

and Russia; Determinations, 65 FR 77910).

Period of Investigation

The period for which we are measuring subsidies (the POI) is calendar year 1999.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the *Decision Memorandum*, which is hereby adopted by this notice. Attached to this notice as Appendix I is a list of the issues which parties have raised and to which we have responded in the *Decision Memorandum*. 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 Department building. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Internet at <http://ia.ita.doc.gov/frn/> under the heading "Israel." The paper copy and electronic version of the *Decision Memorandum* are identical in content.

Suspension of Liquidation

In accordance with section 705(c)(1)(B)(i) of the Act, we have calculated an individual rate for DSM. Because DSM is the only respondent in this case, its rate serves as the all-others rate. We determine that the total estimated net subsidy rate is 16.52 percent *ad valorem* for DSM and for all other producers and exporters of the subject merchandise.

In accordance with our *Preliminary Determination*, we instructed the Customs Service to suspend liquidation of all entries of pure magnesium from Israel, which were entered or withdrawn from warehouse, for consumption on or after February 14, 2001, the date of the publication of our *Preliminary Determination* in the *Federal Register*. In accordance with section 703(d) of the Act, we instructed Customs to discontinue the suspension of liquidation for merchandise entered on or after June 22, 2001, but to continue the suspension of liquidation of entries made between February 14, 2001 and June 21, 2001.

We will issue a countervailing duty order and reinstate the suspension of liquidation under section 706(a) of the Act if the ITC issues a final affirmative injury determination and will require a cash deposit of estimated countervailing duties for such entries of merchandise in the amounts indicated above. If the ITC determines that material injury, or

threat of material injury, does not exist, this proceeding will be terminated and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an Administrative Protective Order (APO), without the written consent of the Assistant Secretary for Import Administration.

Return or Destruction of Proprietary Information

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to comply is a violation of the APO.

This determination is published pursuant to sections 705(d) and 777(i) of the Act.

Dated: September 14, 2001.

Faryar Shirzad,

Assistant Secretary for Import Administration.

Appendix

List of Comments and Issues in the Decision Memorandum

- Comment 1: The Department failed to take into account the effects of the privatization of ICL.
- Comment 2: The Department should change the AUL used to allocate non-recurring subsidies over time.
- Comment 3: The infrastructure grant is not countervailable.
- Comment 4: The Department should treat DSM's ECIL grant as multiple grants.
- Comment 5: The Department should use uncreditworthy discount rates to allocate benefits.
- Comment 6: Use of variable discount rates.
- Comment 7: The Department should correct DSW's 1993 interest rate
- Comment 8: The Department should change its calculation of the benefits conveyed by the EIRD grants
- Comment 9: Reconsideration of industry standing
- Comment 10: Scope

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 091801B]

Endangered Species; Permits

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

ACTION: Receipt of request to modify research permit 1245 and 1324.

SUMMARY: Notice is hereby given of the following actions regarding permits for takes of endangered and threatened species for the purposes of scientific research and/or enhancement under the Endangered Species Act (ESA): NMFS has received a request to modify permit (1245) from Mr. J. David Whitaker, of South Carolina Department of Natural Resources (SCDNR) and a request to modify permit (1324) from Dr. Nancy Thompson, of the NMFS-Southeast Fisheries Science Center.

DATES: Comments or requests for a public hearing on any of the new applications or modification requests must be received at the appropriate address or fax number no later than 5 p.m. eastern standard time on October 29, 2001.

ADDRESSES: Written comments on any of the new applications or modification requests should be sent to the appropriate office as indicated below. Comments may also be sent via fax to the number indicated for the application or modification request. Comments will not be accepted if submitted via e-mail or the Internet. The applications and related documents are available for review in the indicated office, by appointment:

Endangered Species Division, F/PR3, 1315 East West Highway, Silver Spring, MD 20910 (phone: 301-713-1401, fax: 301-713-0376).

FOR FURTHER INFORMATION CONTACT: Terri Jordan, Silver Spring, MD (phone: 301-713-1401, fax: 301-713-0376, e-mail: Terri.Jordan@noaa.gov).

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and

policies set forth in section 2 of the ESA. Scientific research and/or enhancement permits are issued under Section 10(a)(1)(A) of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222–226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in This Notice

The following species are covered in this notice:

Sea turtles

Threatened and endangered Green turtle (*Chelonia mydas*)

Endangered Hawksbill turtle (*Eretmochelys imbricata*)

Endangered Kemp's ridley turtle (*Lepidochelys kempii*)

Endangered Leatherback turtle (*Dermochelys coriacea*)

Threatened Loggerhead turtle (*Caretta caretta*)

Modification Requests Received

Permit 1245

The applicant requests a modification to Permit 1245. Permit 1245 authorizes the take, via capture, handling, tagging, sampling, and release of 250 loggerhead, 50 Kemp's ridley, 10 green, one leatherback, and 5 hawksbill turtles. Modification 13 would extend the expiration date to October 31, 2004 without an increase in the authorized annual take.

The goal of the research is to establish a scientifically-valid indices of abundance for the northern sub-population of the threatened loggerhead turtle and the endangered Kemp's ridley, green and leatherback sea turtles which occur in the Atlantic Ocean off the southeastern United States. This study is intended to capture juveniles and adults, thereby providing a more comprehensive assessment of total population abundance and an assessment of the health of individual animals.

Permit 1324

The applicant requests a modification to Permit 1324. Permit 1324 authorizes the take of threatened and endangered species of sea turtles in the northeast distant statistical sampling area (NED) for the U.S. longline fishery. The purpose of the research is to develop and test methods to reduce bycatch of research that occurs incidental to commercial, pelagic longline fishing. The researchers propose to work cooperatively with U.S. pelagic longline fishermen in the NED area to conduct this fishery-dependent testing. The fishery dependent use of commercial fishing boats for this research is necessary because (1) a large level of fishing effort is necessary for the statistical power to complete this testing and fishery independent work would be cost-prohibitive and (2) testing should be conducted aboard a mix of representative platforms so that the testing results are clearly applicable to the fleets that would ultimately adopt bycatch reduction measures through this research.

Modification #1 would increase the authorized lethal take of leatherback turtle from one to two over the life of the permit and to increase the authorized lethal take of green, hawksbill, and Kemp's ridley turtles, in combination, from one to two. The permit holder has requested this modification to prevent the introduction of confounding of year and season effects that could result in a shutdown due to meeting lethal take limits authorized in the original permit.

Dated: September 20, 2001.

Phil Williams,

*Acting Chief, Endangered Species Division,
Office of Protected Resources, National
Marine Fisheries Service.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 092101A]

Endangered Species; Permits

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

ACTION: Issuance of modification #1 to permit 1260.

SUMMARY: Notice is hereby given of the following actions regarding permits for takes of endangered and threatened

species for the purposes of scientific research and/or enhancement under the Endangered Species Act (ESA): NMFS has issued modification #1 to permit 1260 to Dr. Joseph Powers, of the NMFS – Southeast Regional Office (SERO) (1260).

ADDRESSES: The permit, application and related documents are available for review in the indicated office, by appointment:

Endangered Species Division, F/PR3, 1315 East West Highway, Silver Spring, MD 20910 (phone: 301–713–1401, fax: 301–713–0376).

FOR FURTHER INFORMATION CONTACT:

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