

Dated: September, 3, 2002.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 02-23388 Filed 9-12-02; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-501]

Natural Bristle Paintbrushes and Brush Heads From the People's Republic of China; Notice of Rescission, in Part, of Antidumping Duty Administrative Review

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

SUMMARY: In accordance with 19 CFR 351.213(b)(1), the Department received a timely request from petitioner, the Paint Applicator Division of the American Brush Manufacturers Association (Paint Applicator Division), that we conduct an administrative review of the sales of Hebei Founder Import & Export Company (Hebei) and Hunan Provincial Native Products Import & Export Corp. (Hunan). On March 27, 2002, the Department initiated an administrative review of the antidumping duty order on natural bristle paintbrushes and paint brush heads for the period of review (POR) of February 1, 2001 through January 31, 2002. We are now rescinding this review with respect to Hebei because Hebei did not have any sales, shipments, or entries during the POR.

EFFECTIVE DATE: September 13, 2002.

FOR FURTHER INFORMATION CONTACT: Thomas Gilgunn or Douglas Kirby, AD/CVD Enforcement Group III, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230; telephone: 202-482-4236 and 202-482-3782, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

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

Background

On February 1, 2002, the Department published a notice of opportunity to request an administrative review of the

antidumping duty order on natural bristle paint brushes and brush heads from the People's Republic of China (PRC) (67 FR 4945). On February 28, 2002, the Department received a timely request from petitioner for administrative reviews of Hunan Provincial Native Produce and Animal By-Products Import and Export Corporation (Hunan) and Hebei Founder Import and Export Company (Hebei). On March 27, 2002, the Department initiated an administrative review of the antidumping duty order on natural bristle paintbrushes and brush heads, for the period from February 1, 2001 through January 31, 2002, in order to determine whether merchandise imported into the United States is being sold at less than fair value. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocations in Part* (67 FR 14696). On May 1, 2002 the Department issued antidumping questionnaires to Hebei and Hunan. In its reply to Section A of the questionnaire, Hebei reiterated that it had made no sales or shipments of subject merchandise to the United States during the POR.

The Department also performed a U.S. Customs Service (Customs) query for entries of natural bristle paintbrushes and brush heads, classified under the Harmonized Tariff Schedule of the United States (HTSUS) item number 9603.40.40.40, from the PRC during the POR. We found no entries or shipments from Hebei during the POR.

Rescission, in Part, of Antidumping Administrative Review

Pursuant to 19 CFR 351.213(d)(3), the Department may rescind an administrative review, in whole or only with respect to a particular exporter or producer, if the Secretary concludes that, during the period covered by the review, there were no entries, exports, or sales of subject merchandise. On August 14, 2002, the Department issued a memorandum stating our intent to rescind the review, in part, with regard to Hebei in light of the information on the record that Hebei did not sell, ship or enter the subject merchandise during the POR. The Department circulated this memorandum among the parties and received no comments. See *Memorandum For the File From Douglas Kirby Through Barbara E. Tillman: Partial Rescission of Antidumping Duty Administrative Review* (August 14, 2002) (public document, on file in the Department's Central Records Unit in Room B-099). Therefore, the Department has determined that it is reasonable to

rescind, in part, the administrative review of the antidumping duty order on natural bristle paintbrushes and paintbrush heads with respect to Hebei for the period February 1, 2001 through January 31, 2002. The Department will issue appropriate assessment instructions to Customs.

The Department is not rescinding its review of the antidumping duty order on natural bristle paintbrushes and brush heads with respect to Hunan, for the period February 1, 2001 through January 31, 2002, because there is evidence on the record of sales made by Hunan to the United States market during the POR.

This notice 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(a)(3). Timely written notification of the return or 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.

This determination and notice are issued and published in accordance with 19 CFR 351.213(d)(3) and sections 751(a) and 777(i)(l) of the Act.

Dated: September 6, 2002.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 02-23391 Filed 9-12-02; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

A-588-854

Certain Tin Mill Products from Japan: Notice of Decision of the Court of International Trade

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

EFFECTIVE DATE: September 13, 2002./P<

FOR FURTHER INFORMATION CONTACT: Michael Ferrier or Abdelali Elouaradia at (202) 482-1394 or (202) 482-1374, respectively; Antidumping and Countervailing Duty Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

SUMMARY: On August 9, 2002, the United States Court of International Trade ("CIT" or "the Court") entered a

final judgement vacating the United States International Trade Commission's ("ITC" or "Commission") determination finding that an industry in the United States is materially injured by reason of imports of the subject merchandise in the investigation of *Tin and Chromium-Coated Steel Sheet From Japan*. Inv. No. 731-TA-860, USITC Pub. 3300, 65 Fed. Reg. 50005 (August 16, 2000). The Court ordered the Commission to enter a negative determination. *Nippon Steel Corporation, et al. v. United States*, Slip Op. 02-86 (CIT August 9, 2002) ("*Nippon I*"). Consistent with the decision of the United States Court of Appeals for the Federal Circuit (Federal Circuit) in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) ("*Timken*"), the Department is notifying the public that *Nippon II* is "not in harmony" with the Commission's affirmative injury determination.

SUPPLEMENTARY INFORMATION:

Background

On June 26, 2000, the Department published in the **Federal Register** the notice of final determination of sales at less than fair value on certain tin mill products from Japan. See *Notice of Final Determination of Sales at Less Than Fair Value: Certain Tin Mill Products From Japan*, 65 FR 39364 (June 26, 2000). On August 28, 2000, following the Commission's final affirmative injury determination, the Department published in the **Federal Register** the antidumping duty order on certain tin mill products from Japan. See *Notice of Antidumping Duty Order: Certain Tin Mill Products from Japan*, 65 FR 52067 (August 28, 2000).

Nippon Steel Corporation, NKK Corporation, Kawasaki Steel Corporation, and Toyo Kohan Co., Ltd., respondents in the underlying investigation, filed a lawsuit with the CIT contesting the ITC's affirmative injury determination. The Court issued an Order and Opinion dated December 31, 2000, in *Nippon Steel Corporation, et al. v. United States*, 182 F. Supp. 2d 1330 (CIT 2000) ("*Nippon I*"), remanding the ITC's affirmative injury determination. On March 4, 2002, the ITC filed its affirmative injury remand determination. USITC Pub. 3493 (March 2002). On August 9, 2002, the CIT issued an opinion and judgement vacating the Commission's affirmative injury remand determination and directing the Commission to enter a negative determination. See *Nippon II*.

Timken Notice

In its decision in *Timken*, the Federal Circuit held that, pursuant to 19 U.S.C. 1516a(c), an agency must publish notice

of a decision of the CIT or Federal Circuit which is "not in harmony" with the agency's determination. The CIT's decision in *Nippon II* is not in harmony with the Commission's final affirmative injury determination. Therefore, publication of this notice fulfills the obligation imposed by the decision in *Timken*. If this decision is not appealed, or if appealed, if it is upheld, the Commission will publish notice of a negative injury determination on tin and chromium-coated steel sheet from Japan.

Dated: September 6, 2002.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 02-23389 Filed 9-12-02; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-122-815]

Alloy Magnesium From Canada; Extension of Time Limit for the Preliminary Results of the Countervailing Duty New Shipper Review and Pure Magnesium From Canada; Rescission of Countervailing Duty New Shipper Review

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

ACTION: Notice of extension of time for preliminary results of new shipper review and rescission of new shipper review.

SUMMARY: The Department of Commerce is extending the time limit for the preliminary results of the new shipper review of the countervailing duty order on alloy magnesium from Canada. This extension of time limit is made pursuant to section 751(a)(2)(B)(iv) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act.

We are also rescinding the new shipper review of the countervailing duty order on pure magnesium from Canada.

EFFECTIVE DATE: September 13, 2002.

FOR FURTHER INFORMATION CONTACT: Sally Hastings, Import Administration, International Trade Administration, U.S. Department of Commerce, Room 3099, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-3464.

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 ("Department") regulations are to 19 CFR part 351 (2001).

Background

On February 28, 2002, the Department received a request from Magnola Metallurgy, Inc. ("Magnola") to initiate a new shipper review of Magnola's sales of alloy magnesium from Canada. The Department erroneously initiated new shipper reviews of the countervailing duty orders on both pure and alloy magnesium from Canada on March 27, 2002. See *Notice of Initiation of New Shipper Countervailing Duty Review: Pure and Alloy Magnesium from Canada*, 67 FR 15794 (April 3, 2002). Because no review was requested for the former, we are rescinding the new shipper countervailing duty review on pure magnesium.

On August 9, 2002, U.S. Magnesium LLC ("U.S. Magnesium"), the successor to the Magnesium Corporation of America, the petitioner in the original investigation, requested that the Department include in this review an alleged labor subsidy not previously investigated. U.S. Magnesium filed additional comments on August 30, 2002. Magnola has objected to reconsideration of the petitioner's allegation in submissions dated August 19 and September 3, 2002.

Statutory Time Limits

Section 751(a)(2)(B)(iv) of the Act requires the Department to issue the preliminary determination in a new shipper review 180 days after the date the review was initiated and a final determination within 90 days after the date on which the preliminary results is issued. However, if the Department determines that the review is extraordinarily complicated, the Department can extend the 180-day period to 300 days and the 90-day period to 150 days.

Postponement

Because additional time is needed to review the new subsidy allegation, and if warranted, to investigate the subsidy, the Department has concluded that the case is extraordinarily complicated. Therefore, in accordance with section 751(a)(2)(B)(iv) of the Act and 19 CFR 351.214(i)(2), we are postponing the preliminary results of this new shipper review for 120 days, until no later than January 21, 2003.