

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

[C-507-501]

**Certain In-Shell Pistachios From the Islamic Republic of Iran: Extension of Time Limit for Preliminary Results of Countervailing Duty Administrative Review**

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

**ACTION:** Notice of extension of time limit or preliminary results of countervailing duty administrative review.

**EFFECTIVE DATE:** October 23, 2002.

**FOR FURTHER INFORMATION CONTACT:** Eric B. Greynolds or Darla Brown, AD/CVD Enforcement, Office VI, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-2786.

**Time Limits****Statutory Time Limits**

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department of Commerce ("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. However, if it is not practicable to complete the preliminary results of review within this time period, 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.

**Background**

On April 17, 2002 the Department initiated an administrative review of the countervailing duty order on certain in-shell pistachios from the Islamic Republic of Iran (Iran). See 67 FR 20089. The preliminary results are currently due no later than December 2, 2002.

**Extension of Time Limit for Preliminary Results of Review**

Upon further examination of the information submitted on the record of the administrative review, we have concluded that it is necessary to conduct a verification of the questionnaire responses. Because it is the Department's practice to verify administrative reviews prior to the issuance of preliminary results, we do not believe it is practicable to complete the preliminary results of the

administrative review within the 245-day statutory time frame. Therefore, the Department is extending the time limits for completion of the preliminary results until April 1, 2003. See the Decision Memorandum from Melissa G. Skinner, Director, Office of AD/CVD Enforcement VI, to Bernard T. Carreau, Deputy Assistant Secretary, Import Administration, dated concurrent with this notice, which is on file in the Central Records Unit.

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

Dated: October 17, 2002.

**Bernard T. Carreau,**

*Deputy Assistant Secretary for Import Administration.*

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**BILLING CODE 3510-DS-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****Federal Consistency Appeal by Barnes Nursery, Inc. From an Objection by the Ohio Department of Natural Resources**

**AGENCY:** National Oceanic and Atmospheric Administration.

**ACTION:** Notice of appeal and request for comments.

**SUMMARY:** Barnes Nursery, Inc. has filed a notice of appeal with the Department of Commerce asking that the Secretary of Commerce override the Ohio Department of Natural Resources' objection to the Barnes Nursery, Inc. after-the-fact permit to maintain an excavated channel and berm system intended to store water for agricultural purposes. This project is located in Erie County, Ohio adjacent to east Sandusky Bay.

**DATES:** Public comments on the appeal are due within 60 days of the publication of this notice.

**ADDRESSES:** Comments should be sent to Molly Holt, Attorney-Adviser, Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910. Public filings made by the parties to the appeal may be available at the NOAA Office of the Assistant General Counsel for Ocean Services and the offices of the Ohio Department of Natural Resources, 1952 Belcher Drive—Bldg. C-4, Columbus, OH 43215.

**FOR ADDITIONAL INFORMATION CONTACT:** Molly Holt, Attorney-Adviser, Office of the Assistant General Counsel for Ocean

Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910 or at 301-713-2967, extension 215.

**SUPPLEMENTARY INFORMATION:****I. Notice of Appeal**

On July 10, 2000, Barnes Nursery, Inc. (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 Ohio Department of Natural Resources (state) to the Appellant's consistency certification for a U.S. Army Corps of Engineers' after-the-fact permit to maintain an excavated channel and berm system intended to store water for agricultural purposes. This project is located in Erie County, Ohio adjacent to East Sandusky Bay.

The CZMA provides that a timely objection by a state precludes any federal agency from issuing licenses or permits for the activity unless the Secretary finds that the activity is either "consistent with the objectives" of the CZMA (Ground I) or "necessary in the interest of national security" (Ground II). Section 307(c)(3)(A). To make such a determination, the Secretary must find that the proposed project satisfies the requirements of 15 CFR 930.121 or 930.122.

The Appellant requests that the Secretary override the State's consistency objections based on Ground I. To make the determination that the proposed activity is "consistent with the objectives" of the CZMA, the Secretary must find that: (1) The proposed activity furthers the national interest as articulated in section 302 or 303 of the CZMA, in a significant or substantial manner, (2) the adverse effects of the proposed activity do not outweigh its contribution to the national interest, when those effects are considered separately or cumulatively, and (3) no reasonable alternative is available that would permit the activity to be conducted in a manner consistent with enforceable policies of the Ohio Department of Natural Resources' management program. 15 CFR 930.121.

**II. Public Comments**

Public comments are invited on the findings that the Secretary must make as set forth in the regulations at 15 CFR