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DEPARTMENT OF COMMERCE

International Trade Administration
[C-122-815 (alloy), C-122-815 (pure)]

Pure Magnesium and Alloy Magnesium From Canada; Final Results of Full Sunset Reviews Reviews of Countervailing Duty Orders

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

ACTION: Notice of final results of full sunset reviews: Pure magnesium and alloy magnesium from Canada.

SUMMARY: On February 29, 2000, the Department of Commerce ("the Department") published in the Federal Register (65 FR 10766) the preliminary results of the full sunset review of the countervailing duty orders on pure magnesium and alloy magnesium from Canada, pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). We provided interested parties an opportunity to comment on our preliminary results and received comments filed on behalf of domestic and respondent interested parties. As a result of this review, the Department finds that revocation of the countervailing duty orders would be likely to lead to continuation or recurrence of a countervailable subsidy. The net countervailable subsidy and the nature of the subsidy are identified in the Final Results of Review section of this notice.

FOR FURTHER INFORMATION CONTACT: Kathryn B. McCormick or James Maeder, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th & Constitution, NW., Washington, DC 20230; telephone: (202) 482-1930 or (202) 482-3330, respectively.

EFFECTIVE DATE: July 5, 2000.

Statute and Regulations

These reviews were conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in Procedures for Conducting Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders, 63 FR 13516 (March 20, 1998) ("Sunset Regulations") and in 19 CFR Part 351 (1999) in general. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the

Department's Policy Bulletin 98:3—Policies Regarding the Conduct of Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin, 63 FR 18871 (April 16, 1998) ("Sunset Policy Bulletin").

Scope

The products covered by these orders are pure magnesium 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 merchandise is currently classifiable under items 8104.11.0000 and 8104.19.0000 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope remains dispositive. Secondary and granular magnesium are not included in the scope of these orders.

Background

On February 29, 2000, the Department of Commerce ("the Department") published in the Federal Register a notice of preliminary results of the full sunset review of the countervailing duty orders on pure magnesium and alloy magnesium (65 FR 10766) pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). In our preliminary results, we found that revocation of the orders would likely result in continuation or recurrence of a countervailable subsidy. In addition, we preliminarily determined the net countervailable subsidy likely to prevail if the orders were revoked to be 1.84 percent ad valorem for Norsk Hydro Canada Inc. ("NHCI") and 4.48 percent ad valorem for "all others."

On April 14, 2000, within the deadline specified in 19 CFR 351.209(c)(1)(i), we received a case brief on behalf of the Magnesium Corporation of America ("Magcorp") and respondent interested parties, NHCI and the Government of Quebec ("GOQ"). On April 24, 2000, within the deadline specified in 19 CFR 351.309(d), the Department received rebuttal comments from Magcorp and the GOQ. On March 17, 2000, we received a request for a hearing on behalf of the GOQ. Subsequently, on April 28, 2000, the GOQ withdrew its request and the Department canceled the hearing.

We note that the Department issued the preliminary results of countervailing duty administrative reviews covering the period January 1, 1998 through December 31, 1998 on May 4, 2000 (65 FR 25910).

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this sunset review are addressed in the "Issues and Decision Memorandum" ("Decision Memo") from Jeffrey A. May, Director, Office of Policy, Import Administration, to Troy H. Cribb, Acting Assistant Secretary for Import Administration, dated June 27, 2000, which is hereby adopted by this notice. The issues discussed in the Decision Memo include the likelihood of continuation or recurrence of countervailable subsidies and the net countervailable subsidy likely to prevail were the orders revoked. 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, room B-099, of the main Commerce Building.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at www.ita.doc.gov/import_admin/records/frn/, under the heading "Canada." The paper copy and electronic version of the Decision Memo are identical in content.

Final Results of Review

As a result of this review, the Department finds that revocation of the countervailing duty orders would be likely to lead to continuation or recurrence of a countervailable subsidy at the rates listed below:

Table with 2 columns: Manufacturer/Exporter, Margin (percent). Rows: Norsk Hydro Canada Inc. ("Norsk"), All Others. Values: 1.84, 4.48.

Timminco, which was found to have an estimated net subsidy of zero in the original investigations, remains excluded from the orders.

The program included in our calculation of the net countervailable subsidy likely to prevail if the orders were revoked does not fall within the definition of an export subsidy under Article 3.1(a) of the Subsidies Agreement.

This notice serves as the only reminder to parties subject to

1 See Final Affirmative Countervailing Duty Determinations: Pure Magnesium and Alloy Magnesium from Canada, 57 FR 30946 (July 13, 1992).

administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305 of the Department's regulations. Timely notification of return/destruction of APO material 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 five-year ("sunset") review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: June 27, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 062900A]

Northeast Region Sea Scallop Exemption Requirements

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

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before September 5, 2000.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at lengelme@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to David M. Gouveia, NMFS, 1 Blackburn Drive, Gloucester, MA 01930 (978-281-9280).

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Marine Fisheries Service (NMFS) has established a Sea Scallop Exemption Program (SEP) in the northeast region of the U.S. The SEP allows sea scallop fishermen to fish within certain areas closed to the northeast multispecies fishery. NMFS requires reporting by participants to allow it to enforce regulations and manage the fishery. The Office of Management and Budget (OMB) gave emergency Paperwork Reduction Act clearance to these reporting requirements on June 13, 2000. This Notice solicits public comment on a proposed request to OMB for regular clearance for these requirements. It also solicits comment on a proposal to expand the nature of the requirements. The approval obtained from OMB was limited to specifically identified exemption areas. NMFS proposes to request clearance for these requirements to apply to any other exemption areas that may be named.

The requirements currently approved are: (1) vessels not already equipped with a Vessel Monitoring System (VMS) must install one to allow NMFS to monitor the location of the vessel; (2) vessels installing a new VMS must submit verification of that installation; (3) vessels intending to participate in the SEP must notify NMFS of that intent no later than 15 days prior to the scheduled opening of an exemption area; (4) vessels participating must notify NMFS at least 5 days prior to departing on a trip to an exemption area in order to allow possible assignment of observers; (5) vessels on a trip to an exemption area must provide daily reporting via their VMS unit on their catch and related information; and (6) the VMS unit on vessels on a fishing trip to an exemption area must provide automatic position information twice each hour.

II. Method of Collection

The verification requirement of VMS installation is made by submission of a paper document. Notification requirements and all VMS reporting is done electronically via the VMS unit.

III. Data

OMB Number: 0648-0416.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business and other for-profit organizations, individuals.

Estimated Number of Respondents: 267.

Estimated Time Per Response: 1 hour for an installation of a VMS unit, 5

minutes for a verification of installation of the VMS unit, 2 minutes for a notification of intent to participate or to leave on a fishing trip, and 30 seconds per day for an automated VMS position reports.

Estimated Total Annual Burden Hours: 4,673.

Estimated Total Annual Cost to Public: \$195,000.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and /or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 27, 2000.

Madeleine Clayton,

Management Analyst, Office of Chief Information Officer.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 062700E]

Draft International Plan of Action To Address Illegal, Unregulated and Unreported Fishing

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

ACTION: Notice of availability; public meeting; request for comments.

SUMMARY: The United States, through a collaborative effort of NMFS, the Department of State, the Office of the United States Trade Representative, the Coast Guard, and the United States Customs Service announces the availability of a draft International Plan of Action to address Illegal, Unregulated and Unreported Fishing (IPOA-IUU).