

Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: 202-482-3936.

**SUPPLEMENTARY INFORMATION:**

**Background**

This matter arose from a challenge to the *Final Results* issued by the Department of Commerce (“the Department”) regarding the administrative review of the antidumping duty order on Silicon Metal from Brazil for the period of review beginning July 1, 1996, through June 30, 1997. See *Silicon Metal from Brazil: Notice of Final Results of Antidumping Duty Administrative Review*, 64 FR 6305 (February 9, 1999) (“*Final Results*”). Following publication of the *Final Results*, the petitioners<sup>1</sup> and the respondents Eletrosilex S.A. (“Eletrosilex”) and Ligas de Aluminio S.A. filed lawsuits with the Court of International Trade (“CIT”) challenging the Department’s *Final Results*. Eletrosilex contested the Department’s application of total adverse facts available (“AFA”) to Eletrosilex, and the Department’s selected AFA rate of 93.20 percent.

On July 17, 2000, the CIT issued its decision, remanding the *Final Results* to the Department to reconsider its determination to apply AFA to Eletrosilex and the rate which the Department selected as AFA. See *American Silicon Technologies v. United States*, 110 F. Supp. 2d 992, 1004-5 (2000). On January 29, 2001, the Department submitted remand results to the CIT. See “Silicon Metal From Brazil; Final Results of Redetermination Pursuant to Court Remand, Ct. No. 99-00149.” In the remand results, the Department considered its determination and reached the same conclusions as regards applying AFA to Eletrosilex, and the appropriate rate to select as AFA, as it did in the *Final Results*.

On October 17, 2002, the CIT issued its decision, affirming the Department’s determination to apply AFA to Eletrosilex but remanding to the Department to redetermine an AFA rate. See *American Silicon Technologies v. United States*, 240 F. Supp. 2d 1306, 1313 (2002). Pursuant to the CIT’s remand instructions, the Department submitted remand results to the CIT on January 22, 2003. See “Silicon Metal From Brazil; Final Results of

Redetermination Pursuant to Court Remand” (“Second Remand Results”). The Department selected as AFA for Eletrosilex a margin of 67.93 percent, a margin calculated for another respondent in the administrative review of silicon metal from Brazil for the period July 1, 1994, through June 30, 1995. See *Silicon Metal from Brazil, Final Results of Redetermination Pursuant to Court Remand, American Silicon Technologies v. United States*, Court No. 97-02-00267, Slip. Op. 99-34. On June 27, 2003, the CIT sustained the Second Remand Results. See *American Silicon Technologies v. United States*, 273 F. Supp. 2d 1342 (2003). However, on October 30, 2003, pursuant to a motion by Eletrosilex, the CIT stayed further action pending the results of litigation regarding the administrative review of silicon metal from Brazil for the 94/95 period of review. See *American Silicon Technologies v. United States*, 27 C.I.T. 1677; 2003 Ct. Intl. Trade LEXIS 147 (2003). On May 13, 2004, the CIT sustained the Department’s remand results regarding the 94/95 period of review. See *American Silicon Technologies v. United States*, 28 C.I.T. 698; 2004 Ct. Intl. Trade LEXIS 49 (2004). That decision was not appealed.

On January 27, 2010, the CIT dissolved the stay of its June 27, 2003 judgment. As there is now a final and conclusive court decision in this case, we are amending our *Final Results*.

**Amended Final Results**

As the litigation in this case has concluded, the Department is amending the *Final Results* in accordance with the CIT’s decision. The revised dumping margin for Eletrosilex is as follows:

Manufacturer/Exporter	Margin
Eletrosilex S.A. ....	67.93%

The Department intends to issue instructions to U.S. Customs and Border Protection to liquidate all entries at the appropriate rates for the company listed above, 15 days after the date of publication of this notice.

This notice is published in accordance with sections 751(a)(1) and 777(i) of the Tariff Act of 1930, as amended.

Dated: April 15, 2010.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. 2010-9175 Filed 4-20-10; 8:45 am]

**BILLING CODE 3510-DS-S**

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-570-954]

**Certain Magnesia Carbon Bricks from the People’s Republic of China: Amended Preliminary Determination of Sales at Less Than Fair Value**

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

**EFFECTIVE DATE:** April 21, 2010.

**SUMMARY:** On March 12, 2010, the Department of Commerce (“Department”) published the Preliminary Determination of sales at less than fair value (“LTFV”) in the antidumping duty investigation of certain magnesia carbon bricks (“bricks”) from the People’s Republic of China (“PRC”). See *Certain Magnesia Carbon Bricks from the People’s Republic of China: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 75 FR 11847 (March 12, 2010) (“*Preliminary Determination*”). We are amending our Preliminary Determination to correct certain ministerial errors with respect to the antidumping duty margin calculation for RHI Refractories Liaoning Co., Ltd. (“RHI”). The corrections to the RHI margin also affect the margin assigned to the companies receiving a separate rate and the PRC-wide rate. In addition, we have granted a separate rate to Yingkou Jiahe Refractories Co., Ltd. (“Jiahe”).

**FOR FURTHER INFORMATION CONTACT:** Paul Walker, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC, 20230; telephone: (202) 482-0413.

**SUPPLEMENTARY INFORMATION:** As noted above, on March 12, 2010, the Department published in the **Federal Register** the *Preliminary Determination* that bricks from the PRC are being, or are likely to be, sold in the United States at LTFV, as provided in section 733 of the Tariff Act of 1930, as amended (“Act”). See *Preliminary Determination*.

On March 12, 2010, RHI, Dalian Mayerton Refractories Co., Ltd. and Liaoning Mayerton Refractories Co., Ltd. (collectively, “Mayerton”), Jiahe, and Resco Products, Inc. (“Petitioner”), filed timely allegations of ministerial errors contained in the Department’s *Preliminary Determination*. After reviewing the allegations, we have determined that the *Preliminary Determination* included significant

<sup>1</sup> The petitioners are American Silicon Technologies, Elkem Metals Company, Globe Metallurgical, Inc. and SKW Metals & Alloys, Inc.

ministerial errors. Therefore, in accordance with 19 CFR 351.224(e), we have made changes, as described below, to the *Preliminary Determination*.

**Period of Investigation**

The period of investigation (“POI”) is January 1, 2009, through June 30, 2009. See 19 CFR 351.204(b)(1).

**Scope of Investigation**

Imports covered by this investigation consist of certain chemically bonded (resin or pitch), magnesia carbon bricks with a magnesia component of at least 70 percent magnesia (“MgO”) by weight, regardless of the source of raw materials for the MgO, with carbon levels ranging from trace amounts to 30 percent by weight, regardless of enhancements, (for example, magnesia carbon bricks can be enhanced with coating, grinding, tar impregnation or coking, high temperature heat treatments, anti-slip treatments or metal casing) and regardless of whether or not anti-oxidants are present (for example, anti-oxidants can be added to the mix from trace amounts to 15 percent by weight as various metals, metal alloys, and metal carbides). Certain magnesia carbon bricks that are the subject of this investigation are currently classifiable under subheadings 6902.10.1000, 6902.10.5000, 6815.91.0000, and 6815.99 of the Harmonized Tariff Schedule of the United States (“HTSUS”). While HTSUS subheadings are provided for convenience and customs purposes, the written description is dispositive.

**Significant Ministerial Error**

Pursuant to 19 CFR 351.224(e) and (g)(1), the Department is amending the *Preliminary Determination* to reflect the correction of significant ministerial errors it made in the margin calculations

regarding RHI, and Jiahe, a separate rate applicant. In accordance with 19 CFR 351.224(e), we are correcting significant ministerial errors in the *Preliminary Determination*. A ministerial error is defined as errors in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial. See section 735(e) of the Act. A significant ministerial error is defined as a ministerial error, the correction of which, singly or in combination with other errors, would result in (1) a change of at least five absolute percentage points in, but not less than 25 percent of, the weighted-average dumping margin calculated in the original (erroneous) preliminary determination, or (2) a difference between a weighted-average dumping margin of zero or *de minimis* and a weighted-average dumping margin of greater than *de minimis* or vice versa. See 19 CFR 351.224(g). As a result of this amended preliminary determination, we have revised the antidumping rate for RHI and added Jiahe to the list of exporters that received a separate rate. In addition, we have revised the separate rate based on RHI’s revised dumping margin. See the “Amended Preliminary Determination” section below. Moreover, we have revised the PRC-wide rate based on RHI’s revised dumping margin. *Id.*; see also Memorandum to the File, through Scot T. Fullerton, Program Manager, Office 9, from Paul Walker, Case Analyst, “Investigation of Magnesia Carbon Bricks from the People’s Republic of China: Corroboration of the PRC-wide Rate for the Amended Preliminary Determination,” dated concurrently with this notice.

**Ministerial Error Allegations**

On March 12, 2010, Jiahe, a separate rate applicant, submitted a ministerial error allegation claiming that the Department did not name it in the *Preliminary Determination* as one of the exporters receiving a separate rate. On March 12, 2010, Mayerton and RHI submitted ministerial error allegations with respect to their preliminary margin calculations, relating to certain conversion errors and movement expenses. On March 18, 2010, the Petitioner submitted rebuttal comments to RHI’s ministerial error allegations. The Department has reviewed its preliminary calculations and agrees that certain errors which the parties alleged are significant ministerial errors within the meaning of 19 CFR 351.224(g). See Memorandum to James Doyle, Office Director, Office 9, through Scot T. Fullerton, Program Manager, Office 9, from Paul Walker, Senior Case Analyst, “Investigation of Magnesia Carbon Bricks from the People’s Republic of China: Ministerial Error Memorandum,” dated concurrently with this notice, for a discussion of the ministerial error allegations. See Appendix I for a list of the ministerial error allegations.

The collection of bonds or cash deposits and suspension of liquidation will be revised accordingly and parties will be notified of this determination, in accordance with section 733(d) and (f) of the Act.

**Amended Preliminary Determination**

As a result of our correction of significant ministerial errors in the *Preliminary Determination*, we have determined that the following weighted-average dumping margins apply:

Exporter	Producer	Weighted-Average Margin
RHI Refractories Liaoning Co., Ltd. ....	RHI Refractories Liaoning Co., Ltd.	129.17
Liaoning Mayerton Refractories Co., Ltd. ....	Liaoning Mayerton Refractories Co., Ltd.	132.74
Dalian Mayerton Refractories Co., Ltd. ....	Dalian Mayerton Refractories Co., Ltd.	132.74
Dashiqiao City Guancheng Refractor Co., Ltd. ....	Dashiqiao City Guancheng Refractor Co., Ltd.	130.96
Fengchi Imp. And Exp. Co., Ltd. Of Haicheng City ....	Fengchi Refractories Co., of Haicheng City	130.96
Jiangsu Sujia Group New Materials Co. Ltd. ....	Jiangsu Sujia Group New Materials Co. Ltd.	130.96
Liaoning Fucheng Refractories Group Co., Ltd. ....	Liaoning Fucheng Refractories Group Co., Ltd.	130.96
Liaoning Fucheng Special Refractory Co., Ltd. ....	Liaoning Fucheng Special Refractory Co., Ltd.	130.96
Liaoning Jiayi Metals & Minerals Co., Ltd. ....	Liaoning Jiayi Metals & Minerals Co., Ltd.	130.96
Yingkou Bayuquan Refractories Co., Ltd. ....	Yingkou Bayuquan Refractories Co., Ltd.	130.96
Yingkou Dalmond Refractories Co., Ltd. ....	Yingkou Dalmond Refractories Co., Ltd.	130.96
Yingkou Guangyang Co., Ltd. ....	Yingkou Guangyang Co., Ltd.	130.96
Yingkou Jiahe Refractories Co., Ltd. ....	Yingkou Jiahe Refractories Co., Ltd.	130.96
Yingkou Kyushu Refractories Co. Ltd. ....	Yingkou Kyushu Refractories Co. Ltd.	130.96
Yingkou New Century Refractories Ltd. ....	Yingkou New Century Refractories Ltd.	130.96
Yingkou Wonjin Refractory Material Co., Ltd. ....	Yingkou Wonjin Refractory Material Co., Ltd.	130.96
PRC-wide Entity .....	.....	236.00

### International Trade Commission Notification

In accordance with section 733(f) of the Act, we have notified the International Trade Commission ("ITC") of our amended preliminary determination. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of the preliminary determination or 45 days after our final determination whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports, or sales (or the likelihood of sales) for importation, of the subject merchandise.

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.224(e).

Dated: April 13, 2010.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration.*

### Appendix I

Issue 1: Factor of Production Conversions

Issue 2: Foreign Inland Movement Expenses

Issue 3: Separate Rate Application of Yingkou Jiahe Refractories Co., Ltd.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XV93

### Notice of Intent To Prepare an Environmental Assessment and to Conduct San Joaquin River Chinook Salmon Scoping Meeting

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

**ACTION:** Notice of Intent; scoping meeting.

**SUMMARY:** NMFS announces its intent to prepare an Environmental Assessment (EA) to analyze the potential impacts of the proposed reintroduction of spring-run Chinook salmon to the mainstem of the San Joaquin River.

**DATES:** NMFS will conduct a public scoping meeting in order to provide information and solicit comments for the preparation of the EA. The meeting will be held on April 28, 2010, from 5

p.m. to 7 p.m., Pacific Time, at the Department of Water Resource, South Central Office, 3374 East Shields Avenue, Fresno, CA 93726. Written comments must be postmarked by June 21, 2010.

**ADDRESSES:** Comments related to the preparation of the EA should be sent to National Marine Fisheries Service, Attn: Elif Fehm-Sullivan, 650 Capitol Mall, Suite 8-300, Sacramento, CA 95814. Comments may also be submitted electronically to [SJRSpringSalmon@noaa.gov](mailto:SJRSpringSalmon@noaa.gov). Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Elif Fehm-Sullivan, telephone 916 930 3723.

### SUPPLEMENTARY INFORMATION:

#### Proposed Action

The proposed action is to reintroduce spring-run Chinook salmon into the mainstem of the San Joaquin River which will include collection of founding stock, propagation, and release under authorities of section 10(j) of the Endangered Species Act (ESA), *Natural Resource Defense Council, et al. v. Rodgers et al.* (Settlement), the Omnibus Public Land Management Act of 2009 Public Law 111-11, Title X. (Restoration Act), and section 10(a)(1)(A) of the ESA. This proposed reintroduction includes designating an experimental population for spring-run Chinook salmon within the San Joaquin River from below the confluence with the Stanislaus River to Friant Dam. The proposed action will include promulgation of a 4(d) rule.

#### Geographic Scope

The proposed planning area for the proposed reintroduction will consist of the aquatic ecosystems and natural communities, and potentially adjacent riparian and floodplain natural communities, within and along the San Joaquin River and from the confluence of the Stanislaus River (approximately 3 miles northeast of Vernalis, California) upstream to Friant Dam and its associated tributaries including: the Stanislaus River below Goodwin Dam, the Tuolumne River below La Grange Dam, and the Merced River below Crocker-Huffman Dam.

#### Covered Species

The species that is intended to be the initial focus of the reintroduction is the spring-run Central Valley Chinook salmon (*Oncorhynchus tshawytscha*).

### Request for Comments

The primary purpose of the scoping process is to identify important issues raised by the public related to the issuance of an ESA 10(j) rule and promulgation of an ESA 4(d) rule associated with the reintroduction of spring-run Chinook salmon to the San Joaquin River. Written comments from interested parties are invited to ensure that the full range of issues related to the proposed development of the 4(d) rule and the proposed reintroduction. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public. Information regarding this proposed action is available in alternative formats upon request.

### Reasonable Accommodations

Persons needing reasonable accommodation to attend and participate should contact Elif Fehman-Sullivan (see **FOR FURTHER CONTACT INFORMATION**). To allow sufficient time to process requests, please call no later than five days prior to attending the meeting.

Dated: April 15, 2010.

**Angela Somma,**

*Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2010-9188 Filed 4-20-10; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-827]

### Certain Cased Pencils From the People's Republic of China: Extension of Time Limit for the Final Results of Antidumping Duty Administrative Review

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

**EFFECTIVE DATE:** April 21, 2010.

**FOR FURTHER INFORMATION CONTACT:** Alexander Montoro or Joseph Shuler, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-0238 and (202) 482-1293, respectively.

### SUPPLEMENTARY INFORMATION:

#### Background

On December 22, 2009, the Department of Commerce