

shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we have calculated importer-specific assessment rates based on the ratio of the total amount of antidumping duties calculated for the importer-specific sales to the total entered value of the same sales. Where the assessment rate is above de minimis, we will instruct Customs to assess duties on all entries of subject merchandise by that importer. The Department will issue appraisal instructions directly to Customs.<sup>4</sup>

#### Reimbursement of Duties

This notice also 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 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.

#### Notification

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 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.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: August 8, 2002.

**Faryar Shirzad,**

*Assistant Secretary for Import Administration.*

#### Appendix Issues in Decision Memorandum

##### Comments

1. Negative Dumping Margins
2. Application of Cash Deposit and Assessment Rates

[FR Doc. 02-20904 Filed 8-15-02; 8:45 am]

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<sup>4</sup> These assessment instructions apply to Canada Pipe Company, Ltd. including its unincorporated foundries, Laperle, Grand Mere, and Bibby Ste-Croix.

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-533-813, A-560-802, A-570-851]

#### Certain Preserved Mushrooms From India, Indonesia, and the People's Republic of China: Notice of Extension of Time Limit for Preliminary Results in Antidumping Duty Administrative Reviews

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

**EFFECTIVE DATE:** August 16, 2002.

#### FOR FURTHER INFORMATION CONTACT:

David J. Goldberger at (202) 482-4136, or Brian Smith at (202) 482-1766, Office 2, AD/CVD Enforcement Group I, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C., 20230. **SUMMARY:** The Department of Commerce is extending the time limit for the preliminary results of the administrative reviews of the antidumping duty order on certain preserved mushrooms from India, Indonesia, and the People's Republic of China, which cover the period February 1, 2001, through January 31, 2002.

#### SUPPLEMENTARY INFORMATION:

#### APPLICABLE STATUTE:

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. In addition, unless otherwise indicated, all citations to the Department of Commerce (the Department) regulations are to 19 C.F.R. Part 351 (April 2001).

Pursuant to section 751(a)(3)(A) of the Act, the Department shall make a preliminary determination in an administrative review of an antidumping duty order within 245 days after the last day of the anniversary month of the date of publication of the order. The Act further provides, however, that the Department may extend that 245-day period to 365 days if it determines it is not practicable to complete the review within the foregoing time period. The preliminary results are currently scheduled to be completed on October 31, 2002. However, the Department finds that it is not practicable to complete the preliminary results in these administrative reviews of certain preserved mushrooms from India, Indonesia, and the People's Republic of

China within this time limit because additional time is needed to conduct verifications in all of these administrative reviews.

Therefore, in accordance with section 751(a)(3)(A) of the Act, the Department is extending the time for completion of the preliminary results of these reviews until February 28, 2003.

Dated: August 12, 2002.

**Richard W. Moreland,**

*Deputy Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-588-857]

#### Certain Welded Large Diameter Line Pipe From Japan: Preliminary Results of Changed Circumstances Review

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

**ACTION:** Preliminary results of changed circumstances review and notice of intent to revoke in part the antidumping duty order.

**SUMMARY:** On June 10, 2002, the Department of Commerce ("the Department") published a notice of initiation of a changed circumstances review and consideration of revocation, in part, of the antidumping duty order on welded large diameter line pipe from Japan with respect to certain welded large diameter line pipe as described below. See Certain Welded Large Diameter Line Pipe from Japan: Notice of Initiation of Changed Circumstances Review of the Antidumping Order, 67 FR 39682 (June 10, 2002) ("Initiation Notice"). We now preliminarily revoke this order, in part, with respect to future entries of certain welded large diameter line pipe as describe below, based on the fact that domestic parties have expressed no interest in the continuation of the order with respect to these welded large diameter line pipes.

**EFFECTIVE DATE:** August 16, 2002.

#### FOR FURTHER INFORMATION CONTACT:

Shireen Pasha, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-0193.

#### The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to

the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930, as amended ("the Act"), by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations as codified at 19 CFR part 351 (2002).

#### SUPPLEMENTARY INFORMATION:

##### *Background*

On December 6, 2001, the Department published in the **Federal Register** the antidumping duty order on certain welded large diameter line pipe from Japan. See Notice of Antidumping Duty Order: Certain Welded Large Diameter Line Pipe from Japan, 66 FR 63368 (December 6, 2001) ("LDLP Order"). On April 17, 2002, BP America, Inc. ("BP America"), a U.S. importer, requested that the Department revoke in part the antidumping duty order on certain welded large diameter line pipe from Japan. Specifically, the U.S. importer requested that the Department revoke the order with respect to imports meeting the following specifications and sizes: In API grades X80 or above, having an outside diameter of 48 inches to and including 52 inches, and with a wall thickness of 0.90 inch or more; and, in API grades X100 or above, having an outside diameter of 48 inches to and including 52 inches, and with a wall thickness of 0.54 inch or more. BP America indicated that, based on its consultations with domestic producers, the domestic producers lack interest in producing these sizes.

American Cast Iron Pipe Co., American Steel Pipe Division; Berg Steel Pipe Corp.; and Stupp Corp., the petitioners in the underlying sales at less-than-fair-value investigation ("the petitioners") (See LDLP Order), filed a letter on May 7, 2002, partially consenting to BP America's request. However, on May 21, 2002, the petitioners filed another letter rescinding their initial response and fully consenting to exclusion of these products from the order, i.e. in API grades X80 or above, having an outside diameter of 48 inches to and including 52 inches, and with a wall thickness of 0.90 inch or more; and, in API grades X100 or above, having an outside diameter of 48 inches to and including 52 inches, and with a wall thickness of 0.54 inch or more. On June 10, 2002, the Department published a notice of initiation of a changed circumstances review of the antidumping duty order on certain welded large diameter line pipe from Japan, meeting the

specifications mentioned above. See Initiation Notice.

##### *Scope of Review*

The product covered by this antidumping order is certain welded carbon and alloy line pipe, of circular cross section and with an outside diameter greater than 16 inches, but less than 64 inches, in diameter, whether or not stencilled. This product is normally produced according to American Petroleum Institute (API) specifications, including Grades A25, A, B, and X grades ranging from X42 to X80, but can also be produced to other specifications. The product currently is classified under U.S. Harmonized Tariff Schedule (HTSUS) item numbers 7305.11.10.30, 7305.11.10.60, 7305.11.50.00, 7305.12.10.30, 7305.12.10.60, 7305.12.50.00, 7305.19.10.30, 7305.19.10.60, and 7305.19.50.00. Although the HTSUS item numbers are provided for convenience and customs purposes, the written description of the scope is dispositive. Specifically not included within the scope of this investigation is American Water Works Association (AWWA) specification water and sewage pipe and the following size/grade combinations; of line pipe:

- Having an outside diameter greater than or equal to 18 inches and less than or equal to 22 inches, with a wall thickness measuring 0.750 inch or greater, regardless of grade.
- Having an outside diameter greater than or equal to 24 inches and less than 30 inches, with wall thickness measuring greater than 0.875 inches in grades A, B, and X42, with wall thickness measuring greater than 0.750 inches in grades X52 through X56, and with wall thickness measuring greater than 0.688 inches in grades X60 or greater.
- Having an outside diameter greater than or equal to 30 inches and less than 36 inches, with wall thickness measuring greater than 1.250 inches in grades A, B, and X42, with wall thickness measuring greater than 1.000 inches in grades X52 through X56, and with wall thickness measuring greater than 0.875 inches in grades X60 or greater.
- Having an outside diameter greater than or equal to 36 inches and less than 42 inches, with wall thickness measuring greater than 1.375 inches in grades A, B, and X42, with wall thickness measuring greater than 1.250 inches in grades X52 through X56, and with wall thickness measuring greater than 1.125 inches in grades X60 or greater.

- Having an outside diameter greater than or equal to 42 inches and less than 64 inches, with a wall thickness measuring greater than 1.500 inches in grades A, B, and X42, with wall thickness measuring greater than 1.375 inches in grades X52 through X56, and with wall thickness measuring greater than 1.250 inches in grades X60 or greater.
- Having an outside diameter equal to 48 inches, with a wall thickness measuring 1.0 inch or greater, in grades X-80 or greater.

##### *Preliminary Results of Review and Intent To Revoke in Part the Antidumping Duty Order*

Pursuant to sections 751(d)(1) of the Act, the Department may revoke an antidumping or countervailing duty order, in whole or in part, based on a review under section 751(b) of the Act (i.e., a changed circumstances review). Section 751(b)(1) of the Act requires a changed circumstances review to be conducted upon receipt of a request, which shows changed circumstances sufficient to warrant a review. Section 351.222(g)(1) of the Department's regulations provides that the Department may revoke an order (in whole or in part) based on changed circumstances, if it determines that: (i) Producers accounting for substantially all of the production of the domestic like product to which the order (or part of the order to be revoked) pertains have expressed a lack of interest in the relief provided by the order, in whole or in part, or (ii) if other changed circumstances sufficient to warrant revocation exist.

The Department preliminarily determines that it is appropriate to revoke the order, in part, on certain welded large diameter line pipe from Japan with respect to the specifications and sizes mentioned above, because (1) the petitioners have uniformly expressed that they do not want relief with respect to this particular sub-product, and (2) there have been no contrary expressions from the remainder of the known LDLP producers.

Interested parties wishing to comment on these results may submit briefs to the Department no later than 30 days after the publication of this notice in the **Federal Register**. Parties will have five days subsequent to this due date to submit rebuttal comments, limited to the issues raised in those comments. Parties who submit comments or rebuttal comments in this proceeding are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument (no longer than five pages, including

footnotes). Any requests for a hearing must be filed within 30 days of the publication of this notice in the **Federal Register**.

All written comments must be submitted in accordance with 19 CFR 351.303, and must be served on all interested parties on the Department's service list. The Department will also issue its final results of review within 270 days after the date on which the changed circumstances review is initiated, in accordance with 19 CFR 351.216(e), and will publish these results in the **Federal Register**. While the changed circumstances review is underway, the current requirement for a cash deposit of estimated antidumping duties on all subject merchandise, including the merchandise that is the subject of this changed circumstances review, will continue unless and until it is modified pursuant to the final results of this changed circumstances review or an administrative review.

This notice is in accordance with sections 751(b)(1) and 777(i)(1) of the Act and 19 CFR 351.216 and 351.222.

Dated: August 8, 2002.

**Faryar Shirzad,**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[I.D. 052102B]

#### Availability of the Simpson Resource Company Aquatic Habitat Conservation Plan/Candidate Assurances and Draft Environmental Impact Statement, Del Norte and Humboldt Counties, California

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce; Fish and Wildlife Service (FWS), Interior.

**ACTION:** Notice of availability.

**SUMMARY:** Simpson Resource Company (Simpson), has submitted applications to NMFS and FWS (together, the Services) for an incidental take permit and an enhancement of survival permit (together, Permits) pursuant to the Endangered Species Act of 1973, as

amended (ESA). Simpson has also prepared an Aquatic Habitat Conservation Plan/Candidate Assurances (Plan) and a proposed Implementation Agreement. The Services also announce the availability of a draft Environmental Impact Statement (Draft EIS) for the Permit applications. The Permit applications are related to forest management and timber harvest in Del Norte and Humboldt Counties, CA, where Simpson owns lands or harvesting rights. The duration of the proposed Permits and Plan is 50 years.

The Services are furnishing this notice in order to allow other agencies and the public an opportunity to review and comment on these documents. All comments received will become part of the public record and will be available for review pursuant to section 10(c) of the ESA.

**DATES:** Public meetings will be held on September 4, 2002, from 1 p.m. to 3 p.m. and 5 p.m. to 7 p.m. in Eureka, CA. Written comments on the Permit application, Draft EIS, Plan, and Implementation Agreement must be received on or before November 14, 2002.

**ADDRESSES:** The public meetings will be held at the Red Lion Inn, 1929 4th Street, Eureka, CA 95501. Oral and written comments will be received at the meetings. Written comments may also be directed to Ms. Amedee Brickey (FWS) or Mr. James F. Bond (NMFS), both located at 1655 Heindon Road, Arcata, CA 95521 or sent by facsimile to (707) 822-8411. Requests for documents should be made by calling FWS at (707) 822-7201. Hardbound copies are also available for viewing, or partial or complete duplication, at the following libraries: (1) Eureka Main Library, 1313 3rd Street, Eureka, CA; Telephone: (707) 269-1900; (2) Fortuna Branch, Humboldt County Library, 775 14th Street, Fortuna, CA; Telephone: (707) 725-3460; (3) Arcata Branch, Humboldt County Library, 500 7th Street, Arcata, CA; Telephone: (707) 822-5924; and (4) Crescent City Library, 190 Price Mall, Crescent City, CA; Telephone: (707) 464-9793. The documents are also available electronically on the Internet at <http://swr.nmfs.noaa.gov>.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amedee Brickey (FWS) at 707-822-7201 or Mr. James F. Bond (NMFS), at (707) 825-5176.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 9 of the ESA and Federal regulations prohibit the taking of an

animal species listed as endangered or threatened. The term take is defined under the ESA to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Harm has been defined by FWS to include "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, and sheltering." Consistent with FWS, NMFS has defined harm as an act which actually kills or injures fish or wildlife, and emphasizes that such acts may include "significant habitat modification or degradation which actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, spawning, rearing, migrating, feeding, or sheltering."

The Services may issue two types of permits under section 10(a) of the ESA to non-federal landowners to take listed species, under certain terms and conditions. FWS's regulations governing permits for threatened and endangered species are promulgated in 50 CFR 17.32 and 50 CFR 17.22; NMFS' regulations governing permits for threatened and endangered species are promulgated at 50 CFR 222.307. The first of these two types of permits is the Incidental Take Permit, which is authorized under section 10(a)(1)(B) of the ESA. A proposed Incidental Take Permit must be accompanied by a Habitat Conservation Plan (HCP) that shows: (1) the taking will be incidental; (2) the applicants will, to the maximum extent practicable, minimize and mitigate the impacts of such taking; (3) the applicants will ensure that adequate funding for the conservation plan will be provided; (4) the taking will not appreciably reduce the likelihood of survival and recovery of the species in the wild; (5) such other measures the Services may require as necessary or appropriate for the purposes of the HCP. HCPs can address both listed and currently unlisted species.

The second of these two types of permits is the Enhancement of Survival Permit, which is authorized under section 10(a)(1)(A) of the ESA. To implement this provision of the ESA, the Services issued a joint policy for developing Candidate Conservation Agreements with Assurances (CCAAs) for unlisted species on June 17, 1999 (64 FR 32726). The FWS simultaneously issued regulations for implementing CCAAs on June 17, 1999 (64 FR 32706). A correction to the FWS final rule was announced on September 30, 1999 (64 FR 52676). CCAAs are intended