

core or cavity core, single unit or stacked unit, assembled or unassembled, and with or without hardware attached, rated at 115 kilovolts (kV) voltage class and above (550 kV Basic Impulse Insulation Level and above), including, but not limited to, those manufactured to meet the following American National Standards Institute, Inc. standard class specifications: T.R.-286, T.R.-287, T.R.-288, T.R.-289, T.R.-291, T.R.-295, T.R.-304, T.R.-308, T.R.-312, T.R.-316, T.R.-362 and T.R.-391. Subject merchandise is classifiable under subheading 8546.20.0060 of the Harmonized Tariff Schedule of the United States (HTSUS) Annotated. While the HTSUS subheading is provided for convenience and customs purposes, the written description above remains dispositive as to the scope of the investigation.

Analysis of Comments Received

As noted above, there were no case or rebuttal briefs submitted in this investigation, nor was a hearing held in this investigation.

Use of Facts Available

In the *Preliminary Determination*, the Department applied total adverse facts available to the mandatory respondent, NGK, because NGK chose not to participate in the investigation. See *Preliminary Determination* at 35628. Specifically, the Department assigned NGK a dumping margin of 105.80 percent, the estimated dumping margin rate in the petition. See *Initiation Notice* at 4171. Also, the Department used the petition margin of 105.80 percent as the "all others" rate. See *Preliminary Determination* at 35629. Interested parties did not comment on the Department's use of adverse facts available in the *Preliminary Determination*, nor did they comment on the Department's choice of facts available. For this final determination, we are continuing to apply total adverse facts available to NGK.

Suspension of Liquidation

Pursuant to section 735(c)(1)(B) of the Act, we are instructing the U.S. Bureau of Customs and Border Protection (BCBP) to continue to suspend liquidation of all entries of high and ultra-high voltage ceramic station post insulators from Japan that are entered, or withdrawn from warehouse, for consumption on or after June 16, 2003, the date of publication of the *Preliminary Determination*. BCBP shall continue to require a cash deposit or the

posting of a bond equal to the estimated amount by which the normal value exceeds the U.S. price as shown below. The suspension of liquidation instructions will remain in effect until further notice.

We determine that the following percentage margins exist for the period October 1, 2001 through September 30, 2002:

| Manufacturer/Exporter | Weighted-Average Percent Margin |
|-----------------------|---------------------------------|
| NGK | 105.80 |
| All Others | 105.80 |

International Trade Commission (ITC) Notification

In accordance with section 735(d) of the Act, we have notified the ITC of our determination. As our final determination is affirmative, the ITC will determine, within 45 days, whether these imports are causing material injury, or threat of material injury, to an industry in the United States. If the ITC determines that material injury, or threat of injury does not exist, the proceeding will be terminated and all securities posted will be refunded or cancelled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing BCBP officials to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

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

Dated: October 29, 2003.

James J. Jochum,

Assistant Secretary for Import Administration.
[FR Doc. 03-27861 Filed 11-4-03; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of application.

SUMMARY: The Office of Export Trading Company Affairs ("OETCA"), 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 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 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 of whether a Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked 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: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1104H, Washington, DC 20230, or transmitted by e-mail to oetca@ita.doc.gov. Information submitted by any person is exempt from

¹ "ultra-high" voltage (i.e., greater than 230 kilovolts).

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 03-00007." A summary of the application follows.

Summary of the Application

Applicant: The Great Lakes Fruit Exporters Association, LLC, (GLFEA), 4949 North Branch Road, Benton Harbor, MI 49022, Contact: Denise Yockey, Telephone: (517) 336-4626.

Application No.: 03-00007.

Date Deemed Submitted: October 21, 2003.

GLFEA is a Limited Liability Company formed under the laws of the state of Michigan. Members (in addition to applicant): Greg Orchards and Produce, Inc. Benton Harbor, MI; Riveridge Produce Marketing, Inc., Sparta, MI; North Bay Produce, Inc., Traverse City, MI; Applewood Orchards, Inc., Deerfield, MI; Heeren Brothers Inc., d/b/a/ Heeren Brothers Produce, Grand Rapids, MI; Greenridge Fruit, Inc., Grand Rapids, MI; Jack Brown Produce, Inc., Sparta, MI; BelleHarvest Sales, Inc., Belding, MI; A.J.'s Produce Inc., Casnovia, MI; Appltree Marketing LLC, Ada, MI.

GLFEA seeks a Certificate to cover the following specific Export Trade, Export Markets, and Export Trade Activities and Methods of Operations.

Export Trade

1. Products

Fresh Apples.

2. Services

All export-related services, including, but not limited to, international market research, marketing, advertising, sales promotion, brokering, handling, transportation, common marking and identification, communication and processing of foreign orders to and for Members, financing, export licensing and other trade documentation, warehousing, shipping, legal assistance, foreign exchange and taking title to goods.

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

1. With respect to the sale of Products and Services, licensing of Technology Rights and provisions of Export Trade Facilitation Services, GLFEA on its own or on behalf of any of its members may:

- a. Establish sale prices, minimum sale prices, target sale prices and/or minimum target sale prices and other terms of sale in export markets;
- b. Conduct marketing and distribution of fresh apples in export markets;
- c. Conduct promotion of fresh apples;
- d. Agree on quantities of fresh apples to be sold provided that each member shall be required to dedicate only that quantity or quantities as each Member shall independently determine.
- e. Allocate geographic areas or countries in the export markets and/or customers in export markets among members.
- f. Refuse to quote prices for fresh apples, or to market or sell fresh apples, to or for any customers in the export markets, or any countries or geographic areas in the export markets.
- g. Enter into exclusive and nonexclusive agreements appointing one or more export intermediaries for the sales of fresh apples with price, quantity, territorial and/or customer restrictions as provided above.

2. GLFEA and its Members may exchange and discuss the following information:

a. Information about sale and marketing efforts for the export markets, activities and opportunities for sales of fresh apples in the export markets, selling strategies for the export markets, sales for the export markets, contract and spot pricing in the export markets, projected demands in the export markets for fresh apples, customary terms of sale in the export markets, prices and availability of fresh apples from competitors for sale in the export markets, and specifications for fresh apples by customers in the export markets.

b. Information about the price, quality, quantity, source, and delivery dates of fresh apples available from the Members to export.

c. Information about terms and conditions of contracts for sale in the export markets to be considered and/or bid on by The Great Lakes Fruit Exporters Association and its Members.

d. Information about joint bidding or selling arrangements for the export markets and allocations of sales resulting from such arrangements among the Members.

e. Information about expenses specific to exporting to and within the export markets, including without limitation, transportation, trans-or intermodel shipments, insurance, inland freights to port, port storage, commissions, export sales, documentation, financing, customs, duties, and taxes.

f. Information about U.S. and foreign legislation and regulations, including Federal marketing order programs, affecting sales for the export markets.

g. Information about The Great Lakes Fruit Exporters Association or its Members' export operations, including without limitation, sales and distribution networks established by The Great Lakes Fruit Exporters Association or its Members in the export markets, and prior export sales by Members (including export price information).

h. Information about export customer credit terms and credit history.

3. The Great Lakes Fruit Exporters Association and its Members may meet to engage in the activities described in paragraphs 1 and 2 above.

Definitions

1. "Supplier" means a person who produces, provides, or sells a Product and/or Service.

Dated: October 29, 2003.

Jeffrey C. Anspacher,

Director, Office of Export Trading Company Affairs.

[FR Doc. 03-27722 Filed 11-4-03; 8:45 am]

BILLING CODE 3510-DR-P

DEPARTMENT OF COMMERCE

International Trade Administration

North American Free Trade Agreement (NAFTA), Article 1904 Binational Panel Reviews: Notice of Termination of Panel Review

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

ACTION: Notice of Termination of Request for Panel Review of the less than fair value determination made by the International Trade Administration, respecting Certain Durum Wheat and Hard Red Spring Wheat from Canada (Secretariat File No. USA-CDA-2003-1904-04).

SUMMARY: Pursuant to the Notice of Termination of the Request for Panel Review by the complainants, the panel review is terminated as of October 31, 2003. A panel has not been appointed to this panel review. Pursuant to Rule 71(2) of the *Rules of Procedure for Article 1904 Binational Panel Review*, this panel review is terminated.

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). The panel review in this matter was requested and terminated pursuant to these Rules.

Dated: October 31, 2003.

Caratina L. Alston,

United States Secretary, NAFTA Secretariat.

[FR Doc. 03-27863 Filed 11-4-03; 8:45 am]

BILLING CODE 3510-GT-P

DEPARTMENT OF COMMERCE

International Trade Administration

North American Free-Trade Agreement (NAFTA), Article 1904 NAFTA Panel Reviews; Decision of the Committee

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

ACTION: Notice of completion of extraordinary challenge.

SUMMARY: On October 30, 2003 the Extraordinary Challenge Committee (ECC) issued its decision in the matter of Gray Portland Cement and Clinker from Mexico, Secretariat File No. ECC-2000-1904-01USA.

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

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SUPPLEMENTARY INFORMATION: On March 23, 2000, the Office of the United States Trade Representative filed a Request for an Extraordinary Challenge Committee

to review decisions dated July 18, 1999 and November 10, 1999, 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 antidumping duty administrative review determination made by the International Trade Administration, respecting Gray Portland Cement and Clinker from Mexico. This determination was published in the **Federal Register** (65 FR 9243) on February 24, 2000. The NAFTA Secretariat assigned Secretariat File Number ECC-2000-1904-01USA to this request.

Committee Decision: The Committee concluded that the petitioners here, the United States and the STCC, have failed to demonstrate either that the Binational Panel "manifestly exceeded its powers, authority or jurisdictions" or that the Panel's determination on the single issue raised in the petition "threatens the integrity of the Binational Panel review process." Inasmuch as these criteria have not been met, the petition is denied and the June 18, 1999 decision of the Binational Panel will not be disturbed.

The Committee Members are hereby discharged from their duties effective October 30, 2003.

Dated: October 30, 2003.

Caratina L. Alston,

U.S. Secretary, NAFTA Secretariat.

[FR Doc. 03-27862 Filed 11-4-03; 8:45 am]

BILLING CODE 3510-GT-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 103003C]

Marine Mammals; File No. 1048-1717

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

ACTION: Receipt of application and notice of availability of draft environmental assessment.

SUMMARY: Notice is hereby given that Dr. Peter J. Stein, Scientific Solutions, Inc., Nashua, New Hampshire, has applied in due form for a permit to take the marine mammal species listed below for purposes of scientific research.

DATES: Written or telefaxed comments must be received on or before December 5, 2003.

ADDRESSES: The application and related documents are available for review