

tower in Lincoln County, South Dakota. The proposed Virgil Fodness 230 kV Substation will be located in the southwest corner of the Southeast Quarter (SE1/4) of Section two, Township 99 North, Range 51 West in Lincoln County. The overall height of the communication tower with antenna will be 285 feet. The tower will be a self-supporting type with red obstruction lighting. The existing 230 kV transmission line will be rerouted and it will need the addition of four steel poles. The height of the poles will vary between 95 feet and 145 feet. The facility will require 20 acres to construct. It will make it possible for EREPC to provide transmission and transformation service to meet the increasing power requirements of its member distribution system. RUS may provide financial assistance to EREPC for this project. RUS has concluded that the impacts of the proposed project would not be significant and the proposed action is not a major federal action significantly affecting the quality of the human environment. Therefore, the preparation of an environmental impact statement is not necessary. RUS, in accordance with its environmental policies and procedures, required that EREPC prepare an Environmental Report reflecting the potential impacts of the proposed facilities. The Environmental Analysis, which includes input from federal, state, and local agencies, has been reviewed and accepted as RUS' Environmental Assessment (EA) for the project in accordance with 7 CFR 1794.41. EREPC published notices of the availability of the EA and solicited public comments per 7 CFR 1794.42. The 30-day comment period on the EA for the proposed project ended May 6, 2002. No comments were received on the EA.

Based on the EA, RUS has concluded that the proposed action will not have a significant effect on various resources, including important farmland, floodplains, wetlands, cultural resources, threatened and endangered species and their critical habitat, air and water quality, and noise. RUS has also determined that there would be no negative impacts of the proposed project on minority communities and low-income communities as a result of the construction of the project.

The EA is available for public review at the RUS or the headquarters of EREPC at the addresses provided in this notice and at the following location: Lincoln County Courthouse, County Auditor's

Office, 100 East Fifth Street, Canton, South Dakota 57013.

Blaine D. Stockton,

Assistant Administrator, Electric Program, Rural Utilities Service.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-827]

Certain Cased Pencils from the People's Republic of China: Extension of Time Limit for Final Results of Antidumping Duty Administrative Review

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

EFFECTIVE DATE: May 21, 2002.

FOR FURTHER INFORMATION CONTACT: Paul Stolz at (202) 482-4474, Michele Mire at (202) 482-4711, or Crystal Crittenden at (202) 482-0989, AD/CVD Enforcement, Office 4, Group II, Import Administration, Room 1870, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Time Limits:

Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to make a preliminary determination within 245 days after the last day of the anniversary month of an order/finding for which a review is requested and a final determination within 120 days after the date on which the preliminary determination is published. However, if it is not practicable to complete the review within these time periods, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the preliminary determination to a maximum of 365 days and for the final determination to 180 days (or 300 days if the Department does not extend the time limit for the preliminary determination) from the date of publication of the preliminary determination.

Background

On January 31, 2001, the Department published a notice of initiation of administrative review of the antidumping duty order on certain cased pencils from the People's

Republic of China (PRC), covering the period December 1, 1999 through November 30, 2000 (66 FR 8378). On December 4, 2001, the Department published an extension of time limit for the preliminary results. On January 17, 2002, we published the preliminary results of review (67 FR 2402). In our notice of preliminary results, we stated our intention to issue the final results of this review no later than 120 days from the date of publication of the preliminary results.

Extension of Time Limit for Final Results of Review

We determine that it is not practicable to complete the final results of this review within the original time limit. Therefore the Department is extending the time limit for completion of the final results until no later than July 16, 2002. See Memorandum from Holly A. Kuga to Bernard T. Carreau, dated concurrently with this notice, which is on file in the Central Records Unit, Room B-099 of the main Commerce building.

This extension is in accordance with section 751(a)(3)(A) of the Act.

Dated: May 8, 2002.

Bernard T. Carreau,

Deputy Assistant Secretary for Import Administration, Group II.

[FR Doc. 02-12724 Filed 5-20-02; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

International Trade Administration

[A-337-806]

Notice of Final Determination of Sales at Less Than Fair Value: IQF Red Raspberries from Chile

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

ACTION: Notice of final determination of sales at less than fair value.

SUMMARY: The Department of Commerce has conducted an antidumping duty investigation of IQF red raspberries from Chile. We determine that individually quick frozen ("IQF") red raspberries from Chile are being sold in the United States at less than fair value, as provided in section 735(a) of the Tariff Act of 1930, as amended. On December 31, 2001, the Department of Commerce published its preliminary determination of sales at less than fair value of IQF red raspberries from Chile. Based on the results of verification and our analysis of the comments received, we have made changes in the margin

calculations. Therefore, this final determination differs from the preliminary determination. The final weighted-average dumping margins are listed below in the section entitled **Continuation of Suspension of Liquidation.**

EFFECTIVE DATE: May 21, 2002.

FOR FURTHER INFORMATION CONTACT: Cole Kyle or Blanche Ziv, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-1503, or (202) 482-4207, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended ("the Act"), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act ("URAA"). In addition, unless otherwise indicated, all citations to the Department of Commerce ("Department") regulations are to 19 CFR Part 351 (April 2001).

Case History

Since the publication of the preliminary determination in this investigation (see *Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: IQF Red Raspberries From Chile*, 66 FR 67510 (December 31, 2001) ("Preliminary Determination")), the following events have occurred:

On January 9, 2002, the petitioners and the respondents submitted ministerial error allegations regarding the Department's preliminary margin calculations. For a detailed discussion of the allegations and the Department's analysis, see Memorandum to Richard W. Moreland, "Ministerial Errors in the Preliminary Determination in the Antidumping Duty Investigation of Individually Quick Frozen (IQF) Red Raspberries from Chile" ("Ministerial Errors Memo") dated January 15, 2002, which is on file in the Import Administration's Central Records Unit ("CRU"), Room B-099 of the main Department of Commerce building.

In January and February 2002, we conducted verifications of the questionnaire responses submitted by Comercial Fruticola ("Comfrut"), Exportadora Frucol ("Frucol"), and Fruticola Olmue ("Olmue") (collectively, "the respondents"). We issued verification reports in March and April 2002. See "Verification" section of this notice for further discussion.

The petitioners and respondents filed case and rebuttal briefs, respectively, on April 15 and April 18, 2002. At the request of the petitioners, the Department held a public hearing on April 22, 2002.

Scope of Investigation

The products covered by this investigation are imports of IQF whole or broken red raspberries from Chile, with or without the addition of sugar or syrup, regardless of variety, grade, size or horticulture method (e.g., organic or not), the size of the container in which packed, or the method of packing. The scope of the investigation excludes fresh red raspberries and block frozen red raspberries (i.e., puree, straight pack, juice stock, and juice concentrate).

The merchandise subject to this investigation is classifiable under section 0811.20.2020 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

Period of Investigation

The period of investigation ("POI") is April 1, 2000, through March 31, 2001.

Fair Value Comparisons

To determine whether sales of IQF red raspberries from Chile to the United States were made at less than fair value, we compared export price ("EP") to normal value ("NV"). Our calculations follow the methodologies described in the *Preliminary Determination*, except as noted below and in each individual respondent's calculation memorandum, dated May 15, 2002, which are on file in the Department's CRU.

Export Price

For sales to the United States, we used EP as defined in section 772(a) of the Act. We calculated EP based on the same methodologies described in the *Preliminary Determination*, with the following exceptions:

Comfrut

We corrected certain ministerial errors from the preliminary determination (see the January 15, 2002 *Ministerial Errors Memo*). We revised reported amounts, where appropriate, with respect to international freight, shipping date, and direct selling expenses based on information obtained at verification. We also revised the reported amounts for warehousing expenses, indirect selling expenses, and inventory carrying costs. For further information, see the May 15, 2002

calculation memorandum for Comfrut ("Comfrut Calculation Memorandum") and the March 22, 2002 sales verification report for Comfrut ("Comfrut Sales Verification Report").

Frucol

We corrected certain ministerial errors from the preliminary determination (see the *Ministerial Errors Memo*). We revised reported amounts, where appropriate, with respect to payment date, inland freight, indirect selling expenses, credit expenses, gross unit price, and brokerage expenses based on information collected at verification. We also revised the reported amounts for packing and direct selling expenses. For further information, see the May 15, 2002 calculation memorandum for Frucol ("Frucol Calculation Memorandum") and the March 7, 2002 sales verification report for Frucol ("Frucol Sales Verification Report").

Olmue

We corrected certain ministerial errors from the preliminary determination (see the *Ministerial Errors Memo*). We revised reported amounts for international freight, gross unit price, and direct selling expenses for several sales based on information obtained at verification. We also revised the reported amount for indirect selling expenses and inventory carrying costs. For further information, see the May 15, 2002 calculation memorandum for Olmue ("Olmue Calculation Memorandum") and the April 3, 2002 sales verification report for Olmue ("Olmue Sales Verification Report").

Normal Value

We used the same methodology as that described in the preliminary determination to determine the cost of production ("COP"), whether comparison market sales were at prices below the COP, and the NV, with the following exceptions:

1. Cost of Production Analysis

Comfrut

We made adjustments to Comfrut's costs based on verification findings (see *Comfrut Calculation Memorandum* and the March 6, 2002 cost verification report for Comfrut). We are not making the major input adjustment made in the preliminary determination. For further information, see the *Comfrut Calculation Memorandum*.

Frucol

We have calculated a single, weighted-average cost of fresh raspberries for Frucol. For the reasons

discussed in our response to Comment 1 in the May 15, 2002 *Issues and Decision Memorandum for the Antidumping Duty Investigation of IQF Red Raspberries from Chile; Final Determination* ("Decision Memorandum"), we have used market prices for the berries grown by Frucol and, for the reasons discussed in response to Comment 3 in the *Decision Memorandum*, we have used the higher of market or transfer prices for the berries purchased by Frucol's affiliated supplier. Also, based on our findings at verification, we made revisions to Frucol's interest expense and total cost of manufacturing, including, direct labor, SG&A, variable overhead, and fixed overhead. See the *Frucol Calculation Memorandum*, the April 2, 2002 cost verification report for Frucol ("Frucol's Cost Verification Report") and Comments 1, 2, 4, 5, and 6 of the *Decision Memorandum*).

Olmue

Based on our findings at verification, we made revisions to Olmue's total cost of manufacturing, including raw materials, direct labor, variable overhead, and fixed overhead. See the *Olmue Calculation Memorandum* and the *Olmue Cost Verification Report*.

2. Calculation of NV

Comfrut

We revised the reported amounts for billing adjustments and credit expenses for certain sales based on information obtained at verification. We also revised the reported amounts for warehousing expenses, indirect selling expenses, and inventory carrying costs. For further information, see the *Comfrut Calculation Memorandum* and the *Comfrut Sales Verification Report*.

Frucol

We corrected certain ministerial errors from the preliminary determination (see the *Ministerial Errors Memo*). Based on information collected at verification, we revised the reported form, control number, commissions, and customer code for certain sales. We also revised the reported amounts for packing and direct selling expenses. For further information, see the *Frucol Calculation Memorandum* and the *Frucol Sales Verification Report* at Exhibit S-1.

Olmue

We revised reported amounts for gross unit price, brokerage and handling, and direct selling expenses for several sales based on information obtained at verification. We also revised the reported amounts for indirect selling expenses and inventory carrying costs.

For further information, see the *Olmue Calculation Memorandum* and the *Olmue Sales Verification Report* at Exhibit S-1.

Currency Conversions

We made currency conversions in accordance with section 773A of the Act in the same manner as in the preliminary determination.

Verification

As provided in section 782(i)(1) of the Act, we verified the information submitted by all responding companies during January and February 2002. We used standard verification procedures, including examination of relevant accounting and production records, as well as original source documents provided by the respondent.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this investigation are addressed in the *Decision Memorandum*, which is hereby adopted by this notice. Attached to this notice as an appendix 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 investigation and the corresponding recommendations in this public memorandum, which is on file in the Department's CRU. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Web at <http://ia.ita.doc.gov/frn>. The paper copy and electronic version of the *Decision Memorandum* are identical in content.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we are directing the U.S. Customs Service ("Customs") to continue to suspend liquidation of all imports of IQF red raspberries from Chile (except for entries from Comercial Fruticola and Exportadora Frucol) that are entered, or withdrawn from warehouse, for consumption on or after December 31, 2001, the date of publication of the *Preliminary Determination* in the Federal Register. Comercial Fruticola and Exportadora Frucol have de minimis and zero margins, respectively, and will be excluded from the antidumping duty order, if issued. Customs shall continue to require a cash deposit or the posting of a bond equal to the weighted-average amount by which the NV exceeds the EP, as appropriate, as indicated in the chart below. These suspension of liquidation instructions will remain in effect until further notice.

The weighted-average dumping margins are as follows:

Exporter/Manufacturer	Weighted-Average Margin Percentage
Comercial Fruticola	0.50 percent (de minimis)
Exportadora Frucol	0.00 percent
Fruticola Olmue	5.98 percent
All Others	5.98 percent

Pursuant to section 735(c)(5)(A), we have excluded from the calculation of the all others rate margins which are zero or *de minimis*.

ITC Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission ("ITC") of our determination. As our final determination is affirmative, the ITC will, within 45 days, determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry. If the ITC determines that material injury, or threat of material injury, does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order.

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. Timely notification of return or 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 determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: May 15, 2002.

Faryar Shirzad,

Assistant Secretary for Import Administration.

APPENDIX

List of Comments in the Issues and Decision Memorandum

Frucol

Comment 1: COP Methodology

Comment 2: Production Quantities

Comment 3: Frucol's Purchases of Fresh Raspberries

Comment 4: Extraordinary Costs

Comment 5: Unreconciled Differences

Comment 6: General and Administrative Expense Ratio

Comment 7: Third Country Sales

Comment 8: Billing Adjustment

Comfrut

Comment 9: Direct Material Costs

Comment 10: Raw Material Costs

Olmue

Comment 11: COM

Comment 12: Sales to Third Country

Comment 13: CV Profit Rate

[FR Doc. 02-12725 Filed 5-20-02; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 010302E]

Small Takes of Marine Mammals Incidental to Specified Activities; Seismic Hazard Investigations in Washington State

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

ACTION: Notice of issuance of an incidental harassment authorization.

SUMMARY: In accordance with provisions of the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that an Incidental Harassment Authorization (IHA) to take small numbers of marine mammals by harassment incidental to collecting marine seismic reflection data to investigate the earthquake hazard in the Straits of Georgia region of Washington State by the U.S. Geological Survey (USGS) during May, 2002.

DATES: This authorization is effective from April 30, 2002, through September 30, 2002.

ADDRESSES: A copy of the application and an Environmental Assessment (EA) may be obtained by writing to Donna Wieting, Chief, Marine Mammal Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3225, or by telephoning the contact listed below.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Hollingshead, Office of Protected Resources, NMFS, (301) 713-2055, ext 128.

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 small numbers 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.

Permission may be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses, and if the permissible methods of taking and requirements pertaining to the 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."

Subsection 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. The MMPA defines "harassment" as:

any act of pursuit, torment, or annoyance which (a) has the potential to injure a marine mammal or marine mammal stock in the wild; or (b) 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.

Subsection 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 small numbers 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

In May, 2002, the USGS, in cooperation with the Geological Survey of Canada and the University of Victoria, will collect marine seismic reflection data to investigate the earthquake hazards in the Straits of Georgia. For approximately 2 to 4 days this research will be in U.S. waters and about 17 to 19 days will be in Canadian waters. Geological features around the Straits of Georgia that might produce earthquakes lie obscured beneath water, urban areas, forest, and thick glacial deposits. As a result, investigators must use sound waves that are produced by

either a single airgun or more usually an array of airguns to indirectly view these features. Because seismic noise from the proposed survey's airguns could potentially affect marine mammals due to disturbance by sound (i.e., acoustic harassment), an IHA under the MMPA is warranted.

Throughout western Washington state and southwest British Columbia (BC), geological faults that might produce earthquakes lie hidden beneath the dense forest and the waters of Puget Sound and the Strait of Georgia. Although some faults are known from limited exposures on land and from marine seismic surveys, such as the Lummi Island and Outer Islands faults (see Figure 1 in the USGS application), more may have eluded detection in this little-studied area. Furthermore, the amount of recent (<50,000 years) motion on these faults, if any, is unknown. Estimating the frequency and sizes of earthquakes on both the known and unknown faults is crucial to understanding the earthquake risk to the cities of Bellingham and Anacortes, WA to Vancouver and Victoria, BC and to the more rural parts of the region. For more detailed information on the geological faults in this area, please refer to the USGS application.

Seismic reflection data will be collected during May, 2002 by the Canadian research vessel *J. P. Tully*. Seismic profiling will be done by towing a 600-m (1,968.5-ft) long hydrophone streamer for sensing and recording pressure changes from the airgun echos. The streamer will be towed at a depth of 5 m (16.4 ft). Near the forward end of the streamer, an airgun will be towed about 10 m (32.8 ft) behind the ship at a depth of about 5 m (16.4 ft). The hydrophone streamer, which is connected to a computer recording system, will record echos coming from the strata beneath the sea bottom. These recordings will be computer-processed to create an image of the subsurface strata, including any faults that are crossed during the profiling. The seismic operation will operate 24 hours/day while in U.S. waters and will be traveling at a speed of 6 to 8 knots (6.9 to 9.2 miles/hr; 11.1 to 14.8 km/hr).

The sound source will be either a single, 120 inch³ airgun or, more likely, a small array of airguns consisting of two 40- in³ and two 20-in³ guns being fired within several milliseconds (1/1000 second) of each other. The source will be chosen after tests at the beginning of the cruise. Either way, this sound source, as measured by the volume of the chamber, is only 2 percent of the size of the airgun array