

comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective orders ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

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

Dated: September 5, 2006.

David M. Spooner,

Assistant Secretary for Import Administration,

Appendix I Decision Memorandum

I. CHANGES SINCE THE PRELIMINARY RESULTS

II. GENERAL COMMENTS:

Comment 1: Adverse Facts Available ("AFA") for "Agent" Sales

Comment 2: AFA Rate for the Bars/Wedges Order

Comment 3: Separate Rates for TMC and SMC

Comment 4: Rejecting the Respondents' Case Brief

Comment 5: Addition of an HTS Number to the Scope of the Order

Comment 6: Application of Packing Materials and the By-product Offset in the Calculation of Normal Value

Comment 7: Referral to Customs and Border Protection ("CBP") Regarding Evasion of These Orders by Huarong, TMC and Iron Bull

Comment 8: Clerical Errors from the Preliminary Results

A. Calculation of per unit Importer Assessment Rates

B. SMC Missing Packing Variable

C. CBP Instructions

III. COMPANY-SPECIFIC ISSUES:

Comment 9: Huarong

A. Axes/Adzes Rate

B. Bars/Wedges Rate

Comment 10: SMC

A. Affiliation Determination

B. Partial Adverse Facts Available for Constructed Export Price ("CEP") Sales

C. Rate to Apply to SMC

D. AFA for SMC's Non-Reported Sales
Comment 11: AFA for Iron Bull's Sales of Bars/Wedges

[FR Doc. E6-15277 Filed 9-13-06; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

International Trade Administration

(A-351-824, A-823-805, A-570-828)

Silicomanganese from Brazil, Ukraine, and the People's Republic of China: Continuation of Antidumping Duty Orders

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

SUMMARY: As a result of the determinations by the Department of Commerce (the Department) and the International Trade Commission (ITC) that revocation of the antidumping duty orders on silicomanganese from Brazil, Ukraine, and the People's Republic of China (PRC) would be likely to lead to continuation or recurrence of dumping and of material injury to an industry in the United States within a reasonably foreseeable time, the Department is publishing notice of the continuation of these antidumping duty orders.

EFFECTIVE DATE: September 14, 2006.

FOR FURTHER INFORMATION CONTACT: Janis Kalnins or Minoo Hatten, Office 5, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-1392 and (202) 482-1690, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 3, 2006, the Department initiated and the ITC instituted the second sunset reviews of the antidumping duty orders on silicomanganese from Brazil, Ukraine, and the PRC pursuant to section 751(c) of the Act of 1930, as amended (the Act). See *Initiation of Five-year (Sunset) Reviews*, 71 FR 91 (January 3, 2006).

As a result of our review, the Department found that revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of dumping and notified the ITC of the magnitude of the margins likely to prevail were the orders to be

revoked. See *Silicomanganese from Brazil, Ukraine, and the People's Republic of China; Five-year Sunset Reviews of Antidumping Duty Orders; Final Results*, 71 FR 26927 (May 9, 2006). On September 1, 2006, the ITC determined pursuant to section 751(c) of the Act that revocation of the antidumping duty orders on silicomanganese from Brazil, Ukraine, and the PRC would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. See *Silicomanganese from Brazil, China, and Ukraine*, 71 FR 52145 (September 1, 2006), and ITC Publication 3879 (August 2006) entitled *Silicomanganese from Brazil, China, and Ukraine: Investigation Nos. 731-TA-311-314, 317, and 379 (Second Review)*.

Scope of the Orders

The merchandise covered by these orders is silicomanganese. Silicomanganese, which is sometimes called ferrosilicon manganese, is a ferroalloy composed principally of manganese, silicon and iron, and normally contains much smaller proportions of minor elements, such as carbon, phosphorus, and sulfur. Silicomanganese generally contains by weight not less than 4 percent iron, more than 30 percent manganese, more than 8 percent silicon, and not more than 3 percent phosphorous. All compositions, forms, and sizes of silicomanganese are included within the orders, including silicomanganese slag, fines, and briquettes. Silicomanganese is used primarily in steel production as a source of both silicon and manganese.

Silicomanganese is currently classifiable under subheading 7202.30.0000 of the *Harmonized Tariff Schedule of the United States* (HTSUS). Some silicomanganese may also currently be classifiable under HTSUS subheading 7202.99.5040. These orders cover all silicomanganese, regardless of its tariff classification. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of these orders remains dispositive.

Determination

As a result of the determinations by the Department and ITC that revocation of these antidumping duty orders would be likely to lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping

duty orders on silicomanganese from Brazil, Ukraine, and the PRC.

U.S. Customs and Border Protection will continue to collect antidumping duty cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of continuation of these orders will be the date of publication in the **Federal Register** of this Notice of Continuation. Pursuant to sections 751(c)(2) and 751(c)(6) of the Act, the Department intends to initiate the next five-year review of these orders not later than January 2011.

This notice is in accordance with sections 751(c) and 777(i)(1) of the Act.

Dated: September 7, 2006.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E6-15280 Filed 9-13-06; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 091106A]

Atlantic Trawl Gear Take Reduction Team Meeting

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

ACTION: Notice of establishment of an Atlantic Trawl Gear Take Reduction Team and meeting.

SUMMARY: NMFS is establishing a Take Reduction Team (TRT) to address incidental mortality and serious injury of long-finned pilot whales (*Globicephala melas*), short-finned pilot whales (*Globicephala macrorhynchus*), white-sided dolphins (*Lagenorhynchus acutus*), and common dolphins (*Delphinus delphis*) in several trawl gear fisheries in the Atlantic Ocean. The TRT will develop a Take Reduction Plan (TRP) as required by section 118 of the Marine Mammal Protection Act (MMPA). NMFS will seek input from the Atlantic Trawl Gear TRT on all scientific data related to stock structure, abundance, and human-caused mortality and serious injury of pilot whales, white-sided dolphins, and common dolphins. The TRT will focus on developing a plan to reduce incidental catch of these species in Atlantic trawl gear fisheries to a level less than the Potential Biological Removal (PBR) level within 6 months of implementation of the plan and to a level approaching a zero mortality and

serious injury rate within 5 years of implementation of the plan.

DATES: The meeting will be held on September 19, 2006, from 10 a.m. to 5 p.m., on September 20–21, 2006, from 8:30 a.m. to 5 p.m., and on September 22, 2006, from 8:30 a.m. to 2 p.m. in Providence, RI.

ADDRESSES: The Atlantic Trawl Gear TRT meeting will be held at the Providence Courtyard Marriott Downtown, 32 Exchange Terrace, Providence, RI 02903. Phone: (401) 272-1191, Fax: (401) 272-1416.

FOR FURTHER INFORMATION CONTACT: Mark Minton, NMFS, Northeast Region, 978-281-9300 Ext. 6534,

Mark.Minton@noaa.gov or Melissa Andersen, NMFS, Office of Protected Resources, 301-713-2322 Ext. 173, *Melissa.Andersen@noaa.gov*.

SUPPLEMENTARY INFORMATION: The MMPA defines the Potential Biological Removal (PBR) level of a marine mammal stock as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population. The PBR level is the product of the following factors: the minimum population estimate of the stock; one-half the maximum theoretical or estimated net productivity rate of the stock at a small population size; and a recovery factor of between 0.1 and 1.0.

The Western North Atlantic stocks of long-finned and short-finned pilot whales (*Globicephala* sp.) were designated as non-strategic in the 2005 marine mammal stock assessment report (Waring *et al.*, 2006) because fishery-related serious injuries and mortalities are less than PBR. The 2005 stock assessment report indicates that the PBR for the combined stock of long-finned and short-finned pilot whales (*Globicephala* sp.) is 239, and that total fishery-related mortality and serious injury is 210. The Western North Atlantic (WNA) stock of white-sided dolphin (*Lagenorhynchus acutus*) is designated as non-strategic in the 2005 marine mammal stock assessment report (Waring *et al.*, 2006) because fishery-related serious injuries and mortalities are less than PBR. The 2005 stock assessment report indicates that the PBR for the WNA stock of white-sided dolphins is 364 and that total fishery-related mortality and serious injury is 38.

The Western North Atlantic stock of common dolphin (*Delphinus delphis*) is designated as non-strategic in the 2005 marine mammal stock assessment report (Waring *et al.*, 2006) because fishery-

related serious injuries and mortalities are less than PBR. The 2005 stock assessment report indicates that the PBR for the WNA stock of common dolphin is 960 and that total fishery-related mortality and serious injury is 119.

For non-strategic stocks, section 118 of the MMPA calls for a take reduction plan to be completed within 11 months of the establishment of the team, and to focus in this case, on reducing incidental mortalities and serious injuries of pilot whales, white-sided dolphins and common dolphins to a level approaching a zero mortality and serious injury rate within 5 years of implementation of the plan.

All three species of marine mammals are known to interact with the Mid-Atlantic Mid-water Trawl fishery, which is classified on the MMPA List of Fisheries (LOF) as a Category I fishery (i.e., one that has frequent incidental mortalities or serious injuries of marine mammals). All three species of marine mammals are also known to interact with the Mid-Atlantic Bottom Trawl, Northeast Mid-water Trawl, and the Northeast Bottom Trawl fisheries, which are classified as Category II fisheries (i.e., those that have annual mortality and serious injury greater than 1 percent and less than 50 percent of the PBR level) on the MMPA LOF.

Other commercial fisheries known to occasionally cause incidental mortality and serious injury of pilot whales, white-sided dolphins, and common dolphins include the pelagic longline fishery (excluding the Northeast distant water fishery) and the Northeast Multispecies Sink Gillnet fishery.

Section 118 (f)(8) of the MMPA calls on the TRT to develop a draft TRP by consensus, and to submit this draft TRP to NMFS not later than 11 months after the date of the establishment of the TRT. The Secretary is then to consider the TRP, and no later than 60 days after the submission of the draft TRP, NMFS is to publish in the **Federal Register** the TRP and any implementing regulations proposed by the team for a public comment period not to exceed 90 days. Within 60 days of the close of the comment period, NMFS is to issue a final TRP and any implementing regulations.

List of invited participants: MMPA section 118 (f)(6)(c) requires that members of TRTs have expertise regarding the conservation or biology of the marine mammal species that the TRP will address, or the fishing practices that result in the incidental mortality or serious injury of such species. Section 118 requires that TRTs, to the maximum extent practicable, consist of an equitable balance among