

### Extension of Time Limit for Final Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (“the Act”), requires the Department to issue the final results in an administrative review within 120 days of publication date of the preliminary results. However, if it is not practicable to complete the review within this time period, the Department may extend the time limit for the final results to 180 days. Completion of the final results within the 120-day period is not practicable because this review involves certain complex issues, such as valuation of various factors of production that both Petitioner and respondent addressed in their briefs.

Therefore, in accordance with section 751(a)(3)(A) of the Act, the Department is extending the time period for issuing these final results of review by 30 days until September 7, 2006.

Dated: July 24, 2006.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

(C-489-502)

#### Final Results of Countervailing Duty Administrative Review: Certain Welded Carbon Steel Standard Pipe from Turkey

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

**SUMMARY:** On April 6, 2006, the Department of Commerce (“the Department”) published in the **Federal Register** its preliminary results of administrative review of the countervailing duty (“CVD”) order on certain welded carbon steel standard pipe from Turkey for the period January 1, 2004, through December 31, 2004. See *Notice of Preliminary Results of Countervailing Duty Administrative Review: Certain Welded Carbon Steel Standard Pipe from Turkey*, 71 FR 17445 (April 6, 2006) (“*Turkey Pipe 2004 Preliminary*”). The Department has now completed the administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (“the Act”).

Based on our analysis of the comments received, the Department has not revised the net subsidy rate for the Borusan Group (“Borusan”), the producer/exporter of subject

merchandise covered by this review.<sup>1</sup> Further discussion of our analysis of the comments received is provided in the accompanying issues and decision memorandum. See Issues and Decision Memorandum from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to David M. Spooner, Assistant Secretary for Import Administration, concerning the Final Results of Administrative Review of the Countervailing Duty Order on Certain Welded Carbon Steel Standard Pipe from Turkey (July 25, 2006) (“*Turkey Pipe 2004 Memorandum*”). The final net subsidy rate for Borusan is listed below in the “Final Results of Review” section.

**EFFECTIVE DATE:** July 31, 2006.

**FOR FURTHER INFORMATION CONTACT:**

Kristen Johnson, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-4793.

**SUPPLEMENTARY INFORMATION:**

#### Background

On April 6, 2006, the Department published the preliminary results in the **Federal Register** and invited interested parties to comment on the preliminary results. See *Turkey Pipe 2004 Preliminary*. On May 5, 2006, we received a case brief from Borusan.<sup>2</sup>

Pursuant to 19 CFR 351.213(b), this review covers only those producers or exporters of the subject merchandise for which a review was specifically requested. Accordingly, this review covers only Borusan. The review covers the period January 1, 2004, through December 31, 2004, and 14 programs.

#### Scope of the Order

The products covered by this order are certain welded carbon steel pipe and tube with an outside diameter of 0.375 inch or more, but not over 16 inches, of any wall thickness (pipe and tube) from Turkey. These products are currently provided for under the Harmonized Tariff Schedule of the United States (“HTSUS”) as item numbers 7306.30.10, 7306.30.50, and 7306.90.10. Although the HTSUS subheadings are provided for convenience and customs purposes,

<sup>1</sup> During the review period, Borusan was comprised of Borusan Birlesik Boru Fabrikalari A.S., Mannesmann Boru Endustrisi T.A.S., Borusan Mannesmann Boru Sanayi ve Ticaret A.S., and Borusan Istikbal Ticaret T.A.S.

<sup>2</sup> Neither petitioners (Allied Tube & Conduit Corporation and Wheatland Tube Company) nor the Government of the Republic of Turkey submitted either a case or rebuttal brief. In addition, none of the interested parties requested a hearing.

the written description of the merchandise is dispositive.

#### Analysis of Comments Received

All issues raised in Borusan’s case brief are addressed in the Turkey Pipe 2004 Memorandum, which is hereby adopted by this notice. A list of the issues contained in that decision memorandum is attached to this notice as Appendix I. Parties can find a complete discussion of the issues raised in this review and the corresponding recommendations in that public memorandum, which is on file in the Central Records Unit, room B-099 of the Commerce Building. In addition, a complete copy of that memorandum can be accessed directly on the internet at <http://ia.ita.doc.gov/frn>, under the heading “**Federal Register Notices.**” The paper copy and electronic version of the decision memorandum are identical in content.

#### Final Results of Review

In accordance with section 705(c)(1)(B)(i) of the Act, we calculated an ad valorem subsidy rate for Borusan. For the review period, we determine the total net subsidy rate to be 0.27 percent *ad valorem*, which is *de minimis*, pursuant to 19 CFR 351.106(c).

We will instruct U.S. Customs and Border Protection (“CBP”), within 15 days of publication of the final results of this review, to liquidate shipments of subject merchandise by Borusan entered, or withdrawn from warehouse, for consumption on or after January 1, 2004, through December 31, 2004, without regard to countervailing duties. Moreover, the Department also will instruct CBP to collect cash deposits of estimated countervailing duties at zero percent *ad valorem* on all shipments of the subject merchandise by Borusan entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

We will also 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 rate 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 Uruguay Round Agreements Act (“URAA”). If such a review has not been conducted, the rate established in the most recently completed administrative proceeding pursuant to the statutory provisions that were in effect prior to the URAA amendments is

applicable. *See Certain Welded Carbon Steel Pipe and Tube Products from Turkey; Final Results of Countervailing Duty Administrative Review*, 53 FR 9791 (March 25, 1988). The "all others" rate shall apply to all non-reviewed companies until a review of a company assigned this rate is requested.

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 the 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 this notice are issued and published in accordance with section 751(a)(1) and 777(i)(1) of the Act.

Dated: July 25, 2006.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

## APPENDIX I - ISSUES AND DECISION MEMORANDUM

### METHODOLOGY & BACKGROUND INFORMATION

- I. Company Information
- II. Subsidies Valuation Information
  - A. Benchmark Interest Rates

### ANALYSIS OF PROGRAMS

- I. Programs Determined To Be Countervailable
  - A. Deduction from Taxable Income for Export Revenue
  - B. Pre-Shipment Export Credits
  - C. Foreign Trade Companies Short-Term Export Credits
  - D. Pre-Export Credits
- II. Programs Determined To Be Not Countervailable
  - A. Investment Allowance Under Article 19 of Law 4842
  - B. Investment Allowance Under Investment Incentive Certificate
- III. Programs Determined To Not Confer Countervailable Benefits
  - A. Export Credit Insurance
  - B. Inward Processing Certificate Exemption
- IV. Programs Determined To Not Be Used
  - A. VAT Support Program (Incentive Premium on Domestically Obtained Goods)
  - B. Post-Shipment Export Loans
  - C. Pre-Shipment Rediscount Loans
  - D. Subsidized Turkish Lira Credit Facilities
  - E. Subsidized Credit for Proportion of

Fixed Expenditures  
F. Regional Subsidies

### TOTAL AD VALOREM RATE ANALYSIS OF COMMENTS

Comment 1: Benchmark Interest Rate for Turkish Lira Loans

Comment 2: Indirect Exports

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 042606H]

#### Small Takes of Marine Mammals Incidental to Open-water Seismic Operations in the Chukchi Sea

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

**ACTION:** Notice; issuance of Incidental Harassment Authorization.

**SUMMARY:** Notification is hereby given that NMFS has issued an Incidental Harassment Authorization (IHA) to Conoco Phillips Alaska, Inc. (Conoco) to take small numbers of marine mammals, by harassment, incidental to conducting open-water seismic data acquisition in the Chukchi Sea during the summer and fall of 2006.

**DATES:** The authorization is effective July 7, 2006, through December 31, 2006.

**ADDRESSES:** Copies of the IHA and the application are available by writing to Michael Payne, Chief, Permits, Conservation, and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3225, or by telephoning the contact listed here. A copy of the application containing a list of references used in this document may be obtained by writing to this address, by telephoning the contact listed here (**FOR FURTHER INFORMATION CONTACT**) or online at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm>. Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address.

**FOR FURTHER INFORMATION CONTACT:** Jolie Harrison, Office of Protected Resources, NMFS, (301) 713-2289, ext 166.

#### SUPPLEMENTARY INFORMATION:

##### Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct

the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Authorization shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses, and that the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined "negligible impact" in 50 CFR 216.103 as "...an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival."

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Except with respect to certain activities not pertinent here, the MMPA defines "harassment" as:

any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Section 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny issuance of the authorization.

#### Summary of Request

On February 2, 2006, NMFS received an application from Conoco for the taking, by harassment, of several species of marine mammals incidental to conducting open-water seismic data acquisition in the Chukchi Sea from July through November, 2006. Seismic surveys such as the one described here provide accurate data on the location, extent, and properties of hydrocarbon