

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

[A-549-502]

**Certain Welded Carbon Steel Pipes and Tubes from Thailand: Notice of Extension of Time Limit for Final Results of Antidumping Duty Administrative Review**

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

**SUMMARY:** The Department of Commerce (the Department) is extending the time limit for the final results of the 2002-2003 antidumping duty administrative review of the antidumping order on certain welded carbon steel pipes and tubes from Thailand until no later than October 5, 2004. This review covers the period March 1, 2002, through February 28, 2003. The extension is made pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act (hereinafter, "the Act").

**EFFECTIVE DATE:** August 10, 2004.

**FOR FURTHER INFORMATION CONTACT:** Javier Barrientos, Office of AD/CVD Enforcement 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone (202) 482-2243.

**SUPPLEMENTARY INFORMATION:****Background**

On March 11, 1986, the Department published in the *Federal Register* an antidumping duty order on circular welded carbon steel pipes and tubes from Thailand (51 FR 8341). On March 3, 2003, the Department published a notice of opportunity to request an administrative review of this order covering the period March 1, 2002, through February 28, 2003 (68 FR 9974). A timely request for an administrative review of the antidumping duty order, with respect to sales by Saha Thai Steel Company, Ltd. ("Saha Thai") during the POR, was filed on behalf of two domestic producers, Allied Tube and Conduit Corporation and Wheatland Tube Company (collectively, "the petitioners"). The Department published a notice of initiation of this antidumping duty administrative review on April 21, 2003 (68 FR 19498).

Because the Department determined that it was not practicable to complete this review within the statutory time limits, we extended the time limit for the preliminary results of this review on November 7, 2003. See *Certain Welded*

*Carbon Steel Pipes and Tubes from Thailand: Extension of Time Limit for Preliminary Results of Antidumping Administrative Review*, 69 FR 4113 (January 28, 2004). From December 9 through 17, 2003, the Department verified the sales and cost questionnaire responses of Saha Thai in Thailand. As a result, we extended the deadline for the preliminary results to March 30, 2004. The preliminary results of review were subsequently published in the *Federal Register*. See *Certain Welded Carbon Steel Pipes and Tubes from Thailand: Notice of Preliminary Results of Antidumping Duty Administrative Review*, 69 FR 18539 (April 8, 2004) ("*Preliminary Results*").

**Extension of Time Limits for Final Results**

Under section 751(a)(3)(A) of the Act, the Department may extend the deadline for completion of an administrative review if it determines that it is not practicable to complete the review within the statutory time limit of 365 days. In the instant review, the Department has determined that it is not practicable to complete the review within the statutory time limit due to the need for analysis of certain complex issues, including the treatment of duty exemptions and foreign antidumping duties. Accordingly, in accordance with section 751(a)(3)(A) of the Act, the Department is extending the time limit for the final results to no later than October 5, 2004, which is 180 days from publication of the *Preliminary Results*.

This notice is issued and published in accordance with section 751(a)(3)(A) of the Act and section 351.213(h)(2) of the Department's regulations.

Dated: August 3, 2004.

**Jeffrey A. May,**

*Deputy Assistant Secretary for Import Administration, Group I.*

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

[A-549-502]

**Certain Welded Carbon Steel Pipes and Tubes from Thailand: Notice of Rescission of Antidumping Duty Administrative Review for the Period March 1, 2003 through February 29, 2004**

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

**SUMMARY:** In response to timely requests from Saha Thai Steel Pipe Co., Ltd.

("Saha Thai"), a producer/exporter of the subject merchandise, and two domestic producers, Allied Tube & Conduit Corp. and Wheatland Tube Co. (collectively, "the petitioners"), the Department of Commerce (the Department) initiated an administrative review of the antidumping duty order on certain welded carbon steel pipes and tubes from Thailand, covering the period of March 1, 2003, through February 29, 2004. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 69 FR 23170 (April 28, 2004). Because all requests for an administrative review have been withdrawn, the Department is rescinding this review of certain welded carbon steel pipes and tubes from Thailand, in accordance with section 351.213(d)(1) of the Department's regulations.

**EFFECTIVE DATE:** August 10, 2004.

**FOR FURTHER INFORMATION CONTACT:**

Javier Barrientos or Mark Hoadley, Office of AD/CVD Enforcement 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone: (202) 482-2243 or (202) 482-3148, respectively.

**SUPPLEMENTARY INFORMATION:****Background**

Based on timely requests from Saha Thai and the petitioners, the Department initiated an administrative review of the antidumping duty order on certain welded carbon steel pipes and tubes from Thailand. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 69 FR 23170 (April 28, 2004) (*Initiation Notice*). Saha Thai was the only company included in the *Initiation Notice* with respect to the instant review.

**Rescission of the Administrative Review**

Pursuant to the Department's regulations, the Department may rescind an administrative review "if a party that requested the review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review." See 19 CFR 351.213(d)(1). In accordance with this section of the Department's regulations, all parties that requested a review in the instant proceeding submitted timely withdrawals of their request for an administrative review (April 30, 2004, by the petitioners, and July 6, 2004, by Saha Thai).

Since there were no other requests for review from any other interested party,

the Department finds it appropriate to accept these withdrawal requests and is rescinding the review of Saha Thai, covering the period of March 1, 2003, through February 29, 2004, in accordance with section 351.213 (d)(1) of the Department's regulations. The Department will issue appropriate assessment instructions directly to U.S. Customs and Border Protection (CBP) within 15 days of publication of this notice. The Department will direct CBP to assess antidumping duties for Saha Thai at the cash deposit rate in effect on the date of entry for entries during the period March 1, 2003, through February 29, 2004.

#### Notification to Importers

This notice also serves as a reminder to importers of their responsibility under section 351.402(f)(2) of the Department's regulations 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.

#### APO Notification

This notice 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 terms of an APO is a sanctionable violation.

This determination and notice are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(d)(4).

Dated: August 3, 2004.

**Jeffrey A. May,**

*Deputy Assistant Secretary for Import Administration, Group I.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[Docket No. 040511147-4147-01; I.D. 042804B]

#### Listing Endangered and Threatened Species and Designating Critical Habitat: Petitions to List the Cherry Point Stock of Pacific Herring as an Endangered or Threatened Species

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

**ACTION:** Notice of findings; request for information; and initiation of status review.

**SUMMARY:** NMFS received a petition on January 22, 2004, to list the Cherry Point (Puget Sound, Washington) stock of Pacific herring (*Clupea pallasii*) as a threatened or endangered species under the Endangered Species Act (ESA). NMFS finds that the January 22, 2004, petition fails to present substantial scientific and commercial information indicating that the petitioned action may be warranted. On May 14, 2004, the same petitioners submitted additional scientific information, including information regarding the stock structure of the Cherry Point and other Pacific Northwest herring stocks. NMFS considers the petitioners' supplemental submission (in conjunction with the original January 22, 2004, submission) as a distinct petition received by the agency on May 14, 2004. NMFS finds that the supplemental May 14, 2004, petition does present substantial scientific and commercial information indicating that the petitioned action may be warranted. Accordingly, NMFS is initiating a status review of the species. To ensure that the status review is complete and based upon the best available scientific and commercial information, NMFS is soliciting information regarding the population structure and viability of nearshore stocks of Pacific herring in Puget Sound (Washington) and the Strait of Georgia (Washington and British Columbia); efforts being made to protect the species; and potential peer reviewers.

**DATES:** Information and comments on the subject action must be received by October 12, 2004.

**ADDRESSES:** You may submit comments, identified by Docket No. 040511147-4147-01, by any of the following methods:

- E-mail: [herring.nwr@noaa.gov](mailto:herring.nwr@noaa.gov). Include Docket No. 040511147-4147-01 in the subject line of the message.

- Agency Web Site: <http://ocio.nmfs.noaa.gov/ibrm-ssi/index.shtml>. Follow the instructions for submitting comments at: <http://ocio.nmfs.noaa.gov/ibrm-ssi/process.shtml>.

- Mail: Submit written comments and information to Chief, NMFS, Protected Resources Division, 525 NE Oregon Street, Suite 500, Portland, Oregon, 97232-2737. You may hand-deliver written comments to our office during normal business hours at the street address given above.

- Hand Delivery/Courier: NMFS, Protected Resources Division, 525 NE Oregon Street, Suite 500, Portland, Oregon, 97232-2737.

- Fax: 503-230-5435

**FOR FURTHER INFORMATION CONTACT:** For further information regarding this notice contact Garth Griffin, NMFS, Northwest Region, (503) 231-2005, or Marta Nammack, NMFS, Office of Protected Resources, (301) 713-1401.

#### SUPPLEMENTARY INFORMATION:

##### Background

On January 22, 2004, NMFS received a petition (hereafter referred to as "the January 22nd petition") from the Northwest Ecosystem Alliance, the Center for Biological Diversity, Ocean Advocates, People for Puget Sound, Public Employees for Environmental Responsibility, Sam Wright, and the Friends of the San Juans to find that the Cherry Point (Washington) stock of Pacific herring qualifies as a Distinct Population Segment (DPS) and warrants listing as a threatened or endangered species under the ESA. Subsequently, on May 14, 2004, the same petitioners submitted additional information including new genetic information on the stock structure of Pacific herring in Puget Sound and the Strait of Georgia (Washington) that had become available since NMFS' receipt of the January 22nd petition. Upon receipt of the supplemental information, NMFS had not made its 90-day finding on the January 22nd petition. NMFS is treating the supplemental submission, in conjunction with the information already submitted by the same petitioners on January 22, 2004, as a new petition received by the agency on May 14, 2004 (hereafter referred to as the "May 14th petition"). Copies of the two petitions are available from NMFS (See **ADDRESSES** section, above, and "References" section, below).

##### ESA Statutory and Policy Provisions

Section 4(b)(3) of the ESA contains provisions concerning petitions from interested persons requesting the