

### 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), 751(a)(2)(B), and 777(i)(1) of the Act and 19 CFR 351.221(b).

Dated: June 20, 2003.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Importer Administration.*

[FR Doc. 03-17065 Filed 7-3-03; 8:45 am]

BILLING CODE 3510-DS-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-533-810]

#### Stainless Steel Bar From India: Notice of Amended Final Results Pursuant to Final Court Decision

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

**ACTION:** Notice of amended final results of antidumping administrative review pursuant to final court decision on stainless steel bar from India.

**SUMMARY:** On March 18, 2003, in *Carpenter Technology Corp. v. the United States*, Court No. 00-09-00447, Slip. Op. 03-28 (CIT 2003), a lawsuit challenging the Department of Commerce's ("the Department") *Stainless Steel Bar from India; Final Results of Administrative Review and New Shipper Review and Partial Rescission of Administrative Review*, 65 FR 48965 (August 10, 2000) and accompanying Issues and Decision Memorandum ("*Issues and Decision Memorandum*") (collectively, "*Final Results*"), the Court of International Trade ("CIT") affirmed the Department's remand determination and entered a judgment order. As no further appeals have been filed and there is now a final and conclusive court decision in this action, we are amending our *Final Results*.

**EFFECTIVE DATE:** July 7, 2003.

**FOR FURTHER INFORMATION CONTACT:** Ryan Langan, Import Administration,

International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: 202-482-2613.

#### SUPPLEMENTARY INFORMATION:

##### Background

Following publication of the *Final Results*, Carpenter Technology Corp. ("Carpenter"), the petitioner in this case, and Viraj Impoexpo Ltd. ("Viraj"), a respondent in this case, filed lawsuits with the CIT challenging the Department's *Final Results*.

In the *Final Results*, in accordance with section 773(a)(1)(C) of the Tariff Act of 1930, as amended effective January 1, 1995 ("the Act") by the Uruguay Round Agreements Act ("URAA"), the Department calculated Viraj's antidumping duty margin using third country sales data for normal value because Viraj's home market sales information was incomplete. In using the third country database, the Department was unable to make adjustments for differences in merchandise because, although Viraj cooperated to the best of its ability, it did not report variable cost of manufacture ("VCOM") data in its third country and U.S. sales databases. See section 773(a)(6)(C)(ii) of the Act and 19 CFR 351.411. Therefore, the Department relied on facts otherwise available to account for these differences. In doing so, the Department matched U.S. sales to third country sales according to size ranges ("banding") for price comparison purposes. Where banding did not result in an identical match, the Department applied the "all others" rate of 12.45 percent calculated in *Stainless Steel Bar from India; Notice of Final Determination of Sales at Less Than Fair Value*, 59 FR 66915 (December 28, 1994) ("*LTFV investigation*"). The "all others" rate was calculated in accordance with the Tariff Act of 1930, as amended, pre-URAA.

The Court remanded the use of banding to the Department for further explanation. The Court did not find the Department's matching methodology unreasonable or inconsistent with law and recognized the Department's broad authority to determine and apply a model-matching methodology to determine a relevant "foreign like product" under sections 773 and 771(16) of the Act. However, the Court noted the apparent disparate treatment between Viraj and another respondent, Panchmahal Steel, Ltd. The Court found that this "disparity" and the Department's language in its *Issues and Decision Memorandum* necessitated a further explanation from the

Department of its rationale for banding Viraj's sales.

Additionally, the Court questioned the Department's use of the "all others" rate applied to Viraj's unmatched sales. The Court found that the Department's use of a pre-URAA weighted-average "all others" rate that contained one margin based entirely on adverse facts available did not constitute non-adverse facts available. As such, the Court concluded that the Department could not apply this "all others" rate to Viraj, a cooperative respondent. See section 776(b) of the Act.

The *Draft Redetermination Pursuant to Court Remand* ("*Draft Results*") was released to the parties on September 5, 2002. In its *Draft Results*, the Department clarified to the courts its use of banding and the dissimilar treatment of Viraj and Panchmahal Steel, Ltd. We also reconsidered our use of the "all others" rate from the *LTFV investigation* as neutral facts otherwise available where Viraj's U.S. sales did not have an identical match under the banding methodology. We modified our application of neutral facts otherwise available in the margin calculations by substituting for "all others" rate the weighted-average dumping margin from Viraj's matched banded sales in order to confirm with the Court's conclusion that the "all others" rate was not a reasonable choice as neutral facts otherwise available.

Comments on the *Draft Results* were received from Carpenter on September 13, 2002, and Viraj submitted rebuttal comments on September 18, 2002. On September 30, 2002, the Department responded to the Court's Order of Remand by filing its Final Results of Redetermination pursuant to the Court remand ("*Final Results of Redetermination*"). The Department's *Final Results of Redetermination* was identical to the *Draft Results*.

The CIT affirmed the Department's *Final Results of Redetermination* on March 18, 2003. See *Carpenter Technology Corp. v. United States*, Consol. Court No. 00-09-00447, Slip. Op. 03-28.

#### Amendment to the Final Results

Pursuant to section 516A(e) of the Act, because no further appeals have been filed and there is not a final and conclusive decision in the court proceeding, we are amending the *Final Results* for the period of review February 1, 1998, through January 31, 1999. The revised weight-averaged dumping margin for Viraj Impoexpo Ltd. is as follows:

Company	Margin (percent)
Viraj Impoexpo Ltd .....	0.19 (de minimis).

The Department will issue appraisal instructions directly to the U.S. Bureau of Customs and Border Protection ("Customs"). The Department will instruct Customs to revise cash deposit rates and liquidate relevant entries covering the subject merchandise effective April 28, 2003, the date on which the Department published a notice of the Court decision (see *Stainless Steel Bar from India: Notice of Court Decision and Suspension of Liquidation*, 68 FR 22358 (April 28, 2003)).

This notice is issued and published in accordance with section 751(a)(1) of the Act.

Dated: June 26, 2003.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 03-17066 Filed 7-3-03; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 062003C]

#### Marine Mammals; File No. 898-1451

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Issuance of permit amendment.

**SUMMARY:** Notice is hereby given that Attractions Hawaii, d.b.a. Sea Life Park, 42-202 Kalaniana'ole Highway, Waimanalo, Hawaii 96795 (Michael Osborn, Principal Investigator) has been issued an amendment to enhancement Permit No. 898-1451.

**ADDRESSES:** The amendment and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)713-0376; and Protected Species Coordinator, Pacific Islands Regional Office, NMFS, 1601 Kapiolani Blvd., Rm. 1110, Honolulu, HI 96814-4700; phone (808)973-2935; fax (808)973-2941.

**FOR FURTHER INFORMATION CONTACT:** Amy Sloan or Ruth Johnson, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** The requested amendment has been granted

under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222-226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

This minor amendment extends the expiration date of the permit to maintain Hawaiian monk seals (*Monachus schauinslandi*) for enhancement purposes from June 30, 2003 to June 30, 2004.

Issuance of this amendment, as required by the ESA was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species which is the subject of this permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: June 30, 2003.

**Stephen L. Leathery,**

*Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 03-17061 Filed 7-3-03; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### TRICARE; Implementation Date for Uniform Skilled Nursing Facility (SNF) Benefit and Adoption of Medicare Payment Method for Skilled Nursing Facilities

**AGENCY:** Office of the Secretary, DoD.

**ACTION:** Notice.

**SUMMARY:** This notice is to announce that TRICARE will implement the Skilled Nursing Facility (SNF) benefit provisions and SNF Prospective Payment System (PPS) effective for SNF admissions on or after August 1, 2003.

**DATES:** August 1, 2003.

**FOR FURTHER INFORMATION CONTACT:** Tariq Shahid, Medical Benefits and Reimbursement Systems, TRICARE Management Activity, 16401 East Centretech Parkway, Aurora, Colorado 80011-9066, telephone (303) 676-3801.

**SUPPLEMENTARY INFORMATION:** The Department published an interim final rule (67 FR 40597) on June 13, 2002. In part, this rule aligned the TRICARE SNF benefit more closely with the Medicare's

SNF benefit and provided for TRICARE's adoption of the Medicare SNF PPS. The interim final rule provided that the rule is effective August 12, 2003, as soon thereafter as the Director, TRICARE Management Activity can effectively and efficiently implement through contract change.

Dated: June 25, 2003.

**Patricia L. Toppings,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 03-16980 Filed 7-3-03; 8:45 am]

**BILLING CODE 5001-08-M**

## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### Proposed Collection; Comment Request

**AGENCY:** Air Force Research Laboratory, Plans and Programs Directorate, DoD.

**ACTION:** Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Air Force Research Laboratory announces the proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms or information technology. **DATES:** Consideration will be given to all comments received by September 5, 2003.

**ADDRESSES:** Written comments and recommendations on the proposed information collection should be sent to Air Force Research Laboratory, AFRL/XPTC, Bldg 16, Room 107, 2275 D Street, Wright-Patterson AFB, OH 45433-7226.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address, or call Air Force Research Laboratory, Corporate Communications Branch at 937-656-9048.