

producer/exporter of CORE and its subsidiary, Hyundai Pipe America ("HPA"), as its importer of CORE.

On October 3, 2003, the Department published a notice of initiation of a new shipper review of CORE from Korea covering the period August 1, 2002 through July 31, 2003. See *Corrosion-Resistant Carbon Steel Flat Products from Korea: Initiation of New Shipper Antidumping Duty Review*, 68 FR 57423 (October 3, 2003).

#### **Extension of Time Limit for Final Results of New Shipper Review**

Section 351.214(i)(1) of the Act provides that the Department will issue the preliminary results of a new shipper review within 180 days after the date the new shipper review was initiated. If the Department determines that a new shipper review is extraordinarily complicated, however, § 351.214(i)(2) of the Act allows the Department to extend the deadline for the preliminary results to up to 300 days after the date the new shipper review was initiated. The Department has determined that this case is extraordinarily complicated, and the preliminary results of this new shipper review cannot be completed within 180 days from the date on which the new shipper review was initiated. Specifically, the Department finds that this new shipper review is extraordinarily complicated because the Department is collecting and analyzing detailed data pertaining to multiple-stage production costs. In addition, the Department is analyzing home market sales of subject merchandise for further processing into non-subject merchandise and subsequent export, as well as issues related to scope exclusions of certain products.

Therefore, given the number and complexity of issues in this case, and in accordance with § 351.214(i)(2) of the Act, we are extending the time period for issuing the preliminary results of review by 120 days until July 22, 2004. The final results continue to be due 90 days after the publication of the preliminary results, unless otherwise extended.

Dated: March 18, 2004.

**Joseph A. Spetrini,**

*Deputy Assistant Secretary for Import Administration, Group III.*

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## **DEPARTMENT OF COMMERCE**

### **International Trade Administration**

[A-351-824]

#### **Silicomanganese From Brazil: Final Results of Antidumping Duty Administrative Review**

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

**ACTION:** Notice of final results of antidumping duty administrative review.

**SUMMARY:** On October 27, 2003, the Department of Commerce published the preliminary results of the administrative review of the antidumping duty order on silicomanganese from Brazil. The review covers exports of this merchandise to the United States by the collapsed parties, Sibra Eletro-Siderurgica Brasileira S.A. (SIBRA), Companhia Paulista de Ferro-Ligas (CPFL), and Urucum Mineracao (Urucum) (collectively "SIBRA/CPFL/Urucum"), for the period December 1, 2001, through November 30, 2002. We gave interested parties an opportunity to comment on the preliminary results. Based on our analysis of the comments received, we have revised our calculations for these final results. The final weighted-average margin is listed below in the "Final Results of Review" section of this notice.

**EFFECTIVE DATE:** March 24, 2004.

**FOR FURTHER INFORMATION CONTACT:** Brian Ellman at (202) 482-4852 or Katja Kravetsky at (202) 482-0108, Office of AD/CVD Enforcement 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On October 27, 2003, we published the preliminary results of review (see *Silicomanganese from Brazil: Preliminary Results of Antidumping Administrative Review*, 68 FR 61185). We invited parties to comment on the preliminary results of the review. On November 6, 2003, we received a request for a public hearing from Eramer Marietta (the petitioner). On December 5, 2003, the petitioner and SIBRA/CPFL filed case briefs. On December 12, 2003, both parties filed rebuttal briefs. The hearing took place on December 17, 2003. On February 23, 2004, the Department of Commerce (the Department) postponed the final results of this review until no later than March

16, 2004. See *Silicomanganese From Brazil: Extension of Time Limit for Final Results of Antidumping Duty Administrative Review*, 69 FR 9587 (March 1, 2004).

The Department has conducted this review in accordance with section 751(a) of the Tariff Act of 1930 (the Act).

##### **Scope of Review**

The merchandise covered by this review 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, phosphorous 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 scope of this review, 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. This scope covers all silicomanganese, regardless of its tariff classification. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope remains dispositive.

##### **Analysis of Comments Received**

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the "Issues and Decision Memorandum" from Susan Kuhbach, Acting Deputy Assistant Secretary, to Jeffrey May, Acting Assistant Secretary for Import Administration, dated March 16, 2004 (Decision Memorandum), which is hereby adopted by this notice. Attached to this notice as an appendix is a list of the issues that 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 of Commerce building. In addition, a complete version of the Decision Memorandum can be accessed directly on the Internet

at <http://ia.ita.doc.gov/frn>. The paper copy and electronic version of the Decision Memorandum are identical in content.

#### Sales Below Cost in the Home Market

As discussed in detail in the preliminary results, the Department disregarded home-market below-cost sales that failed the cost test.

#### Changes Since the Preliminary Results

Based on our analysis of the comments received, we have made certain changes in the margin calculation. See "Cost of Production and Constructed Value Calculation Adjustments for the Final Results" from Robert Greger to Neal Halper, Director, Office of Accounting and "Final Results Analysis Memorandum of SIBRA/CPFL/Urucum" from Katja Kravetsky and Brian Ellman to the File, both dated March 16, 2004.

#### Final Results of Review

As a result of our review, we determine that the following weighted-average margin exists for the collapsed parties SIBRA, CPFL, and Urucum for the period December 1, 2001, through November 30, 2002:

Manufacturer/exporter	Weighted-average percentage margin
SIBRA/CPFL/Urucum ...	13.02

#### Duty Assessment and Cash Deposit Requirements

The Department will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we have calculated an importer-specific assessment rate. The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of these final results of review. Further, the following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of silicomanganese from Brazil entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for SIBRA/CPFL/Urucum will 13.02 percent; (2) for merchandise exported by producers or exporters that were previously reviewed or investigated, the cash deposit will continue to be the most recent rate published in the final determination or final results for which the producer or exporter received an individual rate; (3) if the exporter is not a firm covered in

this review, a prior 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 subject merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review, the cash deposit rate shall be 17.60 percent, the all-others rate established in the LTFV investigation. See *Notice of Final Determination of Sales at Less Than Fair Value: Silicomanganese from Brazil*, 59 FR 55432, (November 7, 1994). These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

#### Notification of Interested Parties

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the 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.

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO as explained in the administrative protective order itself. 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 sanctionable violation.

These final results of administrative review and notice are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: March 16, 2004.

**Jeffrey May,**

*Acting Assistant Secretary for Import Administration.*

#### APPENDIX Issues in the Decision Memorandum

Comment 1. Model Matching  
 Comment 2. Affiliation With Home-Market Customers  
 Comment 3. Merchandise  
 Comment 4. High-Inflation Methodology  
 Comment 5. Replacement Costs  
 Comment 6. By-Product Inputs  
 Comment 7. Raw Material Inputs from Affiliates

Comment 8. Freight Services Provided by an Affiliate  
 Comment 9. Depreciation  
 Comment 10. Income Offsets to G&A  
 Comment 11. Weighted-Average G&A Ratio Calculation  
 Comment 12. Interest Expense  
 Comment 13. Interest Income  
 Comment 14. Net Foreign Exchange Losses  
 Comment 15. ICMS/IPI Taxes  
 Comment 16. PIS/COFINS Taxes  
 Comment 17. Additional Bill-of-Lading Fee

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

[I.D. 031704A]

#### Endangered Species; Permit No. 1214

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

**ACTION:** Scientific research permit modification.

**SUMMARY:** Notice is hereby given that a request for modification of scientific research permit no. 1214 submitted by Jane Provancha, Dyn-2, Dynamac Corporation, Kennedy Space Center, FL, 32899 has been granted.

**ADDRESSES:** The amendment and related documents are available for review upon written request or by appointment in the following offices:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289, fax (301)713-0376;

Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702-2432; phone (727)570-5301; fax (727)570-5320.

**FOR FURTHER INFORMATION CONTACT:** Patrick Opay, (301)713-1401 or Ruth Johnson, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** The requested amendment has been granted under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the provisions of 50 CFR 222.306 of the regulations governing the taking, importing, and exporting of endangered and threatened fish and wildlife (50 CFR 222-226).

The modification extends the expiration date of the Permit from March 31, 2004, to March 31, 2005, for