

results of review are currently due no later than May 1, 2005.

#### Extension of Time Limit for Preliminary Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("the Act"), states that, if it is not practicable to complete the review within the time specified, the administering authority may extend the 245-day period to issue its preliminary results by up to 120 days. Completion of the preliminary results of this review within the 245-day period is not practicable because the Department needs additional time to conduct verification of two companies' questionnaire responses (one of which requested revocation), to analyze the information pertaining to these companies' verifications, and to review supplemental questionnaire responses of the third company.

Because it is not practicable to complete this review within the time specified under the Act, we are fully extending the time period for issuing the preliminary results of review to 365 days until June 30, 2005, in accordance with section 751(a)(3)(A) of the Act. The final results continue to be due 120 days after the publication of the preliminary results of review.

Dated: March 29, 2005.

**Barbara E. Tillman,**

*Acting Deputy Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Separate Rates and Combination Rates in Antidumping Investigations Involving Non-Market Economy Countries

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

**ACTION:** Announcement of Change in Practice

**SUMMARY:** The Department of Commerce ("the Department") is instituting two modifications in its non-market economy ("NME") practice in antidumping investigations: one on separate rates and one on combination rates. The separate rates practice refers to the Department's long-standing policy in antidumping investigations of presuming that all firms within an NME country are subject to government control and thus should all be assigned a single rate unless a respondent can

demonstrate an absence of both *de jure* and *de facto* control over its export activities. For firms that qualify for separate rate status, the Department assigns the respondent its own individually calculated rate or, in the case of a non-investigated firm, a rate based upon the weighted-average of the rates of the investigated companies, excluding any rates that are zero, *de minimis*, or based entirely on facts available.

On May 3, 2004, the Department first published a notice in the **Federal Register** requesting comment on its separate rates practice and on various proposed changes to this practice (69 FR 24119). In response to this notice and request for comment, the Department received 23 submissions from interested parties. Taking into account the submissions in response to the May 2004 notice requesting comments on various changes to its separate rates practice the Department published a second notice on September 20, 2004, which outlined revised options. This provided the public with a further opportunity to comment on whether these changes would be consistent with the statute and would appropriately redress problems that have been identified concerning separate rates. In response to this second notice in the **Federal Register** published on September 20, 2004, requesting comments on the Department's separate rates practice and implementation of combination rates (69 FR 56188), the Department received 14 submissions.

Having carefully considered the arguments presented by parties in the previous two notices, as well as the Department's experience in recently concluded antidumping investigations, the Department further narrowed the options for changing its separate rates practice in its third notice in the **Federal Register**, published on December 28, 2004 (69 FR 77722). In this notice, the Department provisionally decided to adopt an application process for evaluating separate rate requests by non-investigated firms, and to outline in specific detail its proposal to institute combination rates (also known as "chain" or "channel" rates) for all firms receiving separate rate status in NME investigations.

In order to provide interested parties another opportunity to comment on these detailed proposals before instituting them, the Department posted the draft application on the Import Administration website and once again invited public comment on both the draft application and on the proposal to institute combination rates for all

exporters deemed eligible for a separate rate in NME investigations. In response to this third opportunity for public comment on proposed changes in the Department's separate rates practice and implementation of combination rates, the Department received 12 submissions.

As a result of almost a year of deliberation and extensive public comment, the Department is finalizing its decision to adopt an application process for non-investigated firms in future NME antidumping investigations and to begin assigning only exporter-producer specific "combination" rates in these investigations to the mandatory respondents receiving an individually calculated separate rate, as well as to the pool of non-investigated firms receiving a separate rate. After consideration of the public comments, the Department has modified the separate rates application and its requirements, as well as the proposal to institute combination rates. Both changes in practice are being made after consideration of several rounds of public comment, and neither change alters the threshold of eligibility for a separate rate, which remains an absence of *de jure* and *de facto* government control over a firm's export activities. A detailed explanation of both final decisions on these changes in practice can be found in Policy Bulletin 05.1, which will be posted on the Import Administration website at the following address: <http://ia.ita.doc.gov/>. The final template of the separate rates application will likewise be found on the Import Administration website; however, for each new investigation, a specific application will be posted. Both changes in practice will take effect in the next NME antidumping investigation that is initiated after publication of this notice. These changes in practice only apply to investigations, and the Department is continuing to evaluate whether to extend these changes in practice to administrative reviews.

**EFFECTIVE DATE:** March 5, 2005.

#### FOR FURTHER INFORMATION CONTACT:

Lawrence Norton, Economist, or Anthony Hill, Senior International Economist, Office of Policy, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington DC, 20230, 202-482-1579 or 202-482-1843, respectively.

Dated: March 30, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Proposed Information Collection; Comment Request; Vessel-Marking Requirements in Antarctic Fisheries

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before June 6, 2005.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Patsy A. Bearden, (907) 586-7008 or [patsy.bearden@noaa.gov](mailto:patsy.bearden@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The owners of U.S.-flagged vessels participating in Antarctic fisheries must mark the vessel with the vessel's official number on the port and starboard sides of the deckhouse or hull, and on a weather deck, visible at a distance at sea and from the air. The information on the vessel is used for enforcement of fishery regulations.

##### II. Method of Collection

Identification information is displayed on the fishing vessel. No information is collected.

##### III. Data

*OMB Number:* 0648-0368.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Business or other for-profit organizations; individuals or households.

*Estimated Number of Respondents:* 4.  
*Estimated Time per Response:* Fifteen minutes to paint each of the three vessel locations; 45 minutes per vessel.

*Estimated Total Annual Burden Hours:* 3.

*Estimated Total Annual Cost to Public:* \$45.

#### IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 30, 2005.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 030805A]

#### Incidental Take of Marine Mammals Incidental to Specified Activities; Seismic Retrofit of the Richmond-San Rafael Bridge, San Francisco Bay, CA

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

**ACTION:** Notice of receipt of application and proposed authorization for an incidental take authorization; request for comments.

**SUMMARY:** NMFS has received a request from the California Department of Transportation (CALTRANS) for a renewal of its Incidental Harassment Authorization (IHA) to take small numbers of marine mammals, by harassment, incidental to seismic retrofit construction of the Richmond-

San Rafael Bridge (the Bridge), San Francisco Bay (SFB), CA. Under the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to renew an incidental take authorization to CALTRANS to incidentally take, by harassment, small numbers of Pacific harbor seals and possibly California sea lions for 1 year.

**DATES:** Comments and information must be received no later than May 5, 2005.

**ADDRESSES:** You may submit comments on the application and proposed authorization, using the identifier 030805A, by any of the following methods:

- E-mail: [PR1.030805A@noaa.gov](mailto:PR1.030805A@noaa.gov) – you must include the identifier 030805A in the subject line of the message. Comments sent via e-mail, including all attachments, must not exceed a 10-megabyte file size.
- Hand-delivery or mailing of paper, disk, or CD-ROM comments: Stephen L. Leathery, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3225.

To help us process and review your comments more efficiently, please use only one method. A copy of the application containing a list of references used in this document may be obtained by writing to the address above or by telephoning the contacts listed under **FOR FURTHER INFORMATION CONTACT**.

#### FOR FURTHER INFORMATION CONTACT:

Sarah Hagedorn, NMFS, (301) 713-2322 or Monica DeAngelis, NMFS Southwest Region, (562) 980-3232.

#### SUPPLEMENTARY INFORMATION:

##### Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (Secretary) to allow, upon request, the incidental, but not intentional taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and regulations are issued.

Permission may be granted if the Secretary finds that the total taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses, and that the permissible methods of taking and requirements pertaining to the monitoring and reporting of such taking are set forth. NMFS has defined "negligible impact" in 50 CFR 216.103 as "an impact resulting from the