

## CERTAIN FROZEN FISH FILLETS FROM VIETNAM

Producer/Manufacturer/Exporter	Weighted-Average Margin (Percent)
Agifish .....	44.76
Vinh Hoan .....	36.84
Nam Viet .....	52.90
CATACO .....	45.55
Afiex .....	44.66
Cafatex .....	44.66
Da Nang .....	44.66
Mekonimex .....	44.66
QVD .....	44.66
Viet Hai .....	44.66
Vinh Long .....	44.66
Vietnam Wide Rate .....	63.88

### International Trade Commission 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 determine, within 45 days, 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 cancelled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing Customs officials to assess antidumping duties on all imports of subject merchandise entered for consumption on or after the effective date of the suspension of liquidation.

### Notification Regarding Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with section 351.305 of the Department's regulations. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with 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: June 16, 2003.

Joseph A Spetrini,

Acting Assistant Secretary for Import Administration.

### Appendix: Issues in the Final Decision Memorandum

Comment 1: Total Adverse Facts Available

Comment 2: Partial Adverse Facts Available  
 Comment 3: Valuation of Factors of Production  
 Comment 4: Catfish Article  
 Comment 5: Separate Rates for Respondents  
 Comment 6: Vinh Long<sup>1</sup>'s Separate Rate  
 Comment 7: Critical Circumstances for Mandatory Respondents<sup>2</sup>  
 Comment 8: Critical Circumstances for the Voluntary Section A Respondents<sup>3</sup>  
 Comment 9: Vietnam-Wide Rate  
 Comment 10: Company Names for Customs<sup>4</sup> Instructions  
 Comment 11: Scope Clarification  
 Comment 12: By-Product Offsets  
 Comment 13: Proper Reporting Periods  
 Comment 14: Selection of Surrogate Values  
 Comment 15: Valuation of River Water  
 Comment 16: Containerization and Warehousing  
 Comment 17: Correction of Inadvertent Errors  
 Comment 18: Species-Specific Information

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## DEPARTMENT OF COMMERCE

### International Trade Administration [A-570-803]

#### Heavy Forged Hand Tools From the People's Republic of China: Notice of Final Court Decision and Amended Final Results of Antidumping Duty Administrative Reviews

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

<sup>1</sup> Vinh Long Import-Export Company

<sup>2</sup> The Mandatory Respondents in this case are Agifish, CATACO, Nam Viet and Vinh Hoan.

<sup>3</sup> The Voluntary Section A Respondents in this case receiving a separate rate are Afiex, Cafatex, Da Nang, Mekonimex, QVD, Viet Hai, and Vinh Long (see Comment 6).

<sup>4</sup> U.S. Bureau of Customs and Border Protection.

**ACTION:** Notice of final court decision and amended final results of antidumping duty administrative reviews.

**EFFECTIVE DATE:** June 23, 2003.

**FOR FURTHER INFORMATION CONTACT:** Thomas Martin or Mark Manning at (202) 482-3936 or (202) 482-5253, respectively; AD/CVD Enforcement Office IV, Group II, Import Administration, Room 1870, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

**SUMMARY:** On March 18, 2003, the Court of Appeals for the Federal Circuit (CAFC) denied a petition for panel rehearing subsequent to its decision affirming the United States Court of International Trade (CIT), which had sustained the remand determination of the Department of Commerce (the Department) in the administrative review of the antidumping duty orders on heavy forged hand tools (HFHTs) from the People's Republic of China (PRC), covering the period February 1, 1998, through January 31, 1999. See *Shandong Huarong General Group Corp., Liaoning Machinery Import & Export Company, and Tianjin Machinery Import & Export Corp. v. United States*, No. 02-1095 (Fed. Cir. 2003). As there is now a final court decision, we are amending the amended final results of the review in this matter. We will instruct the Bureau of Customs and Border Protection (BCBP) to liquidate entries subject to these amended final results.

### Background

On July 13, 2000, the Department published the final results of its eighth antidumping duty administrative review of HFHTs from the PRC. See *Heavy Forged Hand Tools from the People's Republic of China: Notice of Final Results and Partial Rescission of*

*Antidumping Duty Administrative Reviews*, 65 FR 43290 (July 13, 2000) (98–99 Final Results). On August 18, 2000, the Department published amended final results of its antidumping duty review of HFHTs from the PRC. See *Heavy Forged Hand Tools from the People's Republic of China; Amended Final Results of Antidumping Duty Administrative Reviews*, 65 FR 50499 (August 18, 2000) (*Amended 98–99 Final Results*).

Following the publication of the *Amended 98–99 Final Results*, Shandong Huarong General Group Corp. (Huarong), Liaoning Machinery Import & Export Company (LMC), and Tianjin Machinery Import & Export Corp. (TMC) challenged certain aspects of our final results and amended final results before the CIT. This litigation resulted in a remand order by the CIT to revise the margin calculation program by redetermining the surrogate value for pallets and recalculating the margin accordingly. See *Shandong Huarong General Group Corp., Liaoning Machinery Import & Export Company, and Tianjin Machinery Import & Export Corp. v. United States*, 159 F. Supp. 2d 714 (Ct. Int'l Trade, 2001). On September 20, 2001, the Department issued its *Final Results of Redetermination Pursuant to Court Remand, Shandong Huarong General Corp. v. The United States* (Remand Redetermination), addressing the ruling of the CIT. The Remand Redetermination can be found at <http://www.ia.ita.doc.gov/remands/01-88.htm>.

On October 30, 2001, the CIT sustained the redetermination made by the Department pursuant to the remand. See *Shandong Huarong General Group Corp., Liaoning Machinery Import & Export Company, and Tianjin Machinery Import & Export Corp. v. United States*, 177 F. Supp. 2d 1304 (Ct. Int'l Trade, 2001). The decision of the CIT was subsequently affirmed by the CAFC. See *Shandong Huarong General Group Corp., Liaoning Machinery Import & Export Company, and Tianjin Machinery Import & Export Corp. v. United States*, No. 02–1095 (Fed. Cir. 2003). A panel rehearing was denied on March 18, 2003.

#### Amendment to Final Results

The time period for appealing the CAFC's final decision has expired and no party has appealed this decision. As there is now a final and conclusive court decision with respect to litigation for Huarong, LMC, and TMC, we are amending the final results of review to reflect the findings of the remand results, pursuant to section 516A(e) of

the Tariff Act of 1930, as amended (the Act). The amended weighted-average margins are:

Manufacturer/exporter	Margin (percent)
Shandong Huarong General Group Corporation:	
Axes/Adzes .....	55.74
Bars/Wedges .....	27.28
Liaoning Machinery Import & Export Corporation: Bars/Wedges .....	27.18
Tianjin Machinery Import & Export Corporation:	
Axes/Adzes .....	55.74
Bars/Wedges .....	139.31
Hammers/Sledges .....	0.41
Picks/Mattocks .....	0.10

#### Assessment Rates

The Department will determine, and the BCBP shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we have calculated an importer-specific assessment rate for merchandise subject to this review. Where the importer-specific assessment rate is above de minimis, we will instruct the BCBP to assess antidumping duties on that importer's entries of subject merchandise. The Department will issue appropriate assessment instructions directly to the BCBP within 15 days of publication of these amended final results of review. We will direct the BCBP to assess the resulting assessment rates for the subject merchandise on each of the importer's entries during the review period.

#### Notification

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 doubled antidumping duties.

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 written notification of 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.

These final results of administrative review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act (19 U.S.C. 1675(a)(1) and 19 U.S.C. 1677f(i)(1)).

Dated: June 16, 2003.

**Joseph A. Spetrini,**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-580–851]

#### Final Affirmative Countervailing Duty Determination: Dynamic Random Access Memory Semiconductors from the Republic of Korea

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

**ACTION:** Notice of final affirmative countervailing duty determination.

**SUMMARY:** The Department of Commerce has made a final determination that countervailable subsidies are being provided to certain producers and exporters of dynamic random access memory semiconductors from the Republic of Korea. For information on the estimated countervailing duty rates, please see the "Suspension of Liquidation" section, below.

**EFFECTIVE DATE:** June 23, 2003.

#### FOR FURTHER INFORMATION CONTACT:

Ryan Langan, Jesse Cortes, or Daniel J. Alexy, Office of Antidumping/Countervailing Duty Enforcement, Group 1, Import Administration, U.S. Department of Commerce, Room 3099, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone(202) 482–2613, (202) 482–3986, and (202) 482–1540, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Petitioner

The petitioner in this investigation is Micron Technology, Inc. ("the petitioner").

##### Period of Investigation

The period for which we are measuring subsidies, or period of investigation, is January 1, 2001 through June 30, 2002.

##### Case History

The following events have occurred since the publication of the preliminary determination in the *Federal Register* on April 7, 2003. See