as facts available, section 776(c) of the Act provides that the Department shall, "to the extent practicable," corroborate such information using independent sources reasonably at its disposal.<sup>2</sup> The SAA further provides that to corroborate secondary information means that the Department will satisfy itself that the secondary information to be used has probative value. See also 19 CFR 351.308(d) (describing the corroboration of secondary information).

Thus, in those instances in which it determines to apply adverse facts available, the Department, in order to satisfy itself that such information has probative value, will examine, to the extent practicable, the reliability and relevance of the information used. However, unlike other types of information, such as publicly available data on the national inflation rate of a given country or national average interest rates, there typically are no independent sources for data on company-specific benefits resulting from countervailable subsidy programs. The only source for such information normally is administrative determinations. In the instant case, no evidence has been presented or obtained which contradicts the reliability of the evidence relied upon in previous segments of this proceeding.

With respect to the relevance aspect of corroboration, the Department will consider information reasonably at its disposal as to whether there are circumstances that would render benefit data not relevant. Where circumstances indicate that the information is not appropriate as adverse facts available, the Department will not use it. See *Fresh Cut Flowers from Mexico; Final Results of Antidumping Duty Administrative Review*, 61 FR 6812 (February 22, 1996). In the instant case, no evidence has been presented or obtained which contradicts the relevance of the benefit data relied upon in previous segments of this proceeding. Thus, in the instant case, the Department finds that the information used has been corroborated to the extent practicable.

For further discussion, see the "Use of Facts Available" section of the Decision Memorandum.

## Final Results of Review

In accordance with section 777A(e)(1) of the Act and 19 CFR 351.221(b)(5), we calculated an *ad valorem* subsidy rate for Nima, the only producer/exporter subject to this review, for the POR, calendar year 2004.

Producer/Exporter	Net Subsidy Rate
Tehran Negah Nima Trading Company, Inc., trading as Nima Trading Company (Nima) .....	71.10 percent <i>ad valorem</i>

As Nima is the exporter but not the producer of subject merchandise, the Department's final results of review apply only to subject merchandise exported by Nima and produced by any company which produces the subject merchandise. See 19 CFR 351.107(b) (providing that the Department may establish a combination rate for each combination of exporter and its supplying producer).

Therefore, we will issue the following cash deposit requirements, within 15 days of publication of the final results of the instant review, for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication: (1) For merchandise exported by Nima, the cash deposit rate will be 71.10 percent *ad valorem*, i.e., the rate calculated in the final results of the instant administrative review; (2) if the exporter is not a firm covered in this review, a prior review, or the original CVD investigation, but the producer is, the cash deposit rate will be the rate established for the most recent period for the producer of the merchandise; and (3) if neither the exporter nor producer is a firm covered in this review, a prior review, or the original investigation, the cash deposit rate will continue to be 99.52 percent *ad valorem*, the "All Others" rate from the final determination in the original investigation.

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(a)(3). Timely written notification of 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 administrative review and notice are issued and published in accordance

with sections 751(a)(1), 751(a)(3) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: June 22, 2006.

**David M. Spooner,**  
Assistant Secretary for Import  
Administration.

## Appendix I - Issues and Decision Memorandum

### I. Methodology and Background Information

#### Use of Facts Available

### II. Analysis of Programs

#### Programs Determined to Be Countervailable

1. Provision of Fertilizer and Machinery
2. Provision of Credit
3. Tax Exemptions
4. Provision of Water and Irrigation Equipment
5. Technical Support
6. Duty Refunds on Imported Raw or Intermediate Materials Used in the Production of Export Goods
7. Program to Improve Quality of Exports of Dried Fruit
8. Iranian Export Guarantee Fund
9. GOI Grants and Loans to Pistachio Farmers

#### 10. Crop Insurance for Pistachios

### III. Total Ad Valorem Rate

### IV. Analysis of Comments

#### Comment 1: Combination Rate

#### Comment 2: Additional Subsidy Programs

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Evaluation of State Coastal Management Programs and National Estuarine Research Reserves

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Office of Ocean and Coastal Resource Management, National Ocean Service, Commerce.

**ACTION:** Notice of Intent to Evaluate and Notice of Availability of Final Findings.

**SUMMARY:** The NOAA Office of Ocean and Coastal Resource Management (OCRM) announces its intent to evaluate the performances of the Old Woman Creek (Ohio) National Estuarine Research Reserve, the Connecticut Coastal Management Program, and the New Hampshire Coastal Management Program.

The Coastal Zone Management Program evaluations will be conducted

<sup>2</sup> The Statement of Administrative Action accompanying the URAA clarifies that information from the petition is "secondary information." See Statement of Administrative Action, URAA, H. Doc. No. 316, Vol. 1, 103d Cong. (1994) (SAA) at 870.

pursuant to section 312 of the Coastal Zone Management Act of 1972, as amended (CZMA) and regulations at 15 CFR part 923, subpart L. The National Estuarine Research Reserve evaluation will be conducted pursuant to sections 312 and 315 of the CZMA and regulations at 15 CFR part 921, subpart E and part 923, subpart L. The CZMA requires continuing review of the performance of states with respect to coastal program implementation. Evaluation of Coastal Management Programs and National Estuarine Research Reserves requires findings concerning the extent to which a state has met the national objectives, adhered to its Coastal Management Program document or Reserve final management plan approved by the Secretary of Commerce, and adhered to the terms of financial assistance awards funded under the CZMA.

Each evaluation will include a site visit, consideration of public comments, and consultations with interested Federal, state, and local agencies and members of the public. A public meeting will be held as part of the site visit. Notice is hereby given of the dates of the site visits for the listed evaluations, and the dates, local times, and locations of the public meeting during the site visits.

**DATES:** The Old Woman Creek (Ohio) National Estuarine Research Reserve evaluation site visit will be held August 14–17, 2006. One public meeting will be held during the week. The public meeting will be held on Tuesday, August 15, 2006, at 7 p.m. at the Old Woman Creek National Estuarine Research Reserve Visitor Center, Exhibit Hall, 2514 Cleveland Road, East, Huron, Ohio.

The Connecticut Coastal Management Program evaluation site visit will be held September 11–15, 2006. One public meeting will be held during the week. The public meeting will be held on Tuesday, September 12, 2006, at 7 p.m. at the Department of Environmental Protection, Marine Headquarters, Conference Room (Building 3), 333 Ferry Road, Old Lyme, Connecticut.

The New Hampshire Coastal Management Program evaluation site visit will be held September 20–22, 2006. One public meeting will be held during the week. The public meeting will be held on Wednesday, September 20, 2006, at 5 p.m. at the New Hampshire Coastal Program Office, Department of Environmental Services, 50 International Drive, Suite 200, Portsmouth, New Hampshire.

**ADDRESSES:** Copies of states' most recent performance reports, as well as OCRM's evaluation notification and supplemental information request letters to the states, are available upon request from OCRM. Written comments from interested parties regarding these Programs are encouraged and will be accepted until 15 days after the public meeting held for a Program. Please direct written comments to Ralph Cantral, Chief, National Policy and Evaluation Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 10th Floor, N/ORM7, Silver Spring, Maryland 20910. When the evaluations are completed, OCRM will place a notice in the **Federal Register** announcing the availability of the Final Evaluation Findings.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given of the availability of the final evaluation findings for the Pennsylvania and California Coastal Management Programs (CMPs) and the Sapelo Island (Georgia), Chesapeake Bay-Maryland, and Rookery Bay (Florida) National Estuarine Research Reserves (NERRs). Sections 312 and 315 of the Coastal Zone Management Act of 1972 (CZMA), as amended, require a continuing review of the performance of coastal states with respect to approval of CMPs and the operation and management of NERRs.

The states of Pennsylvania and California were found to be implementing and enforcing their federally approved coastal management programs, addressing the national coastal management objectives identified in CZMA section 303(2)(A)–(K), and adhering to the programmatic terms of their financial assistance awards. The Sapelo Island (Georgia), Chesapeake Bay-Maryland, and Rookery Bay (Florida) NERRs were found to be adhering to programmatic requirements of the NERR System.

Copies of these final evaluation findings may be obtained upon written request from: Ralph Cantral, Chief, National Policy and Evaluation Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 10th Floor, N/ORM7, Silver Spring, Maryland 20910, or [Ralph.Cantral@noaa.gov](mailto:Ralph.Cantral@noaa.gov).

**FOR FURTHER INFORMATION CONTACT:** Ralph Cantral, Chief, National Policy and Evaluation Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 10th Floor, N/ORM7, Silver Spring, Maryland 20910, (301) 563–7118.

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Coastal Zone Management Program Administration

Dated: June 23, 2006.

**Elizabeth Scheffler,**

*Chief Financial Officer, Management and Budget Office, National Ocean Service, National Oceanic and Atmospheric Administration.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Availability of Seats for the Stellwagen Bank National Marine Sanctuary Advisory Council

**AGENCY:** National Marine Sanctuary Program (NMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration, Department of Commerce (DOC).

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

**SUMMARY:** The Stellwagen Bank National Marine Sanctuary (SBNMS or Sanctuary) is seeking applicants for the following vacant seats on its Sanctuary Advisory Council (Council): Conservation (Alternate) and At-Large (Member). Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; philosophy regarding the protection and management of marine resources; and possibly the length of residence in the area affected by the Sanctuary. Applicants who are chosen as members should expect to serve two-year terms, pursuant to the Council's Charter.

**DATES:** Applications are due by August 15, 2006.

**ADDRESSES:** Application kits may be obtained from [Ruthetta.Halbower@noaa.gov](mailto:Ruthetta.Halbower@noaa.gov), 175 Edward Foster Road, Scituate, MA 02066. Telephone 781–545–8026 X201. Completed applications should be sent to the same address.

**FOR FURTHER INFORMATION CONTACT:** Nathalie Ward, SAC Coordinator 175 Edward Foster Road, Scituate, MA 02066 [nathalie.ward@noaa.gov](mailto:nathalie.ward@noaa.gov) Tel: 781–545–8026.

**SUPPLEMENTARY INFORMATION:** The Stellwagen Bank National Marine Sanctuary Advisory Council was established in March 2001 to assure continued public participation in the management of the Sanctuary. Serving in a volunteer capacity, the Advisory Council's 21 voting members represent