

requested, must submit a written request to the Assistant Secretary for Import Administration, Room B-099, within 30 days of the date of publication of this notice. Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. See 19 CFR 351.310(c).

Issues raised in the hearing will be limited to those raised in the respective case briefs. Pursuant to 19 CFR 351.309, interested parties may submit written comments in response to these preliminary results. Unless the time period is extended by the Department, case briefs are to be submitted within 30 days after the date of publication of this notice, and rebuttal briefs, limited to arguments raised in case briefs, are to be submitted no later than five days after the time limit for filing case briefs.

Parties who submit arguments in this proceeding are requested to submit with the argument: (1) A statement of the issues, and (2) a brief summary of the argument. Case and rebuttal briefs must be served on interested parties, in accordance with 19 CFR 351.303(f).

The Department will issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

#### Assessment Rates

The Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries, in accordance with 19 CFR 351.212. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of review.

With respect to Agro Dutch, we intend to calculate importer-specific assessment rates for the subject merchandise by aggregating the dumping margins calculated for all of the U.S. sales examined and dividing this amount by the total entered value of the sales examined. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review if any importer-specific assessment rate calculated in the final results of this review is above *de minimis* (i.e., at or above 0.50 percent). See 19 CFR 351.106(c)(1). The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable. The Department clarified its "automatic assessment" regulation on May 6, 2003.

See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003) (Assessment Policy Notice). This clarification will apply to entries of subject merchandise during the period of review produced by companies included in these final results of reviews for which the reviewed companies did not know that the merchandise it sold to the intermediary (e.g., a reseller, trading company, or exporter) was destined for 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 intermediary involved in the transaction. See Assessment Policy Notice for a full discussion of this clarification.

#### Cash Deposit Requirements

The following cash deposit requirements will be effective 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 that established in the final results of this review, except if the rate is less than 0.50 percent, and therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or 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 11.30 percent, the "All Others" rate made effective by the LTFV investigation (see *Notice of Amendment of Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Preserved Mushrooms From India*, 64 FR 8311 (February 19, 1999)). These requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

#### Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) 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 antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221.

Dated: October 31, 2006.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 102706B]

#### Fisheries of the Northeastern United States; Northeast Multispecies Fishery, Scoping Process

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

**ACTION:** Notice; intent to prepare a supplemental environmental impact statement (SEIS) and hold scoping meetings; request for comments.

**SUMMARY:** The New England Fishery Management Council (Council) announces its intent to prepare, in cooperation with NMFS, a supplemental environmental impact statement (SEIS) to assess the potential effects on the human environment of alternative measures for managing the Northeast (NE) multispecies fishery pursuant to the Magnuson-Stevens Fishery Conservation and Management Act. This notice announces a public process for determining the scope of issues to be addressed and for identifying the significant issues relating to management of the multispecies fishery. The Council will use the scoping process and the SEIS to develop Amendment 16 to the NE Multispecies Fishery Management Plan (FMP).

**DATES:** The Council will discuss and take scoping comments at public meetings in November and December 2006 (see **SUPPLEMENTARY INFORMATION**). Written scoping comments must be received on or before 5 p.m., local time, December 29, 2006.

**ADDRESSES:** The Council will take scoping comments at public meetings in Ellsworth, Maine; Portland, Maine; Portsmouth, New Hampshire; Gloucester, Massachusetts; Fairhaven, Massachusetts; South Kingstown, Rhode Island; Riverhead, New York; and New York City, New York. For specific locations and times, see **SUPPLEMENTARY INFORMATION**. Written comments and requests for copies of the scoping document and other information should be directed to Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950, telephone (978) 465-0492. Comments may also be sent via facsimile (fax) to (978) 465-3116 or via e-mail to [comments@nefmc.org](mailto:comments@nefmc.org). Include in the subject line the following identifier: "Groundfish Amendment 16 Scoping Comments." The scoping document is/ will be accessible electronically via the Internet at <http://www.nefmc.org>.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Howard, Executive Director, New England Fishery Management Council, (978) 465-0492.

**SUPPLEMENTARY INFORMATION:**

**Background**

The NE Multispecies FMP manages cod (*Gadus morhua*), haddock (*Melanogrammus aeglefinus*), white hake (*Urophycis tenuis*), pollock (*Pollachius virens*), Acadian redfish (*Sebastes fasciatus*), yellowtail flounder (*Limanda ferrugineus*), winter flounder (*Pseudopleuronectes americanus*), witch flounder (*Glyptocephalus cynoglossus*), American plaice (*Hippoglossoides platessoides*), windowpane flounder (*Scophthalmus aquosus*), Atlantic halibut (*Hippoglossus hippoglossus*), and ocean pout (*Macrozoarces americanus*). These species are managed as 19 individual stocks. The Council has managed these species as a unit under the FMP since 1985. Management measures include limited and open access permit categories, limits on fishing time through days-at-sea (DAS) allocations, gear requirements, closed areas, and retention limits. These measures have been adopted through a series of amendments and adjustments to the original FMP. The most recent amendment (Amendment 13, implemented on May 1, 2004) established rebuilding programs for 12 stocks. For most of these overfished stocks, the goal is to rebuild to a biomass that will support maximum sustainable yield by 2014.

**Purpose of Action**

Amendment 13 established a requirement and a process for a mid-point review of rebuilding progress and adjustments to management measures as necessary to continue rebuilding. As part of this process, each groundfish stock will be assessed in 2008. Stock size and fishing mortality rates will be estimated, and status determination criteria will be reviewed. This information will be used to determine adjustments to Amendment 13 measures that are necessary to continue rebuilding and achieve optimum yield from the fishery. Amendment 16 to the FMP would implement any revisions to management measures necessary to continue the rebuilding programs adopted by Amendment 13. Amendment 16 and its accompanying SEIS will be focused on the adjustments that are necessary to comply with the mid-term adjustment procedures of the FMP, to meet the fishing mortality rate objectives of the FMP, and to ensure that all groundfish stocks rebuild.

In addition to considering adjustments to the current effort control management system as modified by Amendment 13 and subsequent frameworks, the Council may consider other management systems that may replace or supplement the existing effort controls. Members of the public are encouraged to submit proposals for alternative management schemes during the scoping process. The Council will evaluate proposals received and may develop them into alternatives that will be considered in Amendment 16. To guide in the development of proposals, the Council will specify in the scoping document the types of issues that must be addressed for a proposal to warrant further consideration. A workshop will be held at a Groundfish Oversight Committee meeting on November 3, 2006, to develop advice on these standards. The Council will use the information from the workshop to establish the standards at the Council meeting on November 14 - 16, 2006. This information should be available shortly after the Council meeting. Proposals should be as fully developed as possible when submitted in order to facilitate a prompt review and decision on whether to include the proposal in the amendment. Because of the limited time available for the development of this amendment, the Council may not consider alternative management schemes that are suggested outside of the scoping process.

The Northeast Fisheries Science Center is planning to assess stocks of wolffish (*Anarhichas lupus*) and cusk

(*Brosme brosme*) in 2007. The Council will consider the results of those assessments when developing this action and may adopt measures necessary to manage those stocks.

**Measures Under Consideration**

The Council may consider several types of management measures to continue the multispecies rebuilding program including, but not limited to:

- Changes to the current DAS management system, such as modifications to DAS allocation and use, changes to gear requirements, modified possession limits, additions or changes to seasonal and year-round closed areas, or changes to special management programs;
- Recreational fishery measures such as seasons, bag limits, or area closures;
- Total allowable catch management systems;
- Area management systems;
- Individual quota systems, including individual transferable quota systems; and
- Sector management systems.

The types of measures under consideration include those described in Amendment 13 as well as alternative management systems that may be suggested during this scoping process. Information on specific topics for which the Council is soliciting comment is in the scoping document, which will be available on the Council web site (<http://www.nefmc.org>) on or about November 15.

**Scoping Process**

It is the Council's and NMFS's intent to encourage all persons affected by or otherwise interested in the management of NE multispecies to participate in the process to determine the scope and significance of issues to be analyzed in the SEIS and amendment. All such persons are encouraged to submit written comments (see **ADDRESSES**) or comment at one of the scoping meetings. Persons submitting written comments may wish to address the specific measures introduced in the previous section. The scope of the SEIS consists of the range of actions, alternatives, and impacts to be considered. Alternatives may include the following: not amending the FMP (taking no action); developing an amendment that contains management measures such as those discussed in this notice; or other reasonable courses of action. Impacts may be direct, indirect, or cumulative.

This scoping process also will identify and eliminate from further detailed analysis issues that are not significant. After the scoping process is

completed, the Council will proceed with the development of Amendment 16 and the Council will prepare an SEIS to analyze the impacts of the range of alternatives considered in the amendment.

To ensure that the fishery continues to meet the Amendment 13 rebuilding objectives, any revisions to management measures included in Amendment 16 need to be implemented by May 1, 2009. In order to incorporate the latest catch and survey data into the proposed adjustment, the assessment of groundfish stocks scheduled for 2008 (the Groundfish Assessment and Review Meeting, or GARM) cannot be conducted until August 2008. Therefore, because of the lengthy process involved with evaluating the impacts of any changes to the FMP, the Council and NMFS propose to start the environmental review process as early as possible. As such, it will be necessary to develop and publish a draft SEIS for Amendment 16 using the best available data prior to the August 2008 GARM. The intent is to fully evaluate an adequate range of alternatives in the draft SEIS to project the full range of likely impacts resulting from any proposed adjustments to management measures. The Council will then hold public hearings to receive comments on the draft amendment and on the analysis of its impacts presented in the draft SEIS. Once the GARM has evaluated the status of groundfish stocks in August 2008, that information will be incorporated into the final SEIS to further refine the precision of the impact analysis presented in the draft SEIS.

#### Scoping Hearing Schedule

The Council will discuss and take scoping comments at the following public meetings:

1. Monday, November 27, 2006, from 5 – 8 p.m.; Holiday Inn, US Route 1&3, Ellsworth, ME 04605; telephone:(207) 667-9341.

2. Tuesday, November 28, 2006, from 5 – 8 p.m.; Eastland Park Hotel, 157 High Street, Portland, ME 04101; telephone: (207) 775-5411.

3. Wednesday, November 29, 2006, from 5 – 8 p.m.; Urban Forestry Center, 45 Elwyn Road, Portsmouth, NH; telephone:(603) 431-6774.

4. Thursday, November 30, 2006, from 5 – 8 p.m.; Massachusetts Department of Marine Fisheries Annisquam River Station, 30 Emerson Avenue, Gloucester, MA 01950; (978) 282-0308.

5. Tuesday, December 5, 2006, from 5 – 8 p.m.; Best Western East End, 1830 Route 25, Riverhead, NY 11901; telephone: (631) 369-2200.

6. Wednesday, December 6, 2006, from 5 – 8 p.m.; Holiday Inn South Kingstown, 3009 Tower Hill Road, So. Kingstown, RI 02674; telephone: (401) 789-1051.

7. Thursday, December 7, 2006, from 5 – 8 p.m.; Holiday Inn Express, 110 Middle Street, Fairhaven, MA 02719; telephone: (508) 997-1281.

8. Wednesday, December 12, 2006, from 7 – 9 p.m.; Skyline Hotel, 725 10th Avenue, New York, NY 10019; telephone: (212) 586-3400.

#### Special Accommodations

These meetings are accessible to people with physical disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see ADDRESSES) at least 5 days prior to the meeting date.

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

Dated: October 30, 2006.

**James P. Burgess,**

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

[FR Doc. E6-18682 Filed 11-3-06; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 103006C]

#### Marine Mammals; File No. 373-1868

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

**ACTION:** Notice; receipt of application for permit.

**SUMMARY:** Notice is hereby given that the Point Reyes Bird Observatory (PRBO) Conservation Science (Dr. William J. Sydeman, Responsible Party), 3820 Cypress Drive, # 11 Petaluma, CA 94954 has applied in due form for a permit for scientific research on pinnipeds in California.

**DATES:** Written, telefaxed, or e-mail comments on the new applications, amendment requests must be received on or before December 6, 2006.

**ADDRESSES:** The applications and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)427-2521; and Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach,

CA 90802-4213; phone (562)980-4001; fax (562)980-4018.

Written comments or requests for a public hearing on these applications should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301)427-2521, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing e-mail comments is [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). Include in the subject line of the e-mail comment the relevant document identifier: File No. 373-1868.

#### FOR FURTHER INFORMATION CONTACT:

Amy Sloan or Dr. Tammy Adams, (301)713-2289.

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

The PRBO proposes to study and monitor population trends, health, and ecology of pinnipeds in California, specifically at the Farallon Islands, Point Reyes Peninsula, Ano Nuevo Island, San Francisco Bay, and in Sonoma County near the Russian River. Harbor seals (*Phoca vitulina richardii*) and northern elephant seals (*Mirounga angustirostris*) are the primary species of study; researchers will also remotely survey California sea lions (*Zalophus californianus*), Steller sea lions (*Eumetopias jubatus*), and northern fur seals (*Callorhinus ursinus*) and their responses to changes in the environment. By monitoring these species, managers will be alerted to changes in the condition of pinniped populations and of the coastal marine ecosystems of central California. Research and monitoring activities will include (1) capture and handling of harbor seals and northern elephant seals in order to dye-mark, attach flipper tags and scientific instruments, and collect tissue samples, (2) surveys and photo-documentation of all species in order to quantify numbers by sex and age class annually and seasonally, and (3) incidental Level B disturbances related to research activities. An estimated