

is attached to this notice as Appendix I. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit in room B-099 of the main Commerce building. In addition, a complete version of the Decision Memorandum can be accessed directly at <http://www.ia.ita.doc.gov/frn/index.html>. The paper copy and electronic version of the Decision Memorandum are identical in content.

### Final Results of Review

In accordance with 19 CFR 351.221(b)(5), we calculated individual subsidy rates for the producer/exporters, Jindal and Polyplex, subject to this review. We determine the net subsidy for Jindal to be 15.07 percent *ad valorem*, and the net subsidy for Polyplex to be 9.24 percent *ad valorem*.

### Assessment and Cash Deposit Instructions

We will instruct U.S. Customs and Border Protection (CBP) to assess countervailing duties as indicated above. The Department will instruct CBP to collect cash deposits of estimated countervailing duties as detailed above, based upon the f.o.b. invoice price on all shipments of the subject merchandise from the producer/exporters under review, entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

We will instruct CBP to continue to collect cash deposits for non-reviewed companies at the most recent company-specific or country-wide rate applicable to the company. Accordingly, the cash deposit rates that will be applied to non-reviewed companies covered by this order will be the rate for that company established in the most recently completed administrative proceeding conducted under the URAA. See *Notice of Countervailing Duty Order: Polyethylene Terephthalate Film, Sheet, and Strip (PET film) from India*, 67 FR 44179 (July 1, 2002). These rates shall apply to all non-reviewed companies until a review of a company assigned this rate is requested. In addition, for the period January 1, 2003, through December 31, 2003, the assessment rates applicable to all non-reviewed companies covered by this order are the cash deposit rates in effect at the time of entry.

In the *Preliminary Results* we determined that Jindal Polyester Limited had changed its name to Jindal Poly Films Limited. We stated that if we found no reason to reverse this decision,

we would update our instructions to CBP to reflect this name change. No parties commented on this and no other new information or evidence of changed circumstances has been presented to warrant reconsideration of this finding. Thus we plan to issue instructions to CBP to reflect this name change.

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) and 777(i)(1) of the Act.

Dated: February 6, 2006.

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

### Appendix I—Issues and Decision Memorandum

#### I. List of Issues

*Comment 1:* Whether the Advance License Program Provides a Countervailable Subsidy

*Comment 2:* Sales Tax Incentives

*Comment 3:* Whether the Department Should Exclude an IDBI Loan in Calculating the Short-Term Benchmark

*Comment 4:* Whether the Department Should Consider a Certain EPCGS License as a Grant or as an Interest-Free Loan

*Comment 5:* Calculation of the Countervailing Duty Rate Under the Advance License Program

*Comment 6:* Interest Rates Used to Calculate the Countervailing Duty Rate Under the EPCGS Program

*Comment 7:* The Proper Allocation of EPCGS and EOU Benefits

*Comment 8:* Whether the Cash Deposit Rate Should Include the 80 HHC Tax Exemption Countervailing Duty Rate

*Comment 9:* Inclusion of Benefits Received by Non-Producing Units in Calculating Jindal's EOU Countervailing Duty Rate

*Comment 10:* Calculation of Jindal's Countervailing Duty Rate Under the EOU Program

### II. Background Information and Subsidies Valuation Information

### III. Subsidies Valuation Information

### IV. Analysis of Programs

#### A. Programs Conferring Subsidies

1. Pre-Shipment and Post-Shipment Export Financing
2. Duty Entitlement Passbook Scheme (DEPS)
3. Export Promotion Capital Goods Scheme (EPCGS)
4. Income Tax Exemption Scheme 80 HHC
5. Capital Subsidy
6. Sales Tax Incentives

I. State of Uttaranchal/Uttar Pradesh

II. State of West Bengal

III. State of Gujarat

IV. State of Madhya Pradesh

V. State of Maharashtra

VI. State of Himachal Pradesh

#### B. Programs Determined to Be Not Used

1. Export Oriented Units Programs not used
  - A. Duty Drawback on Furnace Oil Procured from Domestic Oil Companies
  2. Duty Entitlement Passbook Scheme (DEPS)
  3. The Sale and Use of Special Import Licenses (SILs) for Quality and SILs for Export Houses, Trading Houses, Star Trading Houses, or Superstar Trading Houses (GOI Program)
  4. Exemption of Export Credit from Interest Taxes
  5. Loan Guarantees from the GOI
  6. Capital Incentive Schemes (SOM and SUP Program)
  7. Waiving of Interest on Loan by SICOM Limited (SOM Program)
  8. Infrastructure Assistance Schemes (State of Gujarat Program)

### V. Analysis of Comments

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 020706A]

### Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Application for an Exempted Fishing Permit

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; receipt of exempted fishing permit (EFP) application; announcement of the intent to issue the EFP; request for comments.

**SUMMARY:** NMFS announces the receipt of applications, and the intent to issue EFPs for vessels participating in an observation program to monitor the incidental take of salmon and groundfish in the shore-based component of the Pacific whiting fishery. The EFPs are necessary to allow trawl vessels fishing for Pacific whiting to delay sorting their catch, and thus to retain prohibited species and groundfish in excess of cumulative trip limits, until the point of offloading. These activities are otherwise prohibited by Federal regulations.

**DATES:** Comments must be received by February 28, 2006. The EFPs will be effective no earlier than March 15, 2006, and would expire no later than May 31, 2007, but could be terminated earlier under terms and conditions of the EFPs and other applicable laws.

**ADDRESSES:** Send comments or requests for copies of the EFP applications to Becky Renko, Northwest Region, NMFS, 7600 Sand Point Way N.E., Bldg. 1, Seattle, WA 98115 0070 or e-mail [2006WhitingEFP.nwr@noaa.gov](mailto:2006WhitingEFP.nwr@noaa.gov). Comments sent via email, including all attachments, must not exceed a 10 megabyte file size.

**FOR FURTHER INFORMATION CONTACT:** Becky Renko at (206)526 6110.

**SUPPLEMENTARY INFORMATION:** This action is authorized by the Magnuson-Stevens Fishery Conservation and Management Act provisions at 50 CFR 600.745, which state that EFPs may be used to authorize fishing activities that would otherwise be prohibited. At the November 2005 Pacific Fishery Management Council (Pacific Council) meeting in San Diego, California, the Pacific Council received applications for these EFPs from Del Mar Seafoods, Inc. and the States of Washington, Oregon, and California. An opportunity for public testimony was provided during the Pacific Council meeting. The Pacific Council recommended that NMFS issue the EFPs, as requested by Del Mar Seafoods Inc. and the States, and forwarded the EFP applications to NMFS. NMFS is working with Del Mar Seafoods, Inc., the States, and participants who will be fishing under the EFP to resolve funding, retention, and monitoring issues affecting this EFP.

Issuance of these EFPs, to about 40 vessels, will continue an ongoing

program to collect information on the incidental catch of salmon and groundfish in whiting harvests delivered to shore-based processing facilities by domestic trawl vessels. Because whiting flesh deteriorates rapidly once the fish are caught, whiting must be minimally handled and immediately chilled to maintain the flesh quality. As a result, many vessels dump catch directly or near directly into the hold and are unable to effectively sort their catch.

The issuance of EFPs will allow vessels to delay sorting of groundfish catch in excess of cumulative trip limits and prohibited species until offloading. These activities are otherwise prohibited by regulation. In 2004 and 2005, NMFS provided electronic monitoring systems to catcher vessels fishing under the whiting EFP as part of a pilot study to evaluate if these systems would be useful tools to verify retention and/or document discard at sea. Based on the results from the 2004 and 2005 pilot studies, electronic monitoring systems may be useful tools to monitor retention and discard at sea. NMFS will continue to evaluate the usefulness of electronic monitoring tools during the 2006 whiting EFP and once again intends to provide electronic monitoring systems to participating vessels.

Delaying sorting until offloading will allow samplers located at the processing facilities to collect incidental catch data for total catch estimates and will enable whiting quality to be maintained. Without an EFP, groundfish regulations at 50 CFR 660.306(a)(2) require vessels to sort their prohibited species catch and return them to sea as soon as practicable with minimum injury. Similarly, regulations at 50 CFR 660.306(a)(10) prohibit the retention of groundfish in excess of the published trip limits.

In addition to providing information that will be used to monitor the attainment of the shore-based whiting allocation, information gathered through these EFPs is expected to be used in a future rulemaking. In the near future, NMFS is considering implementing, through Federal regulation, a monitoring program for the shore-based Pacific whiting fleet. The Pacific Council recommended using EFPs only until a permanent monitoring program could be developed and implemented. NMFS is developing a preliminary draft Environmental Assessment that includes a range of alternative monitoring systems for the shore-based Pacific whiting fishery. At its June 2004 meeting, the Pacific Council considered a preliminary range of alternatives for a shore-based fishery monitoring program.

Based on information learned during the 2004 and 2005 EFPs, NMFS is revising that range of alternatives and is tentatively scheduled to present a revised range of alternatives to the Pacific Council at their April 2006 meeting. Provided the Pacific Council adopts the revised range of alternatives for public review in April, the Pacific Council is tentatively expected to make final recommendations to NMFS regarding this monitoring program at its June 2006 meeting. NMFS would then publish a proposed rule, which would include a public comment period, followed by a final rule implementing a monitoring program before the start of the 2007 shore-based primary Pacific whiting season.

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

Dated: February 7, 2006.

**Alan D. Risenhoover,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 020206A]

#### Incidental Take of Marine Mammals; Taking of Marine Mammals Incidental to Missile Launch Operations from San Nicolas Island, CA

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

**ACTION:** Notice of issuance of a letter of authorization.

**SUMMARY:** In accordance with the Marine Mammal Protection Act (MMPA), as amended, notification is hereby given that a letter of authorization (LOA) to take 3 species of marine mammals incidental to missile launch operations from San Nicolas Island, CA (SNI) has been issued to the Naval Air Warfare Center Weapons Division (NAWC-WD), Point Mugu, CA. **DATES:** This authorization is effective from February 3, 2006, through February 2, 2007.

**ADDRESSES:** The application and LOA are available for review in the Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Kenneth Hollingshead or Layne Bolen, NMFS, (301) 713-2289.