

	Weighted-Average Margin
Ta Chen Stainless Pipe Co., Ltd	0.79%

The Department will disclose calculations performed for these preliminary results of review within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Interested parties may submit case briefs and/or written comments no later than 30 days after the date of publication of these preliminary results of review. See 19 CFR 351.309(c)(ii). Rebuttal briefs and rebuttals to written comments are limited to issues raised in such briefs or comments and may be filed no later than five days after the time limit for filing the case briefs or comments. See 19 CFR 351.309(d). Parties who submit argument in these proceedings are requested to submit with the argument: (1) a statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities. See 19 CFR 351.309(c). An interested party may request a hearing within 30 days of publication of these preliminary results. See 19 CFR 351.310(c). Any hearing, if requested, will be held two days after the scheduled date for submission of rebuttal briefs. See 19 CFR 351.310(d). The Department will issue the final results of this administrative review, including the results of our analysis of the issues raised in any such written comments or at a hearing, within 120 days of publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act.

#### Assessment Rates

Upon completion of this review the Department will determine, and CBP shall assess antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1) we have calculated an importer-specific *ad valorem* rate for merchandise exported by Ta Chen which is subject to this review. The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of the final results of review.

The Department clarified its "automatic assessment" regulation on May 6, 2003 (68 FR 23954). See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003). This clarification will apply to entries of subject merchandise during the period of review produced by Ta Chen or by any of the companies for which we are rescinding this review and for which Ta Chen or each no-shipment

respondent did not know its merchandise would be exported by another company to the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

#### Cash Deposit

The following cash deposit requirements will be effective upon publication of the 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 of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) the cash deposit rate for the reviewed company will be the rate listed in the final results of review; (2) for previously investigated companies not listed above, 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 less-than-fair-value (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 or exporters will continue to be the "all others" rate of 51.01 percent, which is the "all others" rate established in the LTFV investigation. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

#### Notification to Interested Parties

This notice also serves as a preliminary 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.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: June 30, 2006.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

[FR Doc. E6-11060 Filed 7-12-06; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

C-122-815

#### Pure Magnesium and Alloy Magnesium from Canada: Preliminary Results of Countervailing Duty Administrative Reviews and Intent to Rescind

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

**SUMMARY:** The Department of Commerce is conducting administrative reviews of the countervailing duty orders on pure magnesium and alloy magnesium from Canada for the period January 1, 2004, through December 31, 2004. We preliminarily find that a producer/exporter has received countervailable subsidies during the period of review. If the final results remain the same as these preliminary results, we will instruct U.S. Customs and Border Protection to assess countervailing duties as detailed in the "Preliminary Results of Reviews" section of this notice. Interested parties are invited to comment on these preliminary results (see the "Public Comment" section of this notice).

**EFFECTIVE DATE:** July 13, 2006.

**FOR FURTHER INFORMATION CONTACT:** Andrew McAllister or Steve Williams, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington DC 20230; telephone (202) 482-1174 or (202) 482-4619, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Case History

On August 31, 1992, the Department of Commerce ("the Department") published in the **Federal Register** the countervailing duty orders on pure magnesium and alloy magnesium from Canada (see *Final Affirmative Countervailing Duty Determinations: Pure Magnesium and Alloy Magnesium from Canada*, 57 FR 39392 (July 13, 1992) ("*Magnesium Investigation*"). On August 1, 2005, the Department published a notice of "Opportunity to Request Administrative Review" of these countervailing duty orders (see *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 70 FR 44085). We received timely requests for review from Norsk Hydro Canada, Inc. ("NHCI") and from the petitioner, US Magnesium LLC ("US Magnesium") for reviews of NHCI and Magnola

Metallurgy Inc. ("Magnola"). NHCI also requested that the Department revoke the countervailing duty orders with respect to NHCI. On September 16, 2005, we received comments from US Magnesium arguing that NHCI's revocation request was without merit. On September 23, 2005, NHCI submitted a rebuttal to the September 16, 2005, submission by US Magnesium. On September 28, 2005, we initiated these reviews covering shipments of subject merchandise from NHCI and Magnola (see *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 70 FR 56631).

On October 5, 2005, NHCI requested that the Department continue the suspension of liquidation for NHCI's subject merchandise during this POR until final disposition of a dispute settlement proceeding under NAFTA (USA-CDA-00-1904-09 (panel)). On June 23, 2006, the Department granted NHCI's request to continue suspension of liquidation of its subject merchandise entries during this POR.

On November 2, 2005, we issued countervailing duty questionnaires to NHCI, Magnola, Government of Québec ("GOQ"), and the Government of Canada ("GOC"). On November 14, 2005, Magnola notified the Department that it had ceased operations and had no shipments of the subject merchandise during the POR. We received questionnaire responses from GOQ and GOC on December 9, 2005, and from NHCI on December 16, 2005.

On January 13, 2006, we received additional information from NHCI regarding its revocation request. On June 12, 2006, NHCI withdrew its request for revocation.

### Scope of the Orders

The products covered by these orders are shipments of pure and alloy magnesium from Canada. Pure magnesium contains at least 99.8 percent magnesium by weight and is sold in various slab and ingot forms and sizes. Magnesium alloys contain less than 99.8 percent magnesium by weight with magnesium being the largest metallic element in the alloy by weight, and are sold in various ingot and billet forms and sizes.

The pure and alloy magnesium subject to the orders is currently classifiable under items 8104.11.0000 and 8104.19.0000, respectively, of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS subheadings are provided for convenience and customs purposes, the written descriptions of the merchandise subject to the orders are dispositive.

Secondary and granular magnesium are not included in the scope of these orders. Our reasons for excluding granular magnesium are summarized in *Preliminary Determination of Sales at Less Than Fair Value: Pure and Alloy Magnesium From Canada*, 57 FR 6094 (February 20, 1992).

### Intent to Rescind

As noted above, the Department was notified by Magnola that it ceased operations and had no shipments of subject merchandise during the POR. The Department confirmed, using CBP data, that Magnola did not ship subject merchandise to the United States during the POR. Therefore, pursuant to 19 CFR 351.213(d)(3), we are preliminarily rescinding the administrative review of the countervailing duty order on alloy magnesium with respect to Magnola.

### Period of Review

The period of review ("POR") for which we are measuring subsidies is January 1, 2004, through December 31, 2004.

### Subsidies Valuation Information

*Discount rate:* As noted below, the Department preliminarily finds that NHCI benefitted from countervailable subsidies during the POR. In accordance with 19 CFR 351.524(d)(3), it is the Department's preference to use a company's long-term, fixed-rate cost of borrowing in the same year a grant was approved as the discount rate. However, where a company does not have any debt that can be used as an appropriate basis for a discount rate, the Department's next preference is to use the average cost of long-term fixed-rate loans in the country in question. In the investigation and previous reviews, the Department determined that NHCI received and benefitted from countervailable subsidies from the Article 7 grant from the Québec Industrial Development Corporation ("Article 7 grant"). See *Magnesium Investigation*. In line with the Department's practice, we used NHCI's cost of long-term, fixed-rate debt in the year in which the Article 7 grant was approved as the discount rate for purposes of calculating the benefit pertaining to the POR.

*Allocation period:* In the investigations and previous administrative reviews of these cases, the Department used as the allocation period for non-recurring subsidies the average useful life ("AUL") of renewable physical assets in the magnesium industry as recorded in the Internal Revenue Service's 1977 Class Life Asset Depreciation Range System ("the IRS tables"), *i.e.*, 14 years.

Pursuant to 19 CFR 351.524(d)(2), we use the AUL in the IRS tables as the allocation period unless a party can show that the IRS tables do not reasonably reflect either the company-specific or country-wide AUL for the industry. During these reviews, none of the parties contested using the AUL reported for the magnesium industry in the IRS tables. Therefore, we continue to allocate non-recurring benefits over 14 years.

For non-recurring subsidies, we applied the "0.5 percent expense test" described in 19 CFR 351.524(b)(2). In this test, we compare the amount of subsidies approved under a given program in a particular year to sales (total or export, as appropriate) in that year. If the amount of the subsidies is less than 0.5 percent of sales, the benefits are expensed in their entirety in the year of receipt, rather than allocated over the AUL period.

### Analysis of Programs

#### I. Programs Preliminarily Determined to Confer Countervailable Subsidies

##### A. Article 7 Grant from the Québec Industrial Development Corporation ("SDI")

SDI (*Société de Développement Industriel du Québec*) administers development programs on behalf of the GOQ. SDI provides assistance under Article 7 of the SDI Act in the form of loans, loan guarantees, grants, assumptions of costs associated with loans, and equity investments. This assistance is provided for projects that are capable of having a major impact upon the economy of Québec. Article 7 assistance greater than 2.5 million dollars must be approved by the Council of Ministers and assistance over 5 million dollars becomes a separate budget item under Article 7. Assistance provided in such amounts must be of "special economic importance and value to the province." (See *Magnesium Investigation*, 57 FR at 30948.)

In 1988, NHCI was awarded a grant under Article 7 to cover a large percentage of the cost of certain environmental protection equipment. The grant was disbursed in 1990 and 1991. In the *Magnesium Investigation*, the Department determined the Article 7 grant confers a countervailable subsidy within the meaning of section 771(5) of the Tariff Act of 1930, as amended ("the Act"). The grant is a direct transfer of funds from the GOQ bestowing a benefit in the amount of the grant. We previously determined that NHCI received a disproportionately large share of assistance under this program, and, on this basis, we

determined that the Article 7 grant was limited to a specific enterprise or industry, or group of enterprises or industries, within the meaning of section 771(5A)(D)(iv) of the Act. In these reviews, neither the GOQ nor NHCI has provided new information which would warrant reconsideration of this determination.

In the *Magnesium Investigation*, the Department determined that the Article 7 assistance received by NHCI constituted a non-recurring grant because it represented a one-time provision of funds. In the current reviews, no new information has been placed on the record that would cause us to depart from this treatment. To calculate the benefit, we performed the expense test, as explained in the "Allocation period" section above, and found that the benefits approved were more than 0.5 percent of NHCI's total sales. Therefore, we allocated the benefits over time. We used the grant methodology as described in 19 CFR 351.524(d) to calculate the amount of benefit allocable to the POR. We then divided the benefit attributable to the POR by NHCI's total sales of Canadian-manufactured products in the POR. On this basis, we preliminarily determine the countervailable subsidy from the Article 7 grant to be 0.51 percent *ad valorem* for NHCI.

## II. Programs Preliminarily Determined To Be Not Used

We examined the following programs and preliminarily determine that NHCI did not apply for or receive benefits under these programs during the POR:

- Emploi-Québec Manpower Training Program
- St. Lawrence River Environment Technology Development Program
- Program for Export Market Development
- The Export Development Corporation
- Canada-Québec Subsidiary Agreement on the Economic Development of the Regions of Québec
- Opportunities to Stimulate Technology Programs
- Development Assistance Program
- Industrial Feasibility Study Assistance Program
- Export Promotion Assistance Program
- Creation of Scientific Jobs in Industries
- Business Investment Assistance Program
- Business Financing Program
- Research and Innovation Activities Program
- Export Assistance Program
- Energy Technologies Development Program

- Financial Assistance Program for Research Formation and for the Improvement of the Recycling Industry
- Transportation Research and Development Assistance Program

## III. Program Previously Determined To Be Terminated

- Exemption from Payment of Water Bills

## Adjustment of Countervailing Duty Cash Deposit Rate

In its January 13, 2006, submission, NHCI contends that the Department should set NHCI's cash deposit rate to zero for pure magnesium and alloy magnesium at the final results of these administrative reviews. NHCI asserts that, as of that date, the only subsidy at issue for NHCI (*i.e.*, the Article 7 grant) will have been fully amortized, and there will be no basis or need for collecting cash deposits from NHCI. In support of its argument, NHCI cites to *Stainless Steel Sheet and Strip in Coils from France: Final Results of Countervailing Duty Administrative Review*, 68 FR 53963 (September 15, 2003) ("*SSSSC from France*") and *Final Results of Countervailing Duty Administrative Reviews: Low Enriched Uranium From Germany, the Netherlands, and the United Kingdom*, 69 FR 40869 (July 7, 2004) ("*Uranium*").

In its December 9, 2005, submission, GOC supported NHCI's arguments for setting the cash deposit rate at zero.

As discussed below under the "Cash Deposit Instructions" section, we do not intend to issue cash deposit instructions as a result of these reviews. Therefore, NHCI's argument is moot.

## Preliminary Results of Reviews

In accordance with 19 CFR 351.221(b)(4)(i), we calculated an individual subsidy rate for the producer/exporter subject to these administrative reviews. For the period January 1, 2004, through December 31, 2004, we preliminarily find the net subsidy rate for NHCI to be 0.51 percent. If the final results of these reviews remain the same as these preliminary results, the Department intends to instruct U.S. Customs and Border Protection ("CBP") to assess countervailing duties at this net subsidy rate. We will disclose our calculations to the interested parties in accordance with 19 CFR 351.224(b).

## Cash Deposit Instructions

On June 26, 2006, the ITC voted in favor of revoking the countervailing duty orders on pure magnesium and alloy magnesium from Canada (*see Pure and Alloy Magnesium from Canada*, 71

FR 36359 (June 26, 2006)). The effective date of the revocations is August 16, 2005. As a result of the ITC's determination, we do not intend to issue cash deposit instructions.

However, were the Department to issue cash deposit instructions, we preliminarily determine that the estimated net subsidy for future NHCI imports would be zero. Consequently, no cash deposits of estimated countervailing duties would be required on shipments of the subject merchandise from the reviewed entity, entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of these reviews.

## Liquidation Instructions

Pursuant to 19 U.S.C. 1516a(g)(5)(C)(i), the Department will not order the liquidation of entries of pure magnesium or alloy magnesium from Canada exported by NHCI on or after January 1, 2004, through December 31, 2004, pending final disposition of a dispute settlement proceeding under NAFTA (USA-CDA-00-1904-09 (panel)) with respect to *Pure and Alloy Magnesium From Canada; Final Results of Full Sunset Review*, 65 FR 41436 (July 5, 2000). Liquidation of NHCI entries will occur at the rates described in these final results of reviews, if appropriate, following the final disposition of the previously mentioned NAFTA dispute settlement proceedings.

## Public Comment

Pursuant to 19 CFR 351.310(c), any interested party may request a hearing within 30 days of publication of this notice. Any hearing, if requested, will be held 42 days after the publication of this notice, or the first workday thereafter. Issues raised in the hearing will be limited to those raised in the case and rebuttal briefs. Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs within 30 days of the date of publication of this notice. Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than 35 days after the date of publication of this notice. *See* 19 CFR 351.309(d). Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument with an electronic version included.

The Department will issue the final results of this administrative review, including the results of its analysis of issues raised in any such written briefs or hearing, within 120 days of

publication of these preliminary results. See section 751(a)(3) of the Act.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: July 6, 2006.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

[FR Doc. E6-11063 Filed 7-12-06; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 071006D]

#### Mid-Atlantic Fishery Management Council (MAFMC); Meetings

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

**ACTION:** Notice of public meeting.

**SUMMARY:** The Mid-Atlantic Fishery Management Council (Council); its Magnuson-Stevens Act (MSA) Reauthorization Committee; its Ecosystem Committee; and, its Squid, Mackerel, Butterfish Committee will hold public meetings.

**DATES:** Tuesday, August 1, 2006, through Thursday, August 3, 2006. See **SUPPLEMENTARY INFORMATION** for a meeting agenda.

**ADDRESSES:** This meeting will be held at the Sheraton Society Hill Hotel, One Dock Street, Philadelphia, PA 19106, telephone 215-238-6000.

*Council Address:* Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19904, telephone 302-674-2331.

**FOR FURTHER INFORMATION CONTACT:** Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council; telephone: 302-674-2331, extension 19.

#### **SUPPLEMENTARY INFORMATION:**

##### **Tuesday, August 1, 2006**

The Magnuson-Stevens Act (MSA) Reauthorization Committee will meet from 9 a.m. until 10 a.m. to review Senate Bill 2012 and other reauthorization Bills to finalize Council position on MSA reauthorization. The Council will convene at 10 a.m. The Council will receive a summary report from 10 a.m. until 11:30 a.m. regarding outcomes of the 43rd Stock Assessment Review Committee concerning spiny dogfish, black sea bass, and red crab. From 12:30 p.m. until 4:30 p.m. the Council will finalize scup management

measures for 2007 (2008, 2009) in conjunction with the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Board (Board). The Scup Monitoring Committee's recommendations will be reviewed regarding harvest levels and commercial management measures to be applied for the 2007 fishing year and possibly the next two years thereafter, and harvest levels and commercial management measures as appropriate for scup will be adopted.

##### **Wednesday, August 2, 2006**

The Council will convene at 8 a.m. and meet in conjunction with the Board until noon to finalize summer flounder management measures for 2007 (2008, 2009). The Council and Board will review the Summer Flounder Monitoring Committee's recommendations regarding harvest levels and commercial management measures to be applied for the 2007 fishing year and possibly the next two years thereafter, and harvest levels and commercial management measures as appropriate for summer flounder will be adopted. From 1 p.m. until 3:30 p.m. the Council will finalize black sea bass management measures for 2007 (2008, 2009) in conjunction with the Board. The Council and the Board will review the Black Sea Bass Monitoring Committee's recommendations regarding harvest levels and commercial management measures to be applied for the 2007 fishing year and possibly the next two years thereafter, and harvest levels and commercial management measures as appropriate for black sea bass will be adopted. From 3:30 p.m. until 5:30 p.m. the Council will finalize Bluefish Management Measures for 2007 in conjunction with the Atlantic States Marine Fisheries Commission's Bluefish Board by reviewing the Bluefish Monitoring Committee's recommendations regarding harvest levels and associated management measures to be applied for the 2007 fishing year, and harvest levels and associated management measures for 2007 will be adopted.

##### **Thursday, August 3, 2006**

Concurrent sessions of the Ecosystems Committee and the Squid, Mackerel, Butterfish Committee will meet from 8 a.m. until 9 a.m. The Ecosystems Committee will review strategies to reduce bycatch mortality through the adoption and use of circle hooks and other types of hooks in selected recreational fisheries. The Squid, Mackerel, Butterfish Committee will review and discuss trimester allocation alternatives regarding the 2007 fishing year for *Loligo* squid and adopt a preferred alternative. The Council will

convene at 9 a.m. *Loligo* squid specifications for 2007 will be discussed from 9 a.m. until 9:30 a.m. This discussion will include a review of the Squid, Mackerel, Butterfish Committee's recommendations regarding trimester allocations and preferred allocation alternatives. The Council will approve and adopt a preferred allocation as its *Loligo* squid specification for 2007. From 9:30 a.m. until 11 a.m. the Council will review and discuss the scup rebuilding plan contained in the current draft of Amendment 14 to the Summer Flounder, Scup, Black Sea Bass FMP (pre-Public Hearing Document) and its associated environmental assessment (EA). From 11 a.m. until 1 p.m. the Council will receive a report on comments received as a consequence of the recent scoping process for Amendment 15 to the Summer Flounder, Scup, Black Sea Bass FMP, and develop a list of potential actions to be addressed in Amendment 15. The Council will conduct its regular business session from 2 p.m. to 5 p.m. to approve June Council meeting minutes, approve actions from the June meeting, receive various organizational reports, receive Committee reports and address any continuing business, i.e., changes to the Council's Statement of Operating Practices and Procedures (SOPP's) regarding Scientific and Statistical Committee membership, and any new business.

Although non-emergency issues not contained in this agenda may come before the Council and its Committees for discussion, these issues may not be the subject of formal Council or Committee action during this meeting. Council and Committee action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act provided the public has been notified of the Council(s) intent to take final actions to address such emergencies.

#### **Special Accommodations**

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to M. Jan Saunders (302-674-2331 extension 18) at least five days prior to the meeting date.

Dated: July 10, 2006.

**Tracey L. Thompson,**

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

[FR Doc. E6-11025 Filed 7-12-06; 8:45 am]

**BILLING CODE 3510-22-S**