

**Level of Trade**

Since Acindar has no viable comparison market, and since we based CV selling expenses on Acindar's financial statement (which records selling expenses for more than just subject merchandise, and which does not break out selling expenses by level of trade or by merchandise), we have no way of conducting a level of trade analysis. For this reason we made no LOT adjustment to Acindar's NV.

**Currency Conversion**

We made currency conversions into U.S. dollars based on the exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank, in accordance with section 773A(a) of the Tariff Act.

**Preliminary Results of Review**

As a result of our review, we preliminarily determine the weighted-average dumping margin for the period August 1, 2000, through July 31, 2001, to be as follows:

| Manufacturer/Exporter | Margin (percent) |
|-----------------------|------------------|
| Acindar .....         | 65.74            |
| Siderca .....         | 1.36             |

The Department will disclose calculations performed in connection with these preliminary results of review within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Interested parties may submit case briefs and/or written comments no later than 30 days after the date of publication of these preliminary results of review. Rebuttal briefs and rebuttals to written comments, limited to issues raised in the case briefs and comments, may be filed no later than 35 days after the date of publication of this notice. Parties who submit argument in these proceedings are requested to submit with the argument: (1) A statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities. An interested party may request a hearing within 30 days of publication. See CFR 351.310(c). Any hearing, if requested, will be held 37 days after the date of publication, or the first business day thereafter, unless the Department alters the date per 19 CFR 351.310(d). The Department will issue the final results of these preliminary results, including the results of our analysis of the issues raised in any such written comments or at a hearing, within 120 days of publication of these preliminary results.

**Assessment Rates**

Upon completion of this administrative review, the Department will determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we have calculated an exporter/importer-specific assessment rate for merchandise subject to this review. The Department will issue appropriate assessment instructions directly to the Customs Service within 15 days of publication of the final results of review. Because Acindar did not report entered values, we plan to issue appraisement instructions based on reported sales quantities. If these preliminary results are adopted in the final results of review, we will direct the Customs Service to assess the resulting assessment rates against the entered customs quantities for the subject merchandise on each of the importer's customer's entries during the review period.

Furthermore, the following deposit requirements will be effective upon completion of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rates for the reviewed company will be the rates established in the final results of the administrative review (except that no deposit will be required if the rate is zero or *de minimis*, i.e., less than 0.5 percent); (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in the original less-than-fair-value (LTFV) investigation or a previous review, the cash deposit will continue to be the most recent rate published in the final determination or final results for which the manufacturer or exporter received a company-specific rate; (3) if the exporter is not a firm covered in this review, or the original investigation, but the manufacturer is, the cash deposit rate will be that established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this review, any previous reviews, or the LTFV investigation, the cash deposit rate will be 1.36 percent, the "all others" rate established in the LTFV investigation. See *Antidumping Duty Order: Oil Country Tubular Goods from Argentina*, 60 FR 41055 (August 11, 1995).

This notice also serves as a preliminary 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.

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

Dated: September 3, 2002.

**Joseph A. Spetrini,**  
*Acting Assistant Secretary for Import Administration.*

[FR Doc. 02-22844 Filed 9-6-02; 8:45 am]  
**BILLING CODE 3510-DS-P**

**DEPARTMENT OF COMMERCE****International Trade Administration**

**[A-122-814]**

**Pure Magnesium From Canada; Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Review, and Notice of Intent Not To Revoke Order in Part**

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

**ACTION:** Notice of preliminary results of 2000–2001 administrative review and intent not to revoke.

**SUMMARY:** The Department of Commerce is conducting an administrative review of the antidumping duty order on pure magnesium from Canada. The period of review is August 1, 2000, through July 31, 2001. This review covers imports of pure magnesium from one producer/exporter.

We have preliminarily found that sales of subject merchandise have not been made below normal value. We have also preliminarily determined not to revoke the order with respect to pure magnesium from Canada produced by Norsk Hydro Canada, Inc. If these preliminary results are adopted in our final results, we will instruct the Customs Service not to assess antidumping duties.

Interested parties are invited to comment on these preliminary results. We will issue the final results not later than 120 days from the date of publication of this notice.

**EFFECTIVE DATE:** September 9, 2002.

**FOR FURTHER INFORMATION CONTACT:**  
Jarrod Goldfeder or Scott Holland,

Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230; telephone (202) 482-0189 or (202) 482-1279, respectively.

### 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 ("the Act") by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department of Commerce's ("the Department's") regulations refer to 19 CFR part 351 (2001).

### Background

On August 31, 1992, the Department published in the **Federal Register** (57 FR 39390) an antidumping duty order on pure magnesium from Canada. On August 1, 2001, the Department published a notice in the **Federal Register** (66 FR 39729) of "Opportunity to Request an Administrative Review" of this order. On August 31, 2001, Magnesium Corporation of America (the "petitioner") requested an administrative review of imports of the subject merchandise produced by Norsk Hydro Canada, Inc. ("NHCI"), and Magnolia Metallurgy Inc. ("Magnolia"). On August 31, 2001, NHCI made a similar request for review and also requested that the Department revoke the antidumping duty order. On October 1, 2001, the Department published a notice in the **Federal Register** (66 FR 49924) initiating the review for the period August 1, 2000, through July 31, 2001.

On October 10, 2001, we issued antidumping questionnaires to NHCI and Magnolia. On October 29, 2001, NHCI requested to limit reporting of home market sales to the six-month period July 1 through December 31, 2000. On October 31, 2001, in accordance with 19 CFR 351.414(e)(2)(ii) and 19 CFR 351.414(e)(2)(iii), we granted NHCI's request to limit the reporting of home market sales.

On November 16, 2001, Magnolia reported that it had no shipments of subject merchandise to the United States during the August 1, 2000, through July 31, 2001, period of review ("POR"). See "Partial Rescission" section, below.

On November 26, 2001, we received NHCI's questionnaire response. On February 27, 2002, we issued a supplemental questionnaire to NHCI

and received the response on March 13, 2002.

On December 12, 2001, in accordance with 19 CFR 351.301(d)(2)(ii), the petitioner filed an allegation that NHCI had made sales below the cost of production ("COP") during the POR. NHCI submitted an objection to the allegation on December 21, 2002. On January 9, 2002, the petitioner filed a reply to NHCI's objections. We found that the petitioner did not provide a reasonable basis to believe or suspect that NHCI is selling pure magnesium in the United States at prices below the COP. See Memorandum from Team to Susan Kuhbach, "Allegation of Sales Below Cost of Production," dated February 25, 2002. Accordingly, we did not initiate a sales-below-COP investigation.

On April 15, 2002, in accordance with section 751(a)(3)(A) of the Act, the Department published a notice in the **Federal Register** (67 FR 18173) extending the time limit for the completion of the preliminary results in this case by 120 days (*i.e.*, until no later than September 3, 2002).

On July 16, 2002, we received notification that U.S. Magnesium, LLC ("U.S. Magnesium"), had become the successor-in-interest to the petitioner, Magnesium Corporation of America, for the purpose of this antidumping proceeding.

### Scope of the Order

The product covered by this order is pure magnesium. Pure unwrought magnesium contains at least 99.8 percent magnesium by weight and is sold in various slab and ingot forms and sizes. Granular and secondary magnesium are excluded from the scope currently classifiable under subheading 8104.11.0000 of the Harmonized Tariff Schedule ("HTS"). The HTS item number is provided for convenience and for customs purposes. The written description remains dispositive.

### Verification

As provided in section 782(i) of the Act, in July 2002, we verified information provided by NHCI using standard verification procedures, including on-site inspection of the manufacturer's facilities, examination of relevant sales and financial records, and selection of original documentation containing relevant information. The Department reported its findings at the sales verification on September 3, 2002.

### Partial Rescission

In accordance with 19 CFR 351.213(d)(3), we are rescinding this review with respect to Magnolia, which

reported that it made no shipments of subject merchandise during this POR. We examined shipment data furnished by the Customs Service and are satisfied that the record does not indicate that there were U.S. shipments of subject merchandise from Magnolia during the POR.

### Export Price

For sales to the United States, we used export price ("EP"), as defined in section 772(a) of the Act, because the merchandise was sold directly to the first unaffiliated purchaser in the United States prior to importation. The use of constructed export prices was not warranted based on the facts of the record. EP was based on the packed price to unaffiliated purchasers in the United States. We made deductions, consistent with section 772(c)(2)(A) of the Act, for the following movement expenses: inland freight from the plant to the distribution warehouse, pre-sale warehousing expense, inland freight from the distribution warehouse to the unaffiliated customer, and foreign brokerage and handling.

### Normal Value

In order to determine whether there was a sufficient volume of sales of pure magnesium in the home market to serve as a viable basis for calculating NV, we compared NHCI's volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise, in accordance with section 773(a) of the Act. Because the aggregate volume of home market sales of the foreign like product was greater than five percent of the respective aggregate volume of U.S. sales for the subject merchandise, we determined that the home market provided a viable basis for calculating NV. Therefore, in accordance with section 773(a)(1)(B)(i) of the Act, we based NV on the prices at which the foreign like product was first sold for consumption in the exporting country, in the usual commercial quantities and in the ordinary course of trade.

We calculated NV based on the price to unaffiliated customers. We adjusted the price for billing adjustments. We made adjustments for differences in packing in accordance with sections 773(a)(6)(A) and 773(a)(6)(B)(i) of the Act. We also made adjustments, consistent with section 773(a)(6)(B)(ii) of the Act, for the following movement expenses: inland freight from the plant to the distribution warehouse, warehousing expense, and inland freight from the plant/warehouse to the customer. In addition, we made adjustments for differences in

circumstances of sale ("COS") in accordance with section 773(a)(6)(C)(iii) of the Act and 19 CFR 351.410. We made COS adjustments by deducting direct selling expenses incurred on home market sales (credit expenses) and adding U.S. direct selling expenses (credit expenses).

### Revocation

The Department may revoke, in whole or in part, an antidumping duty order upon completion of a review under section 751 of the Act. While Congress has not specified the procedures that the Department must follow in revoking an order, the Department has developed a procedure for revocation that is described in 19 CFR 351.222. This regulation requires, *inter alia*, that a company requesting revocation must submit the following: (1) A certification that the company has sold the subject merchandise at not less than NV in the current review period and that the company will not sell at less than NV in the future; (2) a certification that the company sold the subject merchandise in each of the three years forming the basis of the request in commercial quantities; and (3) an agreement to reinstatement of the order if the Department concludes that the company, subsequent to the revocation, sold subject merchandise at less than NV. *See* 19 CFR 351.222(e)(1).

According to 19 CFR 351.222(b)(2), upon receipt of such a request, the Department may revoke an order, in part, if it concludes that (1) the company in question has sold subject merchandise at not less than NV for a period of at least three consecutive years; (2) the continued application of the antidumping duty order is not otherwise necessary to offset dumping; and (3) the company has agreed to the immediate reinstatement of the order if the Department concludes that the company, subsequent to the revocation, sold subject merchandise at less than NV.

Pursuant to 19 CFR 351.222(e)(1), NHCI requested revocation of the antidumping duty order. The request was accompanied by certifications that NHCI had not sold the subject merchandise at less than NV during the current period of review and would not do so in the future. NHCI certified that it sold the subject merchandise to the United States in commercial quantities for a period of at least three consecutive years. NHCI also agreed to immediate reinstatement of the antidumping duty order, as long as any exporter or producer is subject to the order, if the Department concludes that NHCI sold the subject merchandise at less than

normal value subsequent to the revocation.

We must determine, as a threshold matter, in accordance with 19 CFR 351.222 whether the company requesting revocation sold the subject merchandise in commercial quantities in each of the three years forming the basis of the request. After consideration of the information and arguments on the record of this review, we preliminarily determine that NHCI did not sell the subject merchandise in the United States in commercial quantities during the current review period. *See the Memorandum from Team to Richard W. Moreland, "Commercial Quantities," dated September 3, 2002, for a discussion of NHCI's selling activity.* Because NHCI did not make sales in commercial quantities during at least one of the three years cited by NHCI to support its request for revocation, we do not need to examine whether NHCI made sales in commercial quantities in either of the other two years underlying its request for revocation. Accordingly, we preliminarily find that NHCI does not qualify for revocation of the order on pure magnesium pursuant to 19 CFR 351.222(e)(1)(ii).

### Preliminary Results of the Review

As a result of this review, we preliminarily determine that NHCI's margin for the period August 1, 2000, through July 31, 2001, is zero.

Any interested party may request a hearing within 30 days of publication of this notice. Any hearing, if requested, will be held 42 days after the publication of this notice, or the first workday thereafter. Issues raised in the hearing will be limited to those raised in the case and rebuttal briefs. Interested parties may submit case briefs within 30 days of the date of publication of this notice. Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than 35 days after the date of publication of this notice. Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument with an electronic version included.

The Department will issue the final results of this administrative review, including the results of its analysis of issues raised in any such written briefs or hearing, within 120 days of publication of these preliminary results.

### Assessment Rates and Cash Deposit Requirements

Upon completion of this administrative review, the Department will determine, and the Customs Service

shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we have calculated an exporter/importer (or customer)-specific assessment rate for merchandise subject to this review. The Department will issue appropriate assessment instructions directly to the Customs Service within 15 days of publication of the final results of review. If these preliminary results are adopted in the final results of review, we will direct the Customs Service to assess the resulting assessment rates against the entered customs values for the subject merchandise on each of the importer's/customer's entries during the review period.

The following deposit requirements will be effective upon completion of the final results of this administrative review for all shipments of pure magnesium from Canada entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed company will be the rate established in the final results of this administrative review (except no cash deposit will be required for the company if its weighted-average margin is *de minimis*, i.e., less than 0.5 percent); (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in the original less-than-fair-value investigation or a previous review, the cash deposit will continue to be the most recent rate published in the final determination or final results for which the manufacturer or exporter received an individual rate; (3) if the exporter is not a firm covered in this review, the previous review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous reviews, the cash deposit rate will be 21 percent, the "all others" rate established in *Pure Magnesium from Canada; Amendment of Final Determination of Sales At Less Than Fair Value and Order in Accordance With Decision on Remand* (58 FR 62643, November 29, 1993).

### Notification to Importers

This notice also serves as a preliminary 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.

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

Dated: September 3, 2002.

**Faryar Shirzad,**

*Assistant Secretary for Import Administration.*

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**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A-570-815]**

#### Sulfanilic Acid 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:** September 9, 2002.

#### FOR FURTHER INFORMATION CONTACT:

Holly Hawkins or Sean Carey, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington DC 20230; telephone: (202) 482-0414 or (202) 482-3964, respectively.

#### SUPPLEMENTARY INFORMATION:

##### The Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the Tariff Act of 1930, as amended. In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, codified at 19 CFR part 351 (2001).

##### Background

On August 27, 2001, the Department of Commerce (the Department) received a request from respondent Zhenxing Chemical Company to conduct an administrative review. The Department also received a request on August 30, 2001 from petitioner, Nation Ford Chemical Company (NFC), to conduct an administrative review of Zhenxing Chemical Company. On October 1, 2001, the Department published a notice of initiation of an administrative review of the antidumping duty order on sulfanilic acid from the People's Republic of China, covering the period

August 1, 2000 through July 31, 2001 (67 FR 31770). On May 10, 2002, the Department published its preliminary results of this administrative review (67 FR 31770).

#### Extension of Time Limits for Final Results

Because of the complexities involved in this review, including the need to analyze new public information on factor valuation timely submitted by the parties since the preliminary results of review, it is not practical to complete this review within the time limits mandated by section 751(a)(3)(A) of the Act. Therefore, in accordance with section 751(a)(3)(A) of the Act, the Department is extending the time limit for the final results of review from September 7, 2002 to November 15, 2002.

This notice is published in accordance with sections 751(a)(2)(B) and 777 (i)(1) of the Act.

Dated: August 29, 2002.

**Joe Spetrini,**

*Deputy Assistant Secretary AD/CVD Enforcement Group III.*

[FR Doc. 02-22839 Filed 9-6-02; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Federal Consistency Appeal by Millennium Pipeline Company From an Objection by the New York Department of State

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (Commerce).

**ACTION:** Notice of appeal, request for comments, notice of availability of appeal documents, and notice of public hearing.

**SUMMARY:** The Millennium Pipeline Company has filed an administrative appeal with the Department of Commerce asking that the Secretary of Commerce override the State of New York's objection to Millennium's proposed natural gas pipeline. The pipeline would extend from the Canadian border in Lake Erie and cross the Hudson River, affecting the natural resources or land and water uses of New York's coastal zone. This document: (a) Provides public notice of the appeal; (b) announces an opportunity for public comment on the appeal; (c) identifies locations where documents comprising the appeal record will be available for

review; and (d) provides notice of a public hearing for the appeal.

**DATES:** Public comments on the appeal must be received by December 2, 2002. A public hearing for the appeal is scheduled for November 13, 2002.

**ADDRESSES:** All email comments on issues relevant to the Secretary's decision of this appeal may be submitted to

*Millennium.comments@noaa.gov.*

Comments may also be sent by mail to the Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Silver Spring, MD 20910. Materials from the appeal record will be available at the Internet site <http://www.ogc.doc.gov/czma.htm> and at the Office of the Assistant General Counsel for Ocean Services. Also, public filings made by the parties to the appeal may be available at the offices of the New York Department of State, Office of General Counsel, 41 State Street, 8th Floor, Albany, NY. The public hearing will be held at the Hilton Tarrytown Hotel, 455 South Broadway, Tarrytown, New York.

**FOR ADDITIONAL INFORMATION CONTACT:** Karl Gleaves, Assistant General Counsel for Ocean Services, via email at *gcos.inquiries@noaa.gov*, or at 301-713-2967, extension 186.

#### SUPPLEMENTARY INFORMATION:

##### I. Notice of Appeal

Millennium Pipeline Company, L.P. (Millennium or Appellant) filed a notice of appeal with the Secretary of Commerce (Secretary) pursuant to section 307(c)(3)(A) of the Coastal Zone Management Act of 1972 (CZMA), as amended, 16 U.S.C. 1451 *et seq.*, and the Department of Commerce's implementing regulations, 15 CFR Part 930, Subpart H, (revised, effective January 8, 2001). The appeal is taken from an objection by the New York Department of State (State) to Millennium's consistency certification for U.S. Army Corps of Engineers and Federal Energy Regulatory Commission permits to construct and operate a natural gas pipeline. The certification indicates that the project is consistent with the State's coastal management program. The project would traverse Lake Erie and cross the Hudson River, affecting the natural resources or land and water uses of New York's coastal zone.

The Appellant requests that the Secretary override the State's consistency objections for a procedural reason, concerning the timing of the State's objection to the Millennium