

Nucléaires, S.A. and COGEMA, Inc. (collectively, COGEMA/Eurodif). On August 9, 2004, we received rebuttal comments from the petitioners.<sup>1</sup> Based on our analysis of parties' comments, the Department has revised the antidumping duty margin for COGEMA/Eurodif. Accordingly, we are amending our final results.

**EFFECTIVE DATE:** September 29, 2004.

**FOR FURTHER INFORMATION CONTACT:** Constance Handley or James Kemp, at (202) 482-0631 or (202) 482-5346, respectively; AD/CVD Enforcement, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:**

**Scope of the Order**

The product covered by this order is all low enriched uranium (LEU). LEU is enriched uranium hexafluoride (UF<sub>6</sub>) with a U<sup>235</sup> product assay of less than 20 percent that has not been converted into another chemical form, such as UO<sub>2</sub>, or fabricated into nuclear fuel assemblies, regardless of the means by which the LEU is produced (including LEU produced through the down-blending of highly enriched uranium).

Certain merchandise is outside the scope of this order. Specifically, this order does not cover enriched uranium hexafluoride with a U<sup>235</sup> assay of 20 percent or greater, also known as highly enriched uranium. In addition, fabricated LEU is not covered by the scope of this order. For purposes of this order, fabricated uranium is defined as enriched uranium dioxide (UO<sub>2</sub>), whether or not contained in nuclear fuel rods or assemblies. Natural uranium concentrates (U<sub>3</sub>O<sub>8</sub>) with a U<sup>235</sup> concentration of no greater than 0.711 percent and natural uranium concentrates converted into uranium hexafluoride with a U<sup>235</sup> concentration of no greater than 0.711 percent are not covered by the scope of this order.

Also excluded from this order is LEU owned by a foreign utility end-user and imported into the United States by or for such end-user solely for purposes of conversion by a U.S. fabricator into uranium dioxide (UO<sub>2</sub>) and/or fabrication into fuel assemblies so long as the uranium dioxide and/or fuel assemblies deemed to incorporate such imported LEU (i) remain in the possession and control of the U.S. fabricator, the foreign end-user, or their designed transporter(s) while in U.S.

customs territory, and (ii) are re-exported within eighteen (18) months of entry of the LEU for consumption by the end-user in a nuclear reactor outside the United States. Such entries must be accompanied by the certifications of the importer and end-user.

The merchandise subject to this order is currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) at subheading 2844.20.0020. Subject merchandise may also enter under 2844.20.0030, 2844.20.0050, and 2844.40.00. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

**Amended Final Results of Review**

On August 2, 2004, COGEMA/Eurodif timely filed, pursuant to 19 CFR 351.224(c)(2), an allegation that the Department made one ministerial error in its final results, in that the constructed value (CV) profit rate was applied to an adjusted cost of production, although the financial statements from which the CV profit rate was derived had not been similarly adjusted. In their August 9, 2004, rebuttal, the petitioners contend the error was not ministerial because the Department's analysis memorandum lacked specificity in that it did not define which adjustments the Department intended to make when calculating CV profit. We agree with COGEMA/Eurodif that its allegation constitutes a ministerial error. For a detailed discussion of this ministerial error, as well as the Department's analysis, see Memorandum from Constance Handley, Program Manager, Office 1 to Jeffrey A. May, Deputy Assistant Secretary re: Ministerial Error Allegation, dated September 21, 2004.

In accordance with 19 CFR 351.224(e), we have amended the final results of the first antidumping duty administrative review of LEU from France, as noted above. As a result of this correction and as stated below, COGEMA/Eurodif's weighted-average margin decreased from 5.43 percent to 4.56 percent.

Producer	Weighted-average margin (percentage)
COGEMA/Eurodif .....	4.56

The Department shall determine and U.S. Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we will calculate an importer-specific ad valorem assessment rate for

merchandise based on the ratio of the total amount of antidumping duties calculated for the examined sales made during the period of review to the total customs value of the sales used to calculate those duties. Where the importer-specific assessment rate is above *de minimis*, we will instruct CBP to assess duties on all appropriate entries of subject merchandise by that importer. This rate will be assessed uniformly on all entries of that particular importer made during the period July 13, 2001, through January 31, 2003. The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of the final results of review. The amended cash deposit requirement is effective for all shipments of subject merchandise manufactured by COGEMA/Eurodif entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and shall remain in effect until publication of the final results of the next administrative review.

These amended final results are issued and published in accordance with section 751(h) of the Tariff Act and 19 CFR 351.224.

**Jeffrey A. May,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E4-2404 Filed 9-28-04; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**(A-583-837)**

**Polyethylene Terephthalate Film, Sheet, and Strip from Taiwan: Notice of Amended Final Results of Antidumping Duty Administrative Review and Correction to the Final Results of Administrative Review**

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

**ACTION:** Notice of Amended Final Results of Antidumping Duty Administrative Review.

**EFFECTIVE DATE:** September 29, 2004.

**FOR FURTHER INFORMATION CONTACT:** Tom Martin or Zev Primor at (202) 482-3936 and (202) 482-4114, respectively; Office of AD/CVD Enforcement Office IV, Import Administration, Room 1870, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

<sup>1</sup> The petitioners in this case are USEC Inc. and United States Enrichment Corporation.

**SUMMARY:** The Department of Commerce (“the Department”) is amending the final results of administrative review of the antidumping duty order on polyethylene terephthalate film, sheet, and strip (“PET film”) from Taiwan to reflect the correction of a ministerial error in those final results. The Department is also correcting the incorrect “All Others” rate that was published in the final results. The period of review (“POR”) is December 21, 2001, through June 30, 2003.

**SUPPLEMENTARY INFORMATION:**

**Background**

On August 13, 2004, the Department published the final results of administrative review of the antidumping duty order on PET film from Taiwan. See *Polyethylene Terephthalate Film, Sheet, and Strip from Taiwan: Final Results of Antidumping Duty Administrative Review*, 69 FR 50166 (August 13, 2004) (“*Final Results*”). On August 12, 2004, the respondent Nan Ya Plastics Corporation, Ltd. (“Nan Ya”) submitted comments alleging that the Department made a ministerial error in the *Final Results*, by deducting certain expenses from the calculation of constructed export price. On August 18, 2004, the petitioners<sup>1</sup> filed rebuttal comments.

**Scope of the Review**

For purposes of this administrative review, the products covered are all gauges of raw, pretreated, or primed PET film, whether extruded or coextruded. Excluded are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer more than 0.00001 inches thick. Imports of PET film are currently classifiable in the Harmonized Tariff Schedule of the United States (“HTSUS”) under item number 3920.62.00. HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of this proceeding is dispositive.

**Amended Final Results**

After reviewing the allegation and the rebuttal comments, we have determined that the *Final Results* did include a ministerial error, and we have amended our calculations accordingly. The revised final weighted-average dumping margin for Nan Ya, as indicated in the “Amended Final Results” section

below, is 1.94 percent. For a detailed discussion of the Department’s analysis of the ministerial error allegation, see Memorandum from Mark Manning, Acting Program Manager, to Holly A. Kuga, Senior Director, Office 4, “Allegation of Ministerial Error,” dated concurrently with this notice.

Additionally, in the *Final Results*, the Department published an incorrect rate for the “All Others” category. Specifically, the Department incorrectly identified the “All Others” rate as 2.56 percent, rather than the correct rate of 2.40 percent. The correct rate of 2.40 percent was calculated in the amended final results of the less-than-fair-value (“LTFV”) investigation. See *Notice of Amended Final Antidumping Duty Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Polyethylene Terephthalate Film, Sheet, and Strip (PET Film) from Taiwan*, 67 FR 44174 (July 1, 2002) (“Amended LTFV Final”).

Pursuant to section 751(h) of the Tariff Act of 1930, as amended (“the Act”), we have amended the *Final Results* by correcting the ministerial error. Consequently, we will issue amended cash-deposit instructions to U.S. Customs and Border Protection (“CBP”) to reflect the amendment of the final results of review. The revised weighted-average dumping margins are as follows:

Manufacturer/exporter	Margin (percent)
Nan Ya Plastics Corporation, Ltd.	1.94

**Assessment**

The Department will determine, and CBP will assess, antidumping duties on all appropriate entries. Pursuant to 19 C.F.R. § 351.212(b)(1), we calculated *ad valorem* duty assessment rates based on the ratio of the total amount of the dumping margins calculated for the examined sales to the total entered value of those same sales. For those sales where the respondent did not report actual entered value, we calculated importer-specific assessment rates based upon the net U.S. price. In accordance with 19 C.F.R. § 351.106(c)(2), we will instruct CBP to liquidate without regard to antidumping duties all entries of subject merchandise during the POR for which the importer-specific assessment rate is zero or *de minimis* (i.e., less than 0.50 percent). To determine whether the per-unit duty assessment rates are *de minimis* (i.e., less than 0.50 percent), in accordance with the requirement set forth in 19 C.F.R. § 351.106(c)(2), we calculated importer-specific *ad valorem* ratios

based on export prices. The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of these amended final results of review.

**Cash Deposit Requirements**

The following deposit requirements will be effective upon publication of this notice of amended final results of administrative review for all shipments of PET film from Taiwan entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) The cash deposit rates for Nan Ya will be the rate shown above; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in these or any previous reviews conducted by the Department, the cash deposit rate will be the “All Others” rate established in the *Amended LTFV Final*, which is 2.40 percent.

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

**Notification to Importers**

This notice also serves as a final reminder to importers of their responsibility under 19 C.F.R. § 351.402(f)(2) 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 the antidumping duties occurred and the subsequent assessment of double antidumping duties.

**Administrative Protective Orders**

This notice also serves as the only 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 C.F.R. § 351.305. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to

<sup>1</sup> The petitioners in this review are DuPont Teijin Films, Mitsubishi Polyester Film of America, and Toray Plastics (America), Inc. (collectively, the petitioners).

comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing these amended final results in accordance with sections 751(h) of the Act and 19 C.F.R. § 351.224.

Dated: September 17, 2004.

**James J. Jochum,**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

#### Announcement of a Public Meeting on U.S. Technical Participation in the 12th Quadrennial Conference of the International Organization of Legal Metrology (OIML)

**AGENCY:** National Institute of Standards and Technology, Commerce.

**ACTION:** Meeting announcement and request for comments.

**SUMMARY:** The National Institute of Standards and Technology (NIST) will hold a public meeting to discuss U.S. technical participation in the 12th Quadrennial Conference of the International Organization of Legal Metrology (OIML). This pre-conference public meeting is open to all interested parties.

The principal focus will be on 20 OIML Recommendations on legal measuring instruments that will be presented for ratification by the Conference. These Recommendations and OIML-member nations' technical comments on them will be reviewed with interested parties who will be given an opportunity to present their views on the Recommendations and other relevant issues related to the Conference.

Participants with an expressed interest in particular topics may obtain copies of the OIML Conference technical agenda, including copies of the Recommendations to be ratified. Interested parties wishing to schedule an oral presentation at the pre-conference meeting should provide a written summary of comments to the NIST International Legal Metrology Group no later than 5 October 2004. Written comments from parties unable to attend the pre-conference public meeting are welcome at any time.

**DATES:** Pre-conference meeting at the National Institute of Standards and Technology: Tuesday, 12 October 2004

from 10 a.m. to 12 noon; Twelfth OIML International Conference of Legal Metrology in Berlin, Germany 24-29 October 2004.

**ADDRESSES:** Pre-conference meeting: National Institute of Standards and Technology (NIST North), Conference Room 152, 820 West Diamond Avenue, Gaithersburg, MD; International Conference: main venue is the Federal Ministry of Economics and Labor Conference Center in Berlin, Germany.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ralph Richter, International Legal Metrology Group, Weights and Measures Division, National Institute of Standards and Technology, Gaithersburg, MD 20899-2600; telephone: (301) 975-4025; fax: (301) 926-0647; e-mail: [ralph.richter@nist.gov](mailto:ralph.richter@nist.gov).

**SUPPLEMENTARY INFORMATION:** The International Organization of Legal Metrology (OIML) is an intergovernmental treaty organization in which the United States and 59 other nations are members. Its principal purpose is to harmonize national laws and regulations pertaining to testing and verifying the performance of legal measuring instruments used for equity in commerce, for public and worker health and safety, and for monitoring and protecting the environment. The harmonized results promote the international trade of measuring instruments and products affected by measurement.

Twenty Recommendations will be presented for ratification by the Conference in the following two categories: (1) Those already approved by the International Committee of Legal Metrology (CML) between 2001 and 2003; and (2) those that are expected to be submitted directly to the Conference for ratification. These Recommendations and the OIML-member nations holding the responsible secretariat for their development are listed below:

#### Category 1

- R16 "Non-invasive Sphygmomanometers. Part 1: Mechanical; Part 2: Automated" (revision) (Austria);
- R48 "Tungsten ribbon lamps for calibration of radiation thermometers." (revision) (Russia);
- R49-2 and R49-3 "Water meters intended for metering cold potable water. Part 2: Test methods. Part 3: Test report format." (new documents) (UK);
- R52 "Hexagonal weights, ordinary accuracy class from 100 g to 50 kg." (revision) (US);

R61-1 and R61-2 "Automatic gravimetric filling instruments, Part 1: Metrological and technical requirements—Tests." (revision) "Part 2: Test report format." (new document) (UK);

R75-1 and R75-2 "Heat meters. Part 1: General requirements. Part 2: Pattern approval and initial verification tests." (revision) (Germany);

R84 "Platinum, copper and nickel resistance thermometers (for industrial use)." (revision) (Russia)

R87 "Net content in packages." (revision) (US);

R99 "Instruments for measuring vehicle exhaust emissions (joint publication with ISO 3930)." (amendment to document) (Netherlands);

R133 "Liquid-in-glass thermometers." (new document) (US);

R134 "Automatic instruments for weighing road vehicles in motion. Part A—Total vehicle weighing." (new document) (UK);

R135 "Spectrophotometers for medical laboratories." (new document) (Germany)

#### Category 2

R51-1 and R51-2 "Automatic catchweighing instruments. Part 1: Metrological requirements—Tests." (revision) "Part 2: Test report format." (new document) (UK)

R111-1 and R111-2 "Weights of classes E<sub>1</sub>, E<sub>2</sub>, F<sub>1</sub>, F<sub>2</sub>, M<sub>1</sub>, M<sub>1-2</sub>, M<sub>2-3</sub>, and M<sub>3</sub>. Part 1: Metrological and Technical Requirements. Part 2: Test Report Format." (revision) (US);

Draft Recommendation "Instruments for measuring the areas of leathers. Part 1: Metrological requirements—Tests." (new document) (UK)

Dated: September 23, 2004.

**Hratch G. Semerjian,**

*Acting Director.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 051704A]

#### Small Takes of Marine Mammals Incidental to Specified Activities; Marine Seismic Survey in the Gulf of Alaska, Northeastern Pacific Ocean

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