

Dated: June 7, 2004.

**James J. Jochum,**

*Assistant Secretary for Import Administration.*

## Appendix

### Decision Memorandum

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**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-421-807]

#### Certain Hot-Rolled Carbon Steel Flat Products From the Netherlands; Final Results of Antidumping Duty Administrative Review

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

**ACTION:** Notice of final results of antidumping duty administrative review of certain hot-rolled carbon steel flat products from the Netherlands.

**SUMMARY:** On December 8, 2003, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on certain hot-rolled carbon steel flat products from the Netherlands. See *Certain Hot-Rolled Carbon Steel Flat Products from the Netherlands; Preliminary Results of Antidumping Duty Administrative Review*, 68 FR 68341 (December 8, 2003) (*Preliminary Results*). This review covers imports of subject merchandise from Corus Staal BV (Corus Staal) to the United States during the period May 3, 2001 to October 31, 2002. Based on our analysis of the comments received, we have made changes to the margin calculation. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margin for the reviewed firm is listed below in the section entitled "Final Results of Review."

**DATES:** *Effective Date:* July 16, 2004.

**FOR FURTHER INFORMATION CONTACT:** Deborah Scott or Robert James, AD/CVD

Enforcement, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482-2657 or (202) 482-0649, respectively.

### SUPPLEMENTARY INFORMATION:

#### Background

On December 8, 2003, the Department published in the **Federal Register** the *Preliminary Results* of the administrative review of the antidumping duty order on certain hot-rolled carbon steel flat products from the Netherlands for the period May 3, 2001 to October 31, 2002. In response to the Department's invitation to comment on the preliminary results of this review, Corus (respondent) and United States Steel Corporation (USSC) and Nucor Corporation (Nucor) (collectively, petitioners) filed their case briefs on January 14, 2004. Corus, USSC, and Nucor submitted rebuttal briefs on January 23, 2004. On February 12, 2004, we published in the **Federal Register** our notice of the extension of time limits for this review. See *Certain Hot-Rolled Carbon Steel Flat Products from the Netherlands; Antidumping Duty Administrative Review; Extension of Time Limit*, 69 FR 6939 (February 12, 2004). This extension established the deadline for this final as June 5, 2004. Since this date falls on a Saturday, *i.e.*, a non-business day, the signature date for this final is June 7, 2004.

#### Period of Review

The period of review (POR) is May 3, 2001 to October 31, 2002.

#### Scope of the Review

For purposes of this order, the products covered are certain hot-rolled carbon steel flat products of a rectangular shape, of a width of 0.5 inch or greater, neither clad, plated, nor coated with metal and whether or not painted, varnished, or coated with plastics or other non-metallic substances, in coils (whether or not in successively superimposed layers), regardless of thickness, and in straight lengths, of a thickness of less than 4.75 mm and of a width measuring at least 10 times the thickness. Universal mill plate (*i.e.*, flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm, but not exceeding 1250 mm, and of a thickness of not less than 4.0 mm, not in coils and without patterns in relief) of a thickness not less than 4.0 mm is not included within the scope of this review. Specifically included within the scope of this order are vacuum degassed, fully

stabilized (commonly referred to as interstitial-free (IF)) steels, high strength low alloy (HSLA) steels, and the substrate for motor lamination steels. IF steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium or niobium (also commonly referred to as columbium), or both, added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, vanadium, and molybdenum. The substrate for motor lamination steels contains micro-alloying levels of elements such as silicon and aluminum.

Steel products to be included in the scope of this order, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTS), are products in which: (i) Iron predominates, by weight, over each of the other contained elements; (ii) the carbon content is 2 percent or less, by weight; and (iii) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

- 1.80 percent of manganese, or
- 2.25 percent of silicon, or
- 1.00 percent of copper, or
- 0.50 percent of aluminum, or
- 1.25 percent of chromium, or
- 0.30 percent of cobalt, or
- 0.40 percent of lead, or
- 1.25 percent of nickel, or
- 0.30 percent of tungsten, or
- 0.10 percent of molybdenum, or
- 0.10 percent of niobium, or
- 0.15 percent of vanadium, or
- 0.15 percent of zirconium.

All products that meet the physical and chemical description provided above are within the scope of this order unless otherwise excluded. The following products, by way of example, are outside or specifically excluded from the scope of this order:

- Alloy hot-rolled steel products in which at least one of the chemical elements exceeds those listed above (including, *e.g.*, ASTM specifications A543, A387, A514, A517, A506).
- Society of Automotive Engineers (SAE)/American Iron and Steel Institute (AISI) grades of series 2300 and higher.
  - Ball bearings steels, as defined in the HTS.
  - Tool steels, as defined in the HTS.
  - Silico-manganese (as defined in the HTS) or silicon electrical steel with a silicon level exceeding 2.25 percent.
  - ASTM specifications A710 and A736.
  - USS Abrasion-resistant steels (USS AR 400, USS AR 500).
  - All products (proprietary or otherwise) based on an alloy ASTM

specification (sample specifications: ASTM A506, A507).

- Non-rectangular shapes, not in coils, which are the result of having been processed by cutting or stamping and which have assumed the character of articles or products classified outside chapter 72 of the HTS.

The merchandise subject to this order is classified in the HTS at subheadings:

7208.10.15.00, 7208.10.30.00, 7208.10.60.00, 7208.25.30.00, 7208.25.60.00, 7208.26.00.30, 7208.26.00.60, 7208.27.00.30, 7208.27.00.60, 7208.36.00.30, 7208.36.00.60, 7208.37.00.30, 7208.37.00.60, 7208.38.00.15, 7208.38.00.30, 7208.38.00.90, 7208.39.00.15, 7208.39.00.30, 7208.39.00.90, 7208.40.60.30, 7208.40.60.60, 7208.53.00.00, 7208.54.00.00, 7208.90.00.00, 7211.14.00.90, 7211.19.15.00, 7211.19.20.00, 7211.19.30.00, 7211.19.45.00, 7211.19.60.00, 7211.19.75.30, 7211.19.75.60, and 7211.19.75.90. Certain hot-rolled flat-rolled carbon steel flat products covered by this order, including: vacuum degassed fully stabilized; high strength low alloy; and the substrate for motor lamination steel may also enter under the following tariff numbers: 7225.11.00.00, 7225.19.00.00, 7225.30.30.50, 7225.30.70.00, 7225.40.70.00, 7225.99.00.90, 7226.11.10.00, 7226.11.90.30, 7226.11.90.60, 7226.19.10.00, 7226.19.90.00, 7226.91.50.00, 7226.91.70.00, 7226.91.80.00, and 7226.99.00.00. Subject merchandise may also enter under 7210.70.30.00, 7210.90.90.00, 7211.14.00.30, 7212.40.10.00, 7212.40.50.00, and 7212.50.00.00. Although the HTS subheadings are provided for convenience and U.S. Customs purposes, the written description of the scope of this order is dispositive.

#### Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the "Issues and Decision Memorandum" (Decision Memorandum) from Joseph A. Spetrini, Deputy Assistant Secretary for Import Administration, to James J. Jochum, Assistant Secretary for Import Administration, dated June 7, 2004, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memorandum, is attached to this notice as an appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public

memorandum, which is on file in the Central Records Unit, room B-099, of the main Department building. In addition, a complete version of the Decision Memorandum can be accessed directly via the Internet at <http://www.ia.ita.doc.gov>. The paper copy and electronic version of the Decision Memorandum are identical in content.

#### Changes Since the Preliminary Results

Based on our analysis of the comments received, we have made the following changes to the margin calculation:

- We have modified the weighting factor for the quality field in our model match hierarchy so that it consists of two digits rather than one.
- We have excluded entries which occurred between October 30, 2001 and November 28, 2001, inclusive ("gap period"), from the calculation of the dumping margin. We have also revised the calculation of the assessment rate to exclude the gap period entries from the numerator.<sup>1</sup>
- We have amended our margin calculation program so that for sales which occurred prior to importation, the entry date was used to define the transactions used in our analysis.
- We have revised the adjustment made to the cost of manufacturing for the unexplained difference found in Corus' cost reconciliation. The difference in the reconciliation was due to both a change in finished goods inventory and a small unexplained difference in the cost reconciliation. We have continued to adjust the cost of manufacture for the change in finished goods inventory but have no longer adjusted for the minor unexplained difference in the cost reconciliation.
- We have amended our calculation of variable costs of manufacture (VCOMH/U) to reflect the revised start-up costs (RSTARTUP).

These changes are discussed in the relevant sections of the Decision Memorandum.

These changes are discussed in the relevant sections of the Decision Memorandum.

#### Final Results of Review

We determine that the following weighted-average percentage margin exists for the period May 3, 2001 to October 31, 2002:

<sup>1</sup> We note that gap period entries had already been excluded from the denominator of the assessment rate for the preliminary results, and continue to be excluded from the denominator of the assessment rate for the final results.

Manufacturer/exporter	Weighted average percentage margin
Corus .....	4.94

#### Assessment

The Department shall determine and U.S. Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries. As a result of the Court of International Trade's decision in *Corus Staal BV et al. v. United States*, Consol. Court No. 02-00003, Slip Op. 03-127 (CIT September 29, 2003), we will not assess duties on merchandise that entered between October 30, 2001 and November 28, 2001, inclusive. For more information, see *Certain Hot-Rolled Carbon Steel Flat Products From The Netherlands: Notice of Final Court Decision and Suspension of Liquidation*, 68 FR 60912 (October 24, 2003). Thus, in accordance with 19 CFR 351.212(b)(1), we will calculate an importer-specific *ad valorem* assessment rate for merchandise based on the ratio of the total amount of antidumping duties calculated for the examined sales made during the POR<sup>2</sup> to the total customs value of the sales used to calculate those duties. Where the importer-specific assessment rate is above *de minimis*, we will instruct CBP to assess duties on all appropriate entries of subject merchandise by that importer. This rate will be assessed uniformly on all entries of that particular importer made during the periods May 3, 2001 through October 29, 2001 and November 29, 2001 through October 31, 2002. The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of the final results of review.

#### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of these final results for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results of administrative review, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for the reviewed company will be the rate listed above; (2) if the exporter is not a firm covered

<sup>2</sup> Since we have not included entries which occurred between October 30, 2001 and November 28, 2001 in the calculation of the dumping margin (see "Changes Since the Preliminary Results"), the "total amount of antidumping duties calculated for the examined sales made during the POR" does not include sales of merchandise which entered during that same period.

in this review, a prior review, or the original less than fair value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (3) the cash deposit rate for all other manufacturers or exporters will continue to be the "all others" rate of 2.59 percent, which is the "All Others" rate established in the LTFV investigation. See *Notice of Amended Final Determination of Sales at Less Than Fair Value; Certain Hot-Rolled Carbon Steel Flat Products From The Netherlands*, 66 FR 55637 (November 2, 2001). These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

#### Notification to Interested Parties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) 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 the antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305, that continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or 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 751(a)(1) and 777(i)(1) of the Tariff Act.

Dated: June 7, 2004.

**James J. Jochum,**

*Assistant Secretary for Import Administration.*

#### Appendix—Issues in Decision Memorandum

- Comment 1. Conventional Hot-Rolled Material vs. Direct Sheet Product
- Comment 2. Quality Code
- Comment 3. Treatment of Section 201 Tariffs
- Comment 4. Treatment of Non-dumped Sales
- Comment 5. Gap Period Entries
- Comment 6. Cost of Manufacturing

- Comment 7. General Expense Ratio
  - Comment 8. Variable Cost of Manufacturing
  - Comment 9. CEP Profit Rate
  - Comment 10. Use of Sale Date vs. Entry Date to Identify EP Sales
  - Comment 11. Reporting Period for U.S. Sales
- [FR Doc. 04-13495 Filed 6-15-04; 8:45 am]  
BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[Order No. 1328]

#### Approval of Request for Manufacturing Authority Within Foreign-Trade Zone 82; Mobile, AL (Agricultural Chemicals)

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

*Whereas*, the City of Mobile (Alabama), grantee of Foreign-Trade Zone 82, submitted an application to the Board for manufacturing authority (crop protection products and related chemicals) within FTZ 82 for E.I. DuPont de Nemours and Company (FTZ Docket 39-2003; filed 8/7/2003);

*Whereas*, notice inviting public comment was given in **Federal Register** (68 FR 49433, 8/18/2003) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

*Whereas*, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal is in the public interest;

*Now, therefore*, the Board hereby orders:

The application for manufacturing authority within FTZ 82 for E.I. DuPont de Nemours and Company, is approved, subject to the Act and the Board's regulations, including Section 400.28.

Signed at Washington, DC, this 3rd day of June 2004.

**James J. Jochum,**

*Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.*

[FR Doc. 04-13491 Filed 6-15-04; 8:45 am]

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## COMMODITY FUTURES TRADING COMMISSION

### Agency Information Collection Activities Under OMB Review: Notice of Intent To Renew Collection 3038-0023, Registration Under the Commodity Exchange Act

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

**DATES:** Comments must be submitted on or before July 16, 2004.

**FOR FURTHER INFORMATION OR A COPY CONTACT:** Lawrence B. Patent, Division of Clearing and Intermediary Oversight, CFTC, (202) 418-5439; fax: (202) 418-5547; e-mail: [lpatent@cftc.gov](mailto:lpatent@cftc.gov) and refer to OMB Control No. 3038-0023.

#### SUPPLEMENTARY INFORMATION:

*Title:* Notice of Registration as a Futures Commission Merchant or Introducing Broker for Certain Securities Brokers and Dealers, (OMB Control No. 3038-0023). This is a request for revision and extension of a currently approved information collection.

*Abstract:* The Commodity Exchange Act (Act) authorizes the Commission to deny, revoke or condition registration under the Act if an applicant or registrant is subject to various statutory disqualifications from registration, such as a prior registration revocation or conviction of a felony or certain misdemeanors. The registration application, which must be updated as necessary, requires information about an applicant's or registrant's disciplinary history so that the person's fitness for registration may be evaluated. In addition, basic identifying information is required so that a database will be available to current and prospective customers, the public and the news media.

The information on registration applications is used to develop a database known as BASIC (Background Affiliation Status Information Center), which is Internet-accessible and consulted frequently by customers, prospective customers, the general public and the news media to review data provided by applicants and registrants and to compare it to