

These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

#### Notification of Interested Parties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties or countervailing 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 the antidumping duties or countervailing duties occurred and the subsequent assessment of double antidumping duties or countervailing duties.

This notice also serves as a reminder to parties subject to administrative protective orders ("APOs") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/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 violation which is subject to sanction.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(1) and 771(i) of the Act.

Dated: February 6, 2004.

**James J. Jochum,**  
Assistant Secretary for Import Administration.

#### Appendix 1—Issues in the Decision Memorandum

Comment 1: INI's Sales Outside of Ordinary Course of Trade

Comment 2: DSM's Sales Outside of Ordinary Course of Trade

Comment 3: DSM's Affiliation with DKI

Comment 4: DSM's Indirect Selling Expenses

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#### DEPARTMENT OF COMMERCE

##### International Trade Administration [C-122-841]

##### Carbon and Certain Alloy Steel Wire Rod From Canada: Notice of Rescission of Countervailing Duty Administrative Review

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

**ACTION:** Notice of Rescission of Countervailing Duty Administrative Review.

**SUMMARY:** In response to a request made on October 30, 2003, by Ispat Sidbec Inc., a Canadian producer/exporter of carbon and certain alloy steel wire rod, the Department of Commerce initiated an administrative review of the countervailing duty order on carbon and certain alloy steel wire rod from Canada, covering the period February 8, 2002 through December 31, 2002. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 68 FR 66799 (November 28, 2003). On January 23, 2004, we revoked the countervailing duty order on carbon and certain alloy steel wire rod from Canada, effective February 8, 2002. On January 26, 2004, Ispat Sidbec Inc., withdrew its request for an administrative review. As the order was revoked effective on February 8, 2002, we are rescinding this administrative review.

**EFFECTIVE DATE:** February 13, 2004.

**FOR FURTHER INFORMATION CONTACT:** S. Anthony Grasso, AD/CVD Enforcement, Group I, Office 1, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-3853.

##### SUPPLEMENTARY INFORMATION:

##### Background

The Department of Commerce (the "Department") published the countervailing duty order on carbon and certain alloy steel wire rod from Canada on October 22, 2002. See *Notice of Countervailing Duty Orders: Carbon and Certain Alloy Steel Wire Rod from Brazil and Canada*, 67 FR 64871 (October 22, 2002). On October 30, 2003, Ispat Sidbec Inc. ("Ispat"), Canadian producer/exporter of wire rod, requested an administrative review of the countervailing duty order on wire rod from Canada covering the period February 8, 2002 through December 31, 2002. In accordance with 19 CFR 351.221(c)(1)(i), we published a notice

of initiation of the review on November 28, 2003. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 68 FR 66799 (November 28, 2003). On January 23, 2004, we revoked the countervailing duty order on carbon and certain alloy steel wire rod from Canada. See *Carbon and Certain Alloy Steel Wire Rod from Canada: Final Results of Countervailing Duty Changed Circumstances Review and Revocation of Countervailing Duty Order, in Whole*, 69 FR 3330 (January 23, 2004) ("Changed Circumstances Review"). On January 26, 2004, Ispat withdrew its October 30, 2003 request for an administrative review.

##### Scope of Review

Imports covered by this review are certain hot-rolled products of carbon steel and alloy steel, in coils, of approximately round cross section, 5.00 mm or more, but less than 19.00 mm, in solid cross-sectional diameter.

Specifically excluded are steel products possessing the above-noted physical characteristics and meeting the Harmonized Tariff Schedule of the United States (HTSUS) definitions for (a) stainless steel; (b) tool steel; (c) high nickel steel; (d) ball bearing steel; and (e) concrete reinforcing bars and rods. Also excluded are (f) free machining steel products (i.e., products that contain by weight one or more of the following elements: 0.03 percent or more of lead, 0.05 percent or more of bismuth, 0.08 percent or more of sulfur, more than 0.04 percent of phosphorus, more than 0.05 percent of selenium, or more than 0.01 percent of tellurium).

Also excluded from the scope are 1080 grade tire cord quality wire rod and 1080 grade tire bead quality wire rod. This grade 1080 tire cord quality rod is defined as: (i) grade 1080 tire cord quality wire rod measuring 5.0 mm or more but not more than 6.0 mm in cross-sectional diameter; (ii) with an average partial decarburization of no more than 70 microns in depth (maximum individual 200 microns); (iii) "having no non-deformable inclusions greater than 20 microns and no deformable inclusions greater than 35 microns; (iv) having a carbon segregation per heat average of 3.0 or better using European Method NFA 04-114; (v) having a surface quality with no surface defects of a length greater than 0.15 mm; (vi) capable of being drawn to a diameter of 0.30 mm or less with 3 or fewer breaks per ton, and (vii) containing by weight the following elements in the proportions shown: (1) 0.78 percent or more of carbon, (2) less than 0.01 percent of aluminum, (3) 0.040 percent or less, in the aggregate,

of phosphorus and sulfur, (4) 0.006 percent or less of nitrogen, and (5) not more than 0.15 percent, in the aggregate, of copper, nickel and chromium.

This grade 1080 tire bead quality rod is defined as: (i) grade 1080 tire bead quality wire rod measuring 5.5 mm or more but not more than 7.0 mm in cross-sectional diameter; (ii) with an average partial decarburization of no more than 70 microns in depth (maximum individual 200 microns); (iii) "having no non-deformable inclusions greater than 20 microns and no deformable inclusions greater than 35 microns; (iv) having a carbon segregation per heat average of 3.0 or better using European Method NFA 04-114; (v) having a surface quality with no surface defects of a length greater than 0.2 mm; (vi) capable of being drawn to a diameter of 0.78 mm or larger with 0.5 or fewer breaks per ton; and (vii) containing by weight the following elements in the proportions shown: (1) 0.78 percent or more of carbon, (2) less than 0.01 percent of soluble aluminum, (3) 0.040 percent or less, in the aggregate, of phosphorus and sulfur, (4) 0.008 percent or less of nitrogen, and (5) either not more than 0.15 percent, in the aggregate, of copper, nickel and chromium (if chromium is not specified), or not more than 0.10 percent in the aggregate of copper and nickel and a chromium content of 0.24 to 0.30 percent (if chromium is specified).

For purposes of the grade 1080 tire cord quality wire rod and the grade 1080 tire bead quality wire rod, an inclusion will be considered to be deformable if its ratio of length (measured along the axis - that is, the direction of rolling - of the rod) over thickness (measured on the same inclusion in a direction perpendicular to the axis of the rod) is equal to or greater than three. The size of an inclusion for purposes of the 20 microns and 35 microns limitations is the measurement of the largest dimension observed on a longitudinal section measured in a direction perpendicular to the axis of the rod. This measurement methodology applies only to inclusions on certain grade 1080 tire cord quality wire rod and certain grade 1080 tire bead quality wire rod that are entered, or withdrawn from warehouse, for consumption on or after July 24, 2003.

The designation of the products as "tire cord quality" or "tire bead quality" indicates the acceptability of the product for use in the production of tire cord, tire bead, or wire for use in other rubber reinforcement applications such as hose wire. These quality designations are presumed to indicate that these products are being used in tire cord, tire

bead, and other rubber reinforcement applications, and such merchandise intended for the tire cord, tire bead, or other rubber reinforcement applications is not included in the scope. However, should petitioners or other interested parties provide a reasonable basis to believe or suspect that there exists a pattern of importation of such products for other than those applications, end-use certification for the importation of such products may be required. Under such circumstances, only the importers of record would normally be required to certify the end use of the imported merchandise.

All products meeting the physical description of subject merchandise that are not specifically excluded are included in this scope.

The products under investigation are currently classifiable under subheadings 7213.91.3010, 7213.91.3090, 7213.91.4510, 7213.91.4590, 7213.91.6010, 7213.91.6090, 7213.99.0031, 7213.99.0038, 7213.99.0090, 7227.20.0010, 7227.20.0020, 7227.20.0090, 7227.20.0095, 7227.90.6051, 7227.90.6053, 7227.90.6058, and 7227.90.6059 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

#### Rescission of Review

On January 23, 2004, the Department revoked the countervailing duty order on carbon and certain alloy steel wire rod from Canada effective February 8, 2002 pursuant to section 751(d)(1) of the 1930 Tariff Act, as amended, and 19 CFR 351.222(g) of the Department's regulations. *See Changed Circumstances Review*, 69 FR 3330. Because the revocation is effective for all unliquidated entries, entered or withdrawn from warehouse, for consumption on or after February 8, 2002, the Department is rescinding the countervailing duty administrative review initiated on November 28, 2003.

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(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 the terms of an APO is a sanctionable violation.

This notice is issued and published in accordance with 19 CFR 351.213(d)(4).

Dated: February 6, 2004.

**Jeffrey May,**

*Deputy Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[I.D. 020404B]**

#### Endangered and Threatened Species; Take of Anadromous Fish

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

**ACTION:** Receipt of applications for renewal and modification of six scientific research/enhancement permits (1093) and request for comment.

**SUMMARY:** Notice is hereby given that NOAA Fisheries has received applications to renew and modify permits from Simpson Resource Company of Korbel, CA (Permit 1060), U. S. Fish and Wildlife Service, Arcata, CA (Permit 1068), Mill Creek Monitoring Program, Crescent City, CA (Permit 1069), U. S. Forest Service Pacific Southwest Research Station, Arcata, CA (Permit 1071), Pacific Lumber Company of Scotia, CA (Permit 1074), and USGS California Cooperative Fish Research Unit, Humboldt State University, Arcata, CA (Permit 1093). These permits may affect all four Evolutionarily Significant Units (ESUs) of salmonids identified in the Supplementary Information section. This document serves to notify the public of the availability of the permit application for review and comment before a final approval or disapproval is made by NOAA Fisheries.

**DATES:** Written comments on the permit application must be received at the appropriate address or fax number (*see ADDRESSES*) no later than 5 p.m. Daylight Savings Time on March 15, 2004.

**ADDRESSES:** Written comments on any of these renewal and modification request should be sent to the appropriate office as indicated below. Comments may also be sent via fax to the number indicated for the request. E-mail comments may be submitted via the Internet to *lamont.jackson@noaa.gov*. The applications and related documents are available for review in the indicated office, by appointment: For Permits 1060, 1068, 1069, 1071, 1074, and 1093: