

Pursuant to section 735(c)(5)(A) of the Act, we have excluded from the calculation of the all-others rate margins which are zero, *de minimis*, or determined entirely on facts available. Because we calculated *de minimis* margins for J-D Marketing, Inc., Mastronardi Produce Ltd., and Red Zoo Marketing (a.k.a. Produce Distributors, Inc.), we have calculated the all-others rate on the basis of the margins applicable to BC Hot House Foods, Inc., and Veg Gro Sales, Inc.

#### Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we are directing the Customs Service to continue to suspend liquidation of all imports of subject merchandise except for exports by J-D Marketing, Inc. (and J-D Marketing, Inc.'s affiliate, Special Edition Marketing), Mastronardi Produce Ltd., and Red Zoo Marketing (a.k.a. Produce Distributors, Inc.), that are entered, or withdrawn from warehouse, for consumption on or after October 5, 2001, the date of publication of the *Preliminary Determination* in the **Federal Register**. For BC Hot House Foods, Inc., and the companies subject to the all-others rate, we will instruct the Customs Service to continue to require a cash deposit or the posting of a bond equal to the weighted-average amount by which the normal value exceeds the export price or CEP, as indicated in the chart above, effective the date of publication of this amended final determination. For Veg Gro Sales, Inc., for which we are not amending the *Final Determination*, we will instruct the Customs Service to continue to require a cash deposit or the posting of a bond equal to the weighted-average amount by which the normal value exceeds the export price or CEP, as indicated in the *Final Determination* dated February 26, 2002.

Because J-D Marketing, Inc. (and its affiliate, Special Edition Marketing), Mastronardi Produce Ltd., and Red Zoo Marketing are non-producing exporters, in accordance with 19 CFR 351.204(e)(3), we are limiting the exclusion from these suspension-of-liquidation instructions to entries only of subject merchandise exported by these companies that is produced or supplied by the companies that supplied these respondents (and the affiliate identified above) during the period of investigation (POI). Any entries of subject merchandise exported by these companies which is not produced or supplied by a company that supplied these companies during the POI will be subject to the all-others rate.

For Mastronardi Produce Ltd., because its estimated weighted-average amended final dumping margin is *de minimis*, we are directing Customs to terminate suspension of liquidation of entries of merchandise exported by Mastronardi Produce Ltd. that were produced or supplied by the companies that supplied this company during the POI and refund all bonds and cash deposits posted on such subject merchandise. Because we never required suspension of liquidation or the posting of cash deposits or bonds for entries of merchandise from J-D Marketing, Inc., no such step is necessary. For Red Zoo Marketing, as indicated in the *Final Determination*, 67 FR at 8785, because its estimated weighted-average final dumping margin was *de minimis*, we directed Customs to terminate suspension of liquidation of entries of merchandise from Red Zoo Marketing that were produced by the companies that supplied Red Zoo Marketing during the POI and refund all bonds and cash deposits posted on such subject merchandise exported by Red Zoo Marketing.

These suspension-of-liquidation instructions will remain in effect until further notice.

#### International Trade Commission Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission of our amended final determination.

This determination is issued and published in accordance with section 735(d) and 777(i)(1) of the Act.

Dated: March 27, 2002.

**Faryar Shirzad,**

*Assistant Secretary for Import Administration.*

[FR Doc. 02-7956 Filed 4-1-02; 8:45 am]

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#### DEPARTMENT OF COMMERCE

##### International Trade Administration

[A-507-502]

#### Certain In-Shell Raw Pistachios From Iran: Extension of Time Limit for Preliminary Results of Antidumping New Shipper Review

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

**ACTION:** Notice of extension of time limit for preliminary results of antidumping new shipper review.

**EFFECTIVE DATE:** April 2, 2002.

#### FOR FURTHER INFORMATION CONTACT:

Dena Aliadinov at (202) 482-3362, or Donna Kinsella at (202) 482-0194, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave, NW., Washington, DC 20230.

#### SUPPLEMENTARY INFORMATION:

##### Statutory Time Limits

Section 751(a)(2)(B)(iv) of the Tariff Act of 1930, as amended (the Act), requires the Department of Commerce ("the Department") to make a preliminary determination within 180 days after the date on which the new shipper review is initiated, and a final determination within 90 days after the date the preliminary determination is issued. However, if the case is extraordinarily complicated, section 751(a)(2)(B)(iv) of the Act allows the Department to extend the time limit for the preliminary determination to a maximum of 300 days and for the final determination to 150 days after the date the preliminary determination is issued.

##### Background

On October 2, 2001 the Department initiated a new shipper review of the antidumping duty order on in-shell pistachios from Iran. *See Certain In-Shell Pistachios From Iran: Initiation of New Shipper Review*, 66 FR 51638 (October 10, 2001). This order covers raw in-shell pistachios and specifically excludes roasted in-shell pistachios. *See Certain In-Shell Pistachios From Iran; Clarification of Scope in Antidumping Duty Investigation*, 51 FR 23254 (June 26, 1986). The period of review (POR) is July 1, 2000 through June 30, 2001. The preliminary results are currently due on April 1, 2002.

##### Extension of Time Limit for Preliminary Results of Review

The instant review involves several complex issues that necessitate a greater amount of time in order to preliminarily complete this review, including Iran's dual exchange rate system, the classification of U.S. sales (EP vs. CEP), and the appropriate basis for normal value. Therefore, the Department is extending the time limit for completion of the preliminary results to 300 days, which is July 29, 2002, pursuant to 751(a)(2)(B)(iv) of the Act. The final results will continue to be 90 days after the date the preliminary results are issued.

This extension of the time limit is in accordance with section 751(a)(2)(B)(iv) of the Act and 19 CFR 351.214(i)(2).

Dated: March 26, 2002.

**Joseph A. Spetrini,**

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

[FR Doc. 02-7851 Filed 4-1-02; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-533-823]

#### **Silicomanganese from India: Notice of Final Determination of Sales at Less Than Fair Value and Final Negative Critical Circumstances Determination**

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

**EFFECTIVE DATE:** April 2, 2002.

#### **FOR FURTHER INFORMATION CONTACT:**

Javier Barrientos for Nava Bharat Ferro Alloys Ltd. at (202) 482-2243 and Mark Hoadley or Brett Royce for Universal Ferro & Allied Chemicals, Ltd. at (202) 482-0666 or (202) 482-4106, respectively; Office of Antidumping and Countervailing Duty Enforcement VII, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230.

#### **Final Determination**

We determine that silicomanganese from India is being sold, or is likely to be sold, in the United States at less than fair value (LTFV), as provided in section 735 of the Tariff Act of 1930, as amended. On November 9, 2001, the Department published its preliminary determination of sales at less than fair value of silicomanganese from India. *See Notice of Preliminary Determination of Sales at Less Than Fair Value: Silicomanganese from India*, 66 FR 56644 (November 9, 2001). Based on the results of verification and our analysis of the comments received, we have made changes to the margin calculations. The final weighted-average dumping margins of sales at LTFV are shown in the "Continuation of Suspension of Liquidation" section of this notice.

#### **SUPPLEMENTARY INFORMATION:**

#### **Applicable Statute**

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act. In addition, unless otherwise indicated,

all citations to the Department of Commerce (Department) regulations are to the regulations at 19 CFR part 351 (April 2001).

#### **Background**

This investigation covers two producers/exporters: Nava Bharat Ferro Alloys, Ltd. (Nava Bharat) and Universal Ferro and Allied Chemicals, Ltd. (Universal). We published in the Federal Register the preliminary determination of critical circumstances in this investigation on October 19, 2001. *See Notice of Preliminary Determination of Critical Circumstances: Silicomanganese from India*, 66 FR 53207 (October 19, 2001) (Preliminary Determination of Critical Circumstances). We subsequently published in the Federal Register the preliminary determination in this investigation on November 9, 2001. *See Notice of Preliminary Determination of Sales at Less Than Fair Value: Silicomanganese from India*, 66 FR 56644 (November 9, 2001) (Preliminary Determination).

On November 20, 2001, Universal requested that the Department postpone its final determination until not later than 135 days after the date of the publication of the preliminary determination in the *Federal Register* and requested an extension of the provisional measures. On December 7, 2001, we extended the final determination until no later than 135 days after the publication of the preliminary determination in the *Federal Register*. *See Notice of Postponement of Final Antidumping Duty Determination: Silicomanganese from Kazakhstan and India*, 66 FR 63522 (December 7, 2001).

The Department verified sections A-D of Universal's questionnaire responses, from January 7, 2002 through January 16, 2002, at Universal's headquarters in Mumbai, India and at its production facility in Tumsar, India. *See Sales and Cost Verification Report for Universal Ferro & Allied Chemicals Ltd., in the Antidumping Duty Investigation of Silicomanganese from India*, from Abdelali Elouaradia and Brett Royce, Case Analysts, through Sally C. Gannon, Program Manager, to The File (February 14, 2002). The Department also verified sections A-D of the questionnaire responses of Nava Bharat in Hyderabad, India and at its production facility in Paloncha, India from January 11, 2002 through January 18, 2002. *See Verification of Sales in the Antidumping Investigation of Silicomanganese from India: Nava Bharat Ferro Alloys, Ltd. (Nava Bharat)*, from Elfi Blum and Javier Barrientos,

Case Analysts, through Sally Gannon, Program Manager, for The File (February 20, 2002); *see also Verification of Cost in the Antidumping Investigation of Silicomanganese from India: Nava Bharat Ferro Alloys, Ltd. (Nava Bharat)*, from Elfi Blum and Javier Barrientos, Case Analysts, through Sally Gannon, Program Manager, for The File (February 22, 2002). Public versions of these, and all other Department memoranda referred to herein, are on file in the Central Records Unit, Room B-099, of the main Commerce Building.

On December 11, 2001, the petitioners, Eramet Marietta Inc. ("Eramet"), and the Paper, Allied-Industrial, Chemical and Energy Workers International Union, Local 5-0639, requested a public hearing. On February 25, 2002, we received Nava Bharat's case brief. On February 26, 2002, pursuant to an extension requested by petitioners and granted by the Department, we received case briefs from petitioners and Universal. We received rebuttal briefs from petitioners and Universal on March 4, 2002 and, pursuant to an extension requested by Nava Bharat and granted by the Department, from Nava Bharat on March 6, 2002. We held a public hearing in this investigation on March 7, 2002.

#### **Period of Investigation**

The period of investigation (POI) is April 1, 2000 through March 31, 2001.

#### **Critical Circumstances**

In the Department's *Preliminary Determination of Critical Circumstances*, we determined that critical circumstances exist for imports of silicomanganese from India produced by Universal and by "All Other" producers, except for Nava Bharat. For Nava Bharat, we preliminarily found that critical circumstances do not exist. For this final determination, we have found that critical circumstances do not exist for imports of silicomanganese from India produced by Universal, Nava Bharat or any other producer because one of the required criteria for finding critical circumstances has not been met. For a discussion of interested party comments, and the Department's position, on this issue, *see the Decision Memorandum*.

#### **Analysis of Comments Received**

All issues raised in the case and rebuttal briefs by parties to this investigation are addressed in the *Issues and Decision Memorandum in the Final Affirmative Antidumping Duty Determination on Silicomanganese from India*, from Joseph A. Spetrini, Deputy