

the deadline and accept the request. The petitioner and Kingking were the only parties to request this review, and the review has not progressed to a point where it would be unreasonable to allow parties to withdraw their requests for review. *See e.g., Certain In-Shell Raw Pistachios from Iran: Rescission of Antidumping Duty Administrative Review*, 68 FR 16764 (April 7, 2003). Additionally, we conclude that this withdrawal does not constitute an "abuse" of our procedures. *See Antidumping Duties; Countervailing Duties; Final Rule*, 62 FR 27296, 27317 (May 19, 1997).

Therefore, we are rescinding this administrative review with respect to Kingking for the period August 1, 2002 to July 31, 2003. Because all of the parties who requested reviews for this review period have now withdrawn their requests for review, the Department with this notice has now rescinded the review with respect to all of the companies on which it initiated an administrative review for the period August 1, 2002 through July 31, 2003.

The Department will issue appropriate assessment instructions directly to U.S. Customs and Border Protection (CBP) within 15 days of the publication of this notice. The Department will direct CBP to assess antidumping duties for Kingking at the cash deposit rate in effect on the date of entry for entries during the period August 1, 2002 through July 31, 2003.

#### Notification to Parties

This notice serves as a reminder to importers of their responsibility under § 351.402(f) of the Department's regulations to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this period of time. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and subsequent assessment of double 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 § 351.305(a) of the Department's regulations. 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 notice is issued and published in accordance with § 351.213(d)(4) of the

Department's regulations and sections 751(a)(1) and 777(I)(1) of the Tariff Act of 1930, as amended.

Dated: March 31, 2004.

**Jeffrey May,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-428-825]

#### **Stainless Steel Sheet and Strip in Coils from Germany; Notice of Amended Final Results of Antidumping Duty Administrative Review**

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

**ACTION:** Stainless steel sheet and strip in coils from Germany; Notice of amended final results of antidumping duty administrative review.

**EFFECTIVE DATES:** April 9, 2004.

**SUMMARY:** On February 10, 2004, the Department of Commerce (the Department) published the final results for its review of the antidumping duty order on stainless steel sheet and strip in coils from Germany for the period July 1, 2001, through June 30, 2002. *See Notice of Final Results of Antidumping Duty Administrative Review: Stainless Steel Sheet and Strip in Coils from Germany, (Final Results)* 69 FR 6262 (February 10, 2004). We are amending our final results to correct a ministerial error identified by the Department.

**FOR FURTHER INFORMATION CONTACT:** Patricia Tran or Robert James, AD/CVD Enforcement Group III, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, at 202-482-1121 or 202-482-0649, respectively.

#### **SUPPLEMENTARY INFORMATION:**

##### **Scope of the Review**

For purposes of this administrative review, the products covered are certain stainless steel sheet and strip in coils. Stainless steel is an alloy steel containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. This subject sheet and strip is a flat-rolled product in coils that is greater than 9.5 mm in width and less than 4.75 mm in thickness, and that is annealed or otherwise heat treated and

pickled or otherwise descaled. This subject sheet and strip may also be further processed (e.g., cold-rolled, polished, aluminized, coated, etc.) provided that it maintains the specific dimensions of sheet and strip following such processing. The merchandise subject to this order is currently classifiable in the Harmonized Tariff Schedule of the United States (HTS) at subheadings: 7219.13.0031, 7219.13.0051, 7219.13.0071, 7219.1300.81,<sup>1</sup> 7219.14.0030, 7219.14.0065, 7219.14.0090, 7219.32.0005, 7219.32.0020, 7219.32.0025, 7219.32.0035, 7219.32.0036, 7219.32.0038, 7219.32.0042, 7219.32.0044, 7219.33.0005, 7219.33.0020, 7219.33.0025, 7219.33.0035, 7219.33.0036, 7219.33.0038, 7219.33.0042, 7219.33.0044, 7219.34.0005, 7219.34.0020, 7219.34.0025, 7219.34.0030, 7219.34.0035, 7219.35.0005, 7219.35.0015, 7219.35.0030, 7219.35.0035, 7219.90.0010, 7219.90.0020, 7219.90.0025, 7219.90.0060, 7219.90.0080, 7220.12.1000, 7220.12.5000, 7220.20.1010, 7220.20.1015, 7220.20.1060, 7220.20.1080, 7220.20.6005, 7220.20.6010, 7220.20.6015, 7220.20.6060, 7220.20.6080, 7220.20.7005, 7220.20.7010, 7220.20.7015, 7220.20.7060, 7220.20.7080, 7220.20.8000, 7220.20.9030, 7220.20.9060, 7220.90.0010, 7220.90.0015, 7220.90.0060, and 7220.90.0080. Although the HTS subheadings are provided for convenience and customs purposes, the Department's written description of the merchandise under review is dispositive.

Excluded from the review of this order are the following: (1) Sheet and strip that is not annealed or otherwise heat treated and pickled or otherwise descaled, (2) sheet and strip that is cut to length, (3) plate (*i.e.*, flat-rolled stainless steel products of a thickness of 4.75 mm or more), (4) flat wire (*i.e.*, cold-rolled sections, with a prepared edge, rectangular in shape, of a width of not more than 9.5 mm), and (5) razor blade steel. Razor blade steel is a flat-rolled product of stainless steel, not further worked than cold-rolled (cold-reduced), in coils, of a width of not more than 23 mm and a thickness of 0.266 mm or less, containing, by weight, 12.5 to 14.5 percent chromium, and

<sup>1</sup> Due to changes to the HTS numbers in 2001, 7219.13.0030, 7219.13.0050, 7219.13.0070, and 7219.13.0080 are now 7219.13.0031, 7219.13.0051, 7219.13.0071, and 7219.13.0081, respectively.

certified at the time of entry to be used in the manufacture of razor blades. See chapter 72 of the HTS, "Additional U.S. Note" 1(d).

Flapper valve steel is also excluded from the scope of the order. This product is defined as stainless steel strip in coils containing, by weight, between 0.37 and 0.43 percent carbon, between 1.15 and 1.35 percent molybdenum, and between 0.20 and 0.80 percent manganese. This steel also contains, by weight, phosphorus of 0.025 percent or less, silicon of between 0.20 and 0.50 percent, and sulfur of 0.020 percent or less. The product is manufactured by means of vacuum arc remelting, with inclusion controls for sulphide of no more than 0.04 percent and for oxide of no more than 0.05 percent. Flapper valve steel has a tensile strength of between 210 and 300 ksi, yield strength of between 170 and 270 ksi, plus or minus 8 ksi, and a hardness (Hv) of between 460 and 590. Flapper valve steel is more commonly used to produce specialty flapper valves in compressors.

Also excluded is a product referred to as suspension foil, a specialty steel product used in the manufacture of suspension assemblies for computer disk drives. Suspension foil is described as 302/304 grade or 202 grade stainless steel of a thickness between 14 and 127 microns, with a thickness tolerance of plus-or-minus 2.01 microns, and surface glossiness of 200 to 700 percent Gs. Suspension foil must be supplied in coil widths of not more than 407 mm, and with a mass of 225 kg or less. Roll marks may only be visible on one side, with no scratches of measurable depth. The material must exhibit residual stresses of 2 mm maximum deflection, and flatness of 1.6 mm over 685 mm length.

Certain stainless steel foil for automotive catalytic converters is also excluded from the scope of this order. This stainless steel strip in coils is a specialty foil with a thickness of between 20 and 110 microns used to produce a metallic substrate with a honeycomb structure for use in automotive catalytic converters. The steel contains, by weight, carbon of no more than 0.030 percent, silicon of no more than 1.0 percent, manganese of no more than 1.0 percent, chromium of between 19 and 22 percent, aluminum of no less than 5.0 percent, phosphorus of no more than 0.045 percent, sulfur of no more than 0.03 percent, lanthanum of less than 0.002 or greater than 0.05 percent, and total rare earth elements of more than 0.06 percent, with the balance iron.

Permanent magnet iron-chromium-cobalt alloy stainless strip is also excluded from the scope of this order.

This ductile stainless steel strip contains, by weight, 26 to 30 percent chromium, and 7 to 10 percent cobalt, with the remainder of iron, in widths 228.6 mm or less, and a thickness between 0.127 and 1.270 mm. It exhibits magnetic remanence between 9,000 and 12,000 gauss, and a coercivity of between 50 and 300 oersteds. This product is most commonly used in electronic sensors and is currently available under proprietary trade names such as "Arnokrome III."<sup>2</sup>

Certain electrical resistance alloy steel is also excluded from the scope of this order. This product is defined as a non-magnetic stainless steel manufactured to American Society of Testing and Materials (ASTM) specification B344 and containing, by weight, 36 percent nickel, 18 percent chromium, and 46 percent iron, and is most notable for its resistance to high temperature corrosion. It has a melting point of 1390 degrees Celsius and displays a creep rupture limit of 4 kilograms per square millimeter at 1000 degrees Celsius. This steel is most commonly used in the production of heating ribbons for circuit breakers and industrial furnaces, and in rheostats for railway locomotives. The product is currently available under proprietary trade names such as "Gilphy 36."<sup>3</sup>

Certain martensitic precipitation-hardenable stainless steel is also excluded from the scope of this order. This high-strength, ductile stainless steel product is designated under the Unified Numbering System (UNS) as S45500-grade steel, and contains, by weight, 11 to 13 percent chromium, and 7 to 10 percent nickel. Carbon, manganese, silicon and molybdenum each comprise, by weight, 0.05 percent or less, with phosphorus and sulfur each comprising, by weight, 0.03 percent or less. This steel has copper, niobium, and titanium added to achieve aging, and will exhibit yield strengths as high as 1700 Mpa and ultimate tensile strength as high as 1750 Mpa after aging, with elongation percentages of 3 percent or less in 50 mm. It is generally provided in thicknesses between 0.635 and 0.787 mm, and in widths of 25.4 mm. This product is most commonly used in the manufacture of television tubes and is currently available under proprietary trade names such as "Durphynox 17."<sup>4</sup>

Finally, three specialty stainless steels typically used in certain industrial blades and surgical and medical

instruments are also excluded from the scope of this order. These include stainless steel strip in coils used in the production of textile cutting tools (e.g., carpet knives).<sup>5</sup> This steel is similar to AISI grade 420 but containing, by weight, 0.5 to 0.7 percent of molybdenum. The steel also contains, by weight, carbon of between 1.0 and 1.1 percent, sulfur of 0.020 percent or less, and includes between 0.20 and 0.30 percent copper and between 0.20 and 0.50 percent cobalt. This steel is sold under proprietary names such as "GIN4 Mo." The second excluded stainless steel strip in coils is similar to AISI 420-J2 and contains, by weight, carbon of between 0.62 and 0.70 percent, silicon of between 0.20 and 0.50 percent, manganese of between 0.45 and 0.80 percent, phosphorus of no more than 0.025 percent and sulfur of no more than 0.020 percent. This steel has a carbide density on average of 100 carbide particles per 100 square microns. An example of this product is "GIN5" steel. The third specialty steel has a chemical composition similar to AISI 420 F, with carbon of between 0.37 and 0.43 percent, molybdenum of between 1.15 and 1.35 percent, but lower manganese of between 0.20 and 0.80 percent, phosphorus of no more than 0.025 percent, silicon of between 0.20 and 0.50 percent, and sulfur of no more than 0.020 percent. This product is supplied with a hardness of more than Hv 500 guaranteed after customer processing, and is supplied as, for example, "GIN6."<sup>6</sup>

#### Amendment of Final Results

On February 10, 2004, the Department of Commerce (the Department) published its final results for its review of the antidumping duty order on stainless steel sheet and strip in coils from Germany for the period of July 1, 2001 through June 30, 2002. See *Notice of Final Results of Antidumping Duty Administrative: Stainless Steel Sheet and Strip in Coils from Germany*, (Final Results) 69 FR 6262 (February 10, 2004).

The Department is amending the *Final Results* to correct the calculation of the assessment rates for TKN's affiliated U.S. importers. TKN reported the total extended entry value for the variable ENTVALU, instead of a per-unit value. The U.S. program utilized ENTVALU and QTYU to calculate the importer-specific assessment rate. Because ENTVALU reflected the extended entry value, multiplying

<sup>2</sup> "Arnokrome III" is a trademark of the Arnold Engineering Company.

<sup>3</sup> "Gilphy 36" is a trademark of Imphy, S.A.

<sup>4</sup> "Durphynox 17" is a trademark of Imphy, S.A.

<sup>5</sup> This list of uses is illustrative and provided for descriptive purposes only.

<sup>6</sup> "GIN4 Mo," "GIN5" and "GIN6" are the proprietary grades of Hitachi Metals America, Ltd.

ENTVALU by QTYU grossly overstated the total entered value for the POR, thus distorting the importer-specific assessment rates. The Department has corrected the ministerial error and revised the assessment rate. The weighted-average dumping margin remains the same. For a detailed explanation, see Memorandum to the File from Patricia Tran through Robert James, and U.S. margin program log and output, dated March 3, 2004.

The Department released disclosure materials on March 4, 2004 to interested parties. On March 9, 2004, petitioners submitted comments stating they concurred with the Department's revision. Respondent did not submit any comments.

Therefore, we are amending the *Final Results* to reflect the correction of the ministerial error described above.

We are issuing and publishing these amended final results and notice in accordance with section 751(a)(1) of the Tariff Act.

Dated: April 2, 2004.

**James J. Jochum,**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 032404A]

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

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

**ACTION:** Notice of final determination and discussion of underlying biological analysis.

**SUMMARY:** NMFS has evaluated the joint resource management plan (RMP) for artificial propagation, research, monitoring, and evaluation of Ozette Lake sockeye salmon provided by the Makah Tribe and, as resource co-manager, the Washington Department of Fish and Wildlife (WDFW), pursuant to the protective regulations promulgated for Ozette Lake sockeye salmon under the Endangered Species Act (ESA). The RMP specifies implementation of artificial propagation, research, monitoring, and evaluation measures that potentially affect listed Ozette Lake sockeye salmon. This document serves to notify the public that NMFS, by delegated authority from the Secretary

of Commerce, has determined pursuant to the ESA 4(d) Tribal Rule and the government-to-government processes therein that implementing and enforcing the RMP will not appreciably reduce the likelihood of survival and recovery of the Ozette Lake sockeye salmon Evolutionarily Significant Unit (ESU).

**DATES:** The final determination on the take limit was made on July 17, 2003.

**ADDRESSES:** Salmon Recovery Division, National Marine Fisheries Service, 525 N.E. Oregon St., Suite 510, Portland, OR 97232.

**FOR FURTHER INFORMATION CONTACT:** Tim Tynan at phone number: (360) 753-9579, or e-mail: [tim.tynan@noaa.gov](mailto:tim.tynan@noaa.gov).

**SUPPLEMENTARY INFORMATION:** This notice is relevant to the Ozette Lake sockeye salmon (*Oncorhynchus nerka*) Evolutionarily Significant Unit (ESU).

**Electronic Access:** The full texts of NMFS' determination, and the final Evaluation are available on the Internet at <http://www.nwr.noaa.gov/>

#### Background

The Makah Tribe and, as co-managers of the fisheries resource with the Tribe, Washington Department of Fish and Wildlife (WDFW) (Co-managers), provided a joint Resource Management Plan (RMP) for artificial propagation and associated research, monitoring and evaluation actions that will affect listed Ozette Lake sockeye salmon. The joint RMP was prepared and submitted to NOAA Fisheries by the co-managers as a framework through which the tribal and the state jurisdiction will jointly manage sockeye salmon artificial propagation, research, monitoring, and evaluation activities while meeting requirements specified under the Endangered Species Act (ESA). The RMP guides co-manager activities proposed to increase the number of naturally spawning sockeye salmon in Ozette Lake tributaries, and to collect scientific information regarding factors limiting the productivity of listed Ozette Lake sockeye salmon, including the potential effects of hatchery sockeye salmon production. On August 1, 2002, NMFS published notice in the **Federal Register** on its ESA 4(d) Rule evaluation and recommended determination of how the Ozette Lake sockeye salmon RMP addressed the criteria in § 223.203 (b)(5) of the ESA 4 (d) rule of the RMP (67 FR 49905). In response to public requests, on October 4, 2002, NMFS published an additional notice in the **Federal Register** extending the public review and comment period on the ESA 4(d) Rule evaluation and recommended determination regarding the RMP (67 FR 62229).

As required by § 223.203 (b)(6) of the ESA 4 (d) rule, NMFS must determine pursuant to 50 CFR 223.209 and pursuant to the government-to-government processes therein whether the RMP for Ozette Lake sockeye salmon would appreciably reduce the likelihood of survival and recovery of the Ozette Lake sockeye salmon ESU. NMFS must take comments on how the RMP addresses the criteria in § 223.203 (b)(5) in making that determination.

#### Discussion of the Biological Analysis Underlying the Determination

Implementation of the artificial propagation actions proposed in the RMP is likely to benefit the abundance, productivity, spatial structure, and diversity of Ozette Lake sockeye salmon. Measures based on the best available science are applied in the artificial propagation portion of the RMP to ensure that the program is implemented in a manner that is adequately protective of the listed sockeye salmon ESU. The primary purpose of the proposed hatchery program is the creation of self-sustaining sockeye salmon populations in Ozette Lake tributaries where past sockeye salmon spawning and production may have occurred, and where kokanee (land-locked *O. nerka*) populations are very small. If successful, the tributary stocking program will extend the range of Ozette Lake sockeye salmon within critical habitat for the listed ESU, potentially increasing natural-origin sockeye salmon abundance, the diversity of sockeye salmon life history traits and behavior, and possibly the morphological and genetic characteristics of sockeye salmon included in the ESU. The hatchery program will rely on indigenous stock-origin sockeye salmon adults returning to Ozette Lake tributaries, and extant lake spawning aggregations will not be collected for use as hatchery broodstock. Annual collection of up to 200 sockeye salmon adults from Umbrella Creek will lead to the production of approximately 80,000 unfed and fed sockeye fry for release into Umbrella Creek and approximately 133,000 unfed and fed sockeye fry into Big River. Applying an estimated fry to returning adult survival rate of 0.6% from the RMP to the total fry releases at the two locations, beginning in 2004, 480 adult sockeye may return to Umbrella Creek and 798 adults may return to Big River each year as a direct result of tributary hatchery program juvenile sockeye releases. Additional natural-origin adult fish produced by hatchery program-origin fish that spawn naturally in the