

methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's *Policy Bulletin 98:3 Policies Regarding the Conduct of Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871 (April 16, 1998) ("*Sunset Policy Bulletin*").

### Background

The Gouvernement du Quebec ("GOQ") and Magnesium Corporation of America ("Magcorp") challenged certain findings made by Commerce in its *Final Results* before the Panel. On March 27, 2002, based on its findings pursuant to the GOQ and Magcorp's challenge, the Panel upheld Commerce's determination with respect to certain issues. However, the Panel remanded to Commerce this sunset review with instructions to reconsider: (i) The determination to utilize the results of the sixth review as the subsidy rate to be reported to the ITC; (ii) the basis for the all others rate; and (iii) the reasons for the failure to investigate subsidies alleged to have been received by Magnola Metallurgy, Inc. ("Magnola"). Panel Determination, USA-CDA-00-1904-07 at 31 (Mar. 27, 2002) ("*Panel Determination*"). The Panel further instructed Commerce to file its further remand determination within 45 days of the date of the order. On June 10, 2002, Commerce issued the draft remand results to the Gouvernement du Quebec ("GOQ"), Norsk Hydro Canada, Inc. ("NHCI"), and domestic interested parties.

Commerce issued the Final Results of Determination Pursuant to NAFTA Panel Remand of the Sunset Review of the Countervailing Orders on Pure and Alloy Magnesium from Canada ("*Remand Determination*") on June 25, 2002. On July 15, 2002, the GOQ filed the Rule 73(2)(b) Challenge of the Determination on Remand by the Gouvernement du Quebec ("*Rule 73(2)(b) Challenge*"). The GOQ's Rule 73(2)(b) Challenge contends that Commerce improperly concluded that it was "required" to report an all others rate and that the rate selected was improper. U.S. Magnesium LLC (formerly Magcorp)<sup>1</sup> also filed a Rule 73(2)(b) Challenge, contesting Commerce's refusal to investigate alleged subsidies to Magnola. Commerce responded to the Rule 73(2)(b)

Challenges filed by the GOQ and U.S. Magnesium on August 5, 2002.

The Panel concluded that Commerce's remand determination with respect to Magnola is supported by substantial evidence and is in accordance with law. However, the Panel remanded the matter to Commerce with instructions to amend its determination by removing the reporting of an all others subsidy rate. The Panel further instructed Commerce to file its further remand determination within 45 days of the date of the order.

### Final Results of Review

While we disagree with the Panel's finding with respect to the all others rate, consistent with the Panel's instructions we hereby amend our final determination by removing the reporting of an all others subsidy rate in this case. We determine that revocation of the countervailing duty order would likely lead to continuation or recurrence of a countervailable subsidy at the following percentage weighted-average margins:

Manufacturer/producers/exporter	Weighted-Average margin (percent)
Norsk Hydro Canada Inc. ("Norsk").	1.84

This notice serves as the only reminder to parties subject to administrative protective order ("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 violation which is subject to sanction.

This five-year ("sunset") review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: June 2, 2003.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-122-839]

### Certain Softwood Lumber Products From Canada: Notice of Extension of Time Limit for the Preliminary Results of Countervailing Duty New Shipper Review

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

**EFFECTIVE DATE:** June 6, 2003.

**FOR FURTHER INFORMATION CONTACT:** Eric Greynolds or Gayle Longest, Office of AD/CVD Enforcement VI, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone (202) 482-6071 or 482-3338, respectively.

**SUPPLEMENTARY INFORMATION:** On December 31, 2002, the Department of Commerce (the Department) initiated a new shipper review relating to the countervailing duty order on certain softwood lumber products from Canada, covering the period January 1, 2002 through December 31, 2002. *See Certain Softwood Lumber From Canada: Notice of Initiation of Antidumping Duty New Shipper Review for the Period May 22, 2002, Through October 31, 2002; Notice of Initiation of Countervailing Duty New Shipper Review for the Period January 1, 2002, Through December 31, 2002; and Rescission of Countervailing Duty Expedited Review*, January 8, 2003 (68 FR 1030). The respondent in this new shipper review is Scierie Lapointe & Roy Ltee (Lapointe & Roy). The current deadline for the preliminary results of this review is June 30, 2003. Section 751(a)(2)(B)(iv) of the Tariff Act of 1930, as amended (the Act), requires the Department to make a preliminary determination within 180 days after the date on which the new shipper review was initiated. However, when the Department determines a case is extraordinarily complicated such that it cannot complete the review within this time period, section 751(a)(2)(B)(iv) of the Act allows the Department to extend the time limit for the preliminary determination from 180 days to a maximum of 300 days.

Pursuant to section 751(a)(2)(B)(iv) of the Act, the Department has determined that this case is extraordinarily complicated given the number of programs and the complexity of the calculations used to derive the benefit from these programs. *See Decision Memorandum from Melissa G. Skinner,*

<sup>1</sup> U.S. Magnesium purchased all of the assets of Magcorp on June 24, 2002, pursuant to an auction approved by U.S. Bankruptcy Judge Robert E. Gerber of the Southern District of New York. *See Motion for Substitution of Party*, filed by U.S. Magnesium on July 15, 2002.