

most recent segment of the proceeding in which that manufacturer participated; and (4) if neither the exporter nor the manufacturer is a firm covered in this review or in any previous segment of this proceeding, the cash deposit rate will be 24.64 percent, the all-others rate established in the less-than-fair-value investigation. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under section 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 review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred, and in the subsequent assessment of double antidumping duties.

This notice also is the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return/destruction or conversion to judicial protective order of proprietary information disclosed under APO in accordance with section 351.305(a)(3) of the Department's regulations. Failure to comply is a violation of the APO.

This determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: November 10, 2003.

**James J. Jochum,**

*Assistant Secretary for Import Administration.*

## APPENDIX

### List of Comments in the Issues and Decision Memorandum

#### I. ISSUES SPECIFIC TO DOLE

*Comment 1:* Comparison Market  
*Comment 2:* Third-Party Verification  
*Comment 3:* Use of Facts Available  
*Comment 4:* Affiliation  
*Comment 5:* General and Administrative (G&A) Expense Ratio  
*Comment 6:* Tinplate  
*Comment 7:* Credit Expenses  
*Comment 8:* Quantity Weighting Factors  
*Comment 9:* Calculation of the Constructed Export Price (CEP) and Commission Offsets

#### II. ISSUES SPECIFIC TO KUIBURI

*Comment 10:* Volume of Pineapple Input for Product Specific Fruit Costs  
*Comment 11:* Costs Outside the POR  
*Comment 12:* G&A and Interest Expenses

*Comment 13:* Net Realizable Value (NRV)

#### III. ISSUES SPECIFIC TO MALEE

*Comment 14:* NRV

#### IV. ISSUES SPECIFIC TO TIPCO

*Comment 15:* Proposed Interest Income Offset

*Comment 16:* G&A Expenses

*Comment 17:* Direct Materials Cost

*Comment 18:* Credit Expenses

#### V. ISSUES SPECIFIC TO TPC

*Comment 19:* Appropriate Basis for Determining Normal Value

*Comment 20:* Application of Adverse Facts Available

*Comment 21:* Appropriateness of Margin Selected for Adverse Facts Available

*Comment 22:* Control of TPC by MC

#### VI. GENERAL ISSUE

*Comment 23:* Assessment Rates

[FR Doc. 03-28802 Filed 11-18-03; 8:45 am]

BILLING CODE 3510-DS-S

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-882]

#### Antidumping Duty Order: Refined Brown Aluminum Oxide (Otherwise Known as Refined Brown Artificial Corundum or Brown Fused Alumina) From the People's Republic of China

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

**ACTION:** Notice of antidumping duty order.

**SUMMARY:** Pursuant to section 736(a) of the Tariff Act of 1930, as amended, the Department of Commerce is issuing an antidumping duty order on refined brown aluminum oxide (otherwise known as refined brown artificial corundum or brown fused alumina) from the People's Republic of China. **EFFECTIVE DATE:** November 19, 2003.

**FOR FURTHER INFORMATION CONTACT:** David J. Goldberger, Jim Mathews or Tinna E. Beldin, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-4136, (202) 482-2778 or (202) 482-1655, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Scope of Order

The merchandise covered by this investigation is ground, pulverized or

refined brown artificial corundum, also known as refined brown aluminum oxide or brown fused alumina, in grit size of  $\frac{3}{8}$  inch or less. Excluded from the scope of the investigation is crude artificial corundum in which particles with a diameter greater than  $\frac{3}{8}$  inch constitute at least 50 percent of the total weight of the entire batch. The scope includes brown artificial corundum in which particles with a diameter greater than  $\frac{3}{8}$  inch constitute less than 50 percent of the total weight of the batch. The merchandise under investigation is currently classifiable under subheading 2818.10.20.00 of the *Harmonized Tariff Schedule of the United States* (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

##### Antidumping Duty Order

On November 10, 2003, the International Trade Commission (the ITC) notified the Department of Commerce (the Department) of its final determination pursuant to section 735(b)(1)(A)(i) of the Tariff Act of 1930, as amended (the Act), that the industry in the United States producing refined brown aluminum oxide (RBAO) is materially injured by reason of less-than-fair-value imports of subject merchandise from the People's Republic of China (PRC). In addition, the ITC notified the Department of its final determination that critical circumstances do not exist with respect to imports of subject merchandise from the PRC that are subject to the Department's affirmative critical circumstances finding.

Therefore, in accordance with section 736(a)(1) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to assess, upon further advice by the Department, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price of the merchandise for all relevant entries of RBAO from the PRC. These antidumping duties will be assessed on all unliquidated entries of RBAO from the PRC entered, or withdrawn from the warehouse, for consumption on or after May 6, 2003, the date on which the Department published the *Notice of Preliminary Determination of Sales Less Than Fair Value, Affirmative Preliminary Determination of Critical Circumstances and Postponement of Final Determination: Refined Brown Aluminum Oxide (Otherwise known as Refined Brown Artificial Corundum or Brown Fused Alumina) from the*

*People's Republic of China*, 68 FR 23966.

With regard to the ITC negative critical circumstances determination, we will instruct CBP to lift suspension and to release any bond or other security, and refund any cash deposit made, to secure the payment of antidumping duties with respect to entries of the merchandise entered, or withdrawn from warehouse, for consumption on or after February 5, 2003, but before May 6, 2003. February 5, 2003 is 90 days prior to May 6, 2003, the date of publication of the Department's preliminary determination in the **Federal Register**.

CBP must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margins as noted below. The "PRC-wide Rate" applies to all exporters of RBAO not specifically listed below.

The weighted-average dumping margins are as follows:

| Manufacturer/exporter             | Margin (percent) |
|-----------------------------------|------------------|
| Zibo Jinyu Abrasive Co., Ltd. ... | 135.18           |
| PRC-wide .....                    | 135.18           |

This notice constitutes the antidumping duty order with respect to RBAO from the PRC, pursuant to section 736(a) of the Act. Interested parties may contact the Department's Central Records Unit, Room B-099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

This order is published in accordance with section 736(a) of the Act and 19 CFR 351.211.

Dated: November 12, 2003.

**James J. Jochum,**

*Assistant Secretary for Import Administration.*

[FR Doc. 03-28803 Filed 11-18-03; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Export Trade Certificate of Review

**ACTION:** Notice of Issuance of an Export Trade Certificate of Review, Application No. 03-00004.

**SUMMARY:** The Department of Commerce has issued an Export Trade Certificate of Review to NYVZ Import & Export, Inc. ("NYVZ"). This notice summarizes the conduct for which certification has been granted.

#### FOR FURTHER INFORMATION CONTACT:

Jeffrey C. Anspacher, Director, Office of Export Trading Company Affairs, International Trade Administration, by telephone at (202) 482-5131 (this is not a toll-free number), or by e-mail at [oitca@ita.doc.gov](mailto:oitca@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. The regulations implementing title III are found at 15 CFR part 325 (2003).

The Office of Export Trading Company Affairs ("OETCA") is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of the Certificate in the **Federal Register**. Under section 305 (a) of the Act and 15 CFR 325.11 (a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

#### Description of Certified Conduct

##### Export Trade

##### 1. Products

All products.

##### 2. Services

All services.

##### 3. Technology Rights

Technology Rights, including, but not limited to: patents, trademarks, copyrights, and trade secrets that relate to Products and Services.

##### 4. Export Trade Facilitation Services (as They Relate to the Export of Products, Services, and Technology Rights)

Export Trade Facilitation Services, including, but not limited to, professional services and assistance relating to government relations; State and Federal export programs; foreign trade and business protocol; consulting; market research and analysis; collection of information on trade opportunities; marketing; negotiations; joint ventures; shipping and export management; export licensing; advertising; documentation and services related to compliance with customs requirements; insurance and financing; trade show exhibitions; organizational development; management and labor strategies; transfer of technology; transportation services and the formation of shippers' associations.

#### 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

NYVZ may:

1. Provide and/or arrange for the provision of Export Trade Facilitation Services;

2. Engage in promotional and marketing activities and collect information on trade opportunities in the Export Markets and distribute such information to clients;

3. Enter into exclusive and/or non-exclusive licensing and/or sales agreements with Suppliers for the export of Products, Services, and/or Technology Rights in Export Markets;

4. Enter into exclusive and/or non-exclusive agreements with distributors and/or sales representatives in Export Markets;

5. Allocate export sales or divide Export Markets among Suppliers for the sale and/or licensing of Products, Services, and/or Technology Rights;

6. Allocate export orders among Suppliers;

7. Establish the price of Products, Services, and/or Technology Rights for sales and/or licensing in Export Markets;

8. Negotiate, enter into, and/or manage licensing agreements for the export of Technology Rights;

9. Enter into contracts for shipping; and

10. Exchange information on a one-on-one basis with individual Suppliers regarding inventories and near-term production schedules for the purpose of determining the availability of Products for export and coordinating export with distributors.

#### Terms and Conditions of Certificate

1. In engaging in Export Trade Activities and Methods of Operation, NYVZ will not intentionally disclose, directly or indirectly, to any Supplier any information about any other Supplier's costs, production, capacity, inventories, domestic prices, domestic sales, or U.S. business plans, strategies, or methods that are not already generally available to the trade or public.

2. NYVZ will comply with requests made by the Secretary of Commerce on