

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the Issues and Decision Memorandum from Jeffrey A. May, Deputy Assistant Secretary for Import Administration, to James J. Jochum, Assistant Secretary for Import Administration, dated October 5, 2004 ("Decision Memorandum"), which is hereby adopted by this notice. A list of the issues which the parties have raised and to which we have responded, all of which are in the *Decision Memorandum*, is attached to this notice as an appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this memorandum, which is on file in the Central Records Unit, Room B-099, of the main Commerce Department building. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Web at <http://ia.ita.doc.gov/frn/index.html>. The paper copy and electronic version of the *Decision Memorandum* are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received and of the database calculations, we have changed our calculations for the final results of review. For the final results of review, billing adjustments have been added to U.S. price to reflect the decision the Department has reached for the final results. In addition, we made minor corrections to the margin program. These changes are discussed in the relevant sections of the *Decision Memorandum* (at Comment 2) and *Memorandum to the File from Javier Barrientos, AD/CVD Financial Analyst, through Mark E. Hoadley, Acting Program Manager: Analysis of Saha Thai Steel Pipe Co., Ltd. for the Final Results*, dated October 5, 2004.

Final Results of Review

We determine that the following weighted-average percentage margin exists for the period March 1, 2002, through February 28, 2003:

Manufacturer/exporter	Margin
Saha Thai Steel Pipe Company, Ltd.	0.17%

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn

from warehouse, for consumption, as provided in section 751(a)(1) of the Act: 1) the cash deposit rate for Saha Thai will be zero as its margin for the final result is *de minimis*; 2) for previously reviewed or investigated companies not covered in this review, 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 less than fair value (LTFV) investigation conducted by the Department, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; 4) if neither the exporter nor the manufacturer is a firm covered in this or any previous proceeding conducted by the Department, the cash deposit rate will continue to be the "all others" rate established in the LTFV investigation, which is 15.67 percent. These cash deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Duty Assessment

Upon publication of the final results of this review, the Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to CBP within fifteen days of publication of the final results of review. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the results and for future deposits of estimated duties. For duty assessment purposes, we calculate an importer-specific assessment rate by dividing the total dumping margins calculated for the U.S. sales of each importer by the respective total entered value of these sales. This importer-specific assessment rate will be used for the assessment of antidumping duties on all entries of the subject merchandise by that importer during the POR.

The Department clarified its "automatic assessment" regulation on May 6, 2003. This clarification will apply to entries of subject merchandise during the period of review produced by companies included in the final results of this review for which the reviewed companies did not know their merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the "all others" rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, see *Notice of Policy*

Concerning Assessment of Antidumping Duties, 68 FR 23954 (May 6, 2003), in response to *Notice and Request for Comment on Policy Concerning Assessment of Antidumping Duties and Request for Comment*, 63 FR 55361 (Oct. 15, 1998).

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 prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of double antidumping 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. 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 777(i) of the Act.

Dated: October 5, 2004.

James J. Jochum,
Assistant Secretary for Import Administration.

Appendix -- Issues in Decision Memorandum

Comments and Responses

1. Section 201 Duties
2. Section 201 Duty Billing Adjustments
3. Standard Customs Duty Exemptions
4. Antidumping Duty Exemptions
5. Yield Loss Constant for Duty Drawback
6. Duty Exemptions on Imported Inputs in the Cost of Production
7. Treatment of Non-Dumped Sales
8. Minor Corrections at Verification

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DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of application.

SUMMARY: Export Trading Company Affairs, International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and requests comments relevant to whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT:

Jeffrey Anspacher, Director, Export Trading Company Affairs, International Trade Administration, by telephone at (202) 482-5131 (this is not a toll-free number) or E-mail at oetca@ita.doc.gov.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Export Trading Company Act of 1982 and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a Certificate should be issued. If the comments include any privileged or confidential business information, it must be marked clearly and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked privileged or confidential business information will be deemed to be nonconfidential. An original and five (5) copies, plus two (2) copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Export Trading Company Affairs, International Trade Administration, U.S. Department of Commerce, Room 1104H, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as "Export Trade Certificate of Review, application

number 04-00003." A summary of the application follows.

Summary of the Application

Applicant: Rocky Mountain Instrument Company, 106 Laser Drive, Lafayette, Colorado 80026.

Contact: Don Arseneault, Quality System Manager, Telephone: (303) 604-4846.

Application No.: 04-00003.

Date Deemed Submitted: October 5, 2004.

Members (in addition to Applicant): None.

The Rocky Mountain Instrument Company seeks an Export Trade Certificate of Review to engage in the Export Trade Activities and Methods of Operation described below for the following Products and Export Markets:

Products

Rocky Mountain Instrument Company is a manufacturer of full spectrum, ultraviolet through far infrared, laser and imaging optical components, assemblies and electro-optical systems. Products to be covered by the proposed Certificate include optical components ranging from .19-20 μ m applications; prism components and assemblies; optical coating for Ultra Violet, Visible, Near Infra Red, and Infra Red applications; optical mount assemblies; Vanadate Laser Marking Systems; and related research and development services, custom design, or build to print services.

Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

With respect to the sale of Products in the Export Markets, the Rocky Mountain Instrument Company may, on its own behalf:

1. Set up exclusive dealings for distributors and or end customers.
2. Allocate specific territories for such distributors and or end customers.
3. Allocate specific pricing guidelines for such distributors and or end customers.

Dated: October 13, 2004.

Jeffrey Anspacher,

Director, Export Trading Company Affairs.

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DEPARTMENT OF COMMERCE

International Trade Administration

North American Free-Trade Agreement, Article 1904 NAFTA Panel Reviews; Request for Panel Review

AGENCY: NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of first request for panel review.

SUMMARY: On October 8, 2004, the counsel for Magnolia Metallurgy, Inc. filed a First Request for Panel Review with the United States Section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free Trade Agreement. Panel review was requested of the final results of the countervailing duty administrative review made by the United States Department of Commerce, International Trade Administration, respecting Pure and Alloy Magnesium from Canada. This determination was published in the **Federal Register**, (69 FR 55412) on September 14, 2004. The NAFTA Secretariat has assigned Case Number USA-CDA-2004-1904-01 to this request.

FOR FURTHER INFORMATION CONTACT:

Caratina L. Alston, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482-5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of the North American Free-Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established *Rules of Procedure for Article 1904 Binational Panel Reviews* ("Rules"). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686).

A first Request for Panel Review was filed with the United States Section of the NAFTA Secretariat, pursuant to Article 1904 of the Agreement, on August 4, 2000, requesting panel review