

We based our allocation on the relative percentage (by volume) of subject stainless steel merchandise that Ken-Mac had purchased from Mexinox as compared to the total stainless steel merchandise it had purchased from all vendors. See Mexinox's March 8, 2006, supplemental questionnaire response at Attachment KMC-12. The Department finds that Mexinox, to the best of its ability, complied with the Department's request for information; thus, the application of an adverse inference, as provided under section 776(b) of the Tariff Act, is not warranted in calculating a margin on Ken-Mac's unattributed sales.

#### Currency Conversion

We made currency conversions into U.S. dollars based on the exchange rates in effect on the dates of the U.S. sales, as certified by the Federal Reserve Bank, in accordance with section 773A(a) of the Tariff Act.

#### Preliminary Results of Review

As a result of our review we preliminarily determine the following weighted-average dumping margin exists for the period July 1, 2003 through June 30, 2004:

Manufacturer / Exporter	Weighted Average Margin (percentage)
ThyssenKrupp Mexinox S.A. de C.V. ....	1.22%

The Department will disclose calculations performed within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). An interested party may request a hearing within thirty days of publication of these preliminary results. See 19 CFR 351.310(c). Any hearing, if requested, will be held 37 days after the date of publication, or the first business day thereafter, unless the Department alters the date per 19 CFR 351.310(d). Interested parties may submit case briefs no later than 30 days after the date of publication of these preliminary results of review. See 19 CFR 351.309 (c). Rebuttal briefs limited to issues raised in the case briefs, may be filed no later than 35 days after the date of publication of this notice. 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. Further, parties submitting case briefs and/or rebuttal briefs are requested to provide the

Department with an additional copy of the public version of any such argument on diskette. The Department will issue final results of this administrative review, including the results of our analysis of the issues in any such argument or at a hearing, within 120 days of publication of these preliminary results.

#### Duty Assessment

Upon completion of this administrative review, the Department shall determine, and United States Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we will calculate importer-specific *ad valorem* assessment rates for the merchandise based on the ratio of the total amount of antidumping duties calculated for the examined sales made during the POR to the total customs value of the sales used to calculate those duties. The total customs value is based on the entered value reported by Mexinox for all U.S. entries of subject merchandise initially purchased for consumption to the United States made during the POR. See Preliminary Analysis Memorandum. In accordance with 19 CFR 356.8(a), the Department will issue appropriate assessment instructions directly to CBP on or after 41 days following the publication of the final results of review.

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). This clarification will apply to entries of subject merchandise during the POR produced by the company included in these preliminary results for which the reviewed company did not know their merchandise 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 intermediate company or companies involved in the transaction.

#### Cash Deposit Requirements

Furthermore, the following cash deposit requirements will be effective for all shipments of S4 in coils from Mexico 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)(2)(C) of the Tariff Act: (1) the cash deposit rate for the reviewed company will be the rate established in the final results of this review, except if the rate is less than 0.50 percent (*de minimis* within the

meaning of 19 CFR 351.106(c)(1)), the cash deposit will be zero; (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, 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 30.85 percent, which is the "All Others" rate established in the LTFV investigation. *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order; Stainless Steel Sheet and Strip in Coils from Mexico*, 64 FR 40560 (July 27, 1999). These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

#### Notification to Importers

This notice 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 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 Tariff Act.

Dated: June 14, 2006.

David Spooner,

Assistant Secretary for Import Administration.

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

[I.D. 061406B]

##### Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permit

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

**ACTION:** Notice; request for comments.

**SUMMARY:** The Assistant Regional Administrator for Sustainable Fisheries, Northeast Region, NMFS (Assistant Regional Administrator) has made a preliminary determination that the subject Exempted Fishing Permit (EFP) application from the Massachusetts Division of Marine Fisheries (MADMF) for an exemption from the gear requirements of the Eastern U.S./Canada Area, for the purpose of testing a cod-avoiding haddock trawl, contains all of the required information and warrants further consideration. The Assistant Regional Administrator has also made a preliminary determination that the activities authorized under the EFP would be consistent with the goals and objectives of the Northeast (NE) Multispecies Fishery Management Plan (FMP). However, further review and consultation may be necessary before a final determination is made to issue the EFP. Therefore, NMFS announces that the Assistant Regional Administrator proposes to issue an EFP that would allow vessels to conduct fishing operations that are otherwise restricted by the regulations governing the fisheries of the Northeastern United States.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

**DATES:** Comments must be received on or before July 6, 2006.

**ADDRESSES:** Comments on this notice may be submitted by e-mail. The mailbox address for providing e-mail comments is [DA6\\_153@noaa.gov](mailto:DA6_153@noaa.gov). Include in the subject line of the e-mail comment the following document identifier: "Comments on MADMF haddock trawl (DA6-153)." Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on MADMF haddock trawl (DA6-153)." Comments may also be sent via facsimile (fax) to (978) 281-9135.

**FOR FURTHER INFORMATION CONTACT:** Moira Kelly, Fishery Management Specialist, phone: 978-281-9218, fax: 978-281-9135.

**SUPPLEMENTARY INFORMATION:** An application for an EFP was submitted by MADMF, on May 8, 2006. The EFP would exempt one federally permitted commercial fishing vessel from the following requirement of the FMP: Gear requirements of vessels fishing in the

Eastern U.S./Canada Area, as specified at § 648.85(a)(3)(iii)(A).

MADMF has requested an exemption from the gear requirements of the Eastern U.S./Canada Area (i.e., an exemption from the requirement to fish with either a haddock separator trawl or a flounder net) in order to test the effectiveness of a sweepless raised footrope trawl, designed to minimize the catch of Atlantic cod (*Gadus morhua*) while maximizing the catch of haddock (*Melanogrammus aeglefinus*). This project is funded under the MADMF/SMASST/MRI Program. The project proposes that a twin trawl with one experimental net and one standard trawl net would be fished under A days-at-sea (DAS) in the Eastern U.S./Canada Area, outside of Closed Area II, by one vessel. The experimental portion of the twin trawl, the five-point trawl, is a sweepless (no ground gear) raised footrope trawl, which was designed based on differences in behavior of haddock and cod in relation to towed gears. Similar to the haddock separator trawl, this experimental net proposes to reduce cod mortality; however, it avoids some of the complexities associated with separator trawls, since the cod would not pass through meshes, or encounter grids or escape vents. Although this study would focus on reducing cod-haddock interactions, this net could also reduce the bycatch of flatfish species such as winter flounder, witch flounder, and American plaice. MADMF staff would be aboard the vessel at all times during testing.

The experimental design calls for 200 hours of towing time from June 2006 through December 2006. Two trawl nets, with similar footrope lengths, would be towed simultaneously from the same vessel. Both the experimental and the control net would conform to or exceed the minimum regulation standards with regard to mesh sizes and shapes throughout the body, extension, and codend. The experimental portion of the twin trawl would be a modified three-bridle, four-panel box trawl, modeled after the sweepless raised footrope trawl, which is a semi-pelagic net that fishes about 1–2 m off the bottom. This design is expected to allow cod to pass under the net, while retaining the haddock that swim upward into the net. The control net would be a standard, non-separator trawl net, with legal mesh size. The two-warp twin trawl uses one set of doors, with a weight/sled in the middle bridle. This design allows the nets to fish independently of each other, while trying to ensure identical fishing conditions for both the control and the experimental catches. Underwater video would be used to show cod escapement

and haddock capture of the experimental net.

The researchers expect an average level of interaction with regulated groundfish. The researchers have concluded that the twin trawl would be less efficient than two standard (non-separator, non-twin) trawls, and have estimated the potential catch rates for the project based on these calculations. The researchers estimate the following removal rates:

Atlantic cod	5.7 mt
Haddock	23 mt
Pollock	0.6 mt
Yellowtail Flounder	2.6 mt
Winter Flounder	13.1 mt

Vessels would be subject to all applicable trip limits and would be prohibited from fishing in the Eastern U.S./Canada Area, should the area close due to the attainment of any of the U.S./Canada total allowable catches (TAC) of cod, haddock, or yellowtail flounder. All of the catch caught under this experiment would be applied to any and all applicable TAC limitations. Legal catch would be sold and the proceeds would be retained and recycled into the project by MADMF.

The applicant may make requests to NMFS for minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted by NMFS without further notice if they are deemed essential to facilitate completion of the proposed experiment and result in only a minimal change in the scope or impact of the initially approved EFP request. In accordance with NOAA Administrative Order 216-6, a Categorical Exclusion, or other appropriate NEPA document, would be completed prior to the issuance of the EFP. Further review and consultation may be necessary before a final determination is made to issue the EFP. After publication of this document in the **Federal Register**, the EFP, if approved, may become effective following a 15-day public comment period.

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

Dated: June 15, 2006.

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