

*Candles from the People's Republic of China: Rescission of Administrative Review*, 69 FR 46510 (August 3, 2004); *Hot-Rolled Carbon Steel Flat Products from India: Rescission of Administrative Review*, 69 FR 42967 (July 19, 2004); *Certain Stainless Steel Butt-Weld Pipe Fittings from Taiwan: Preliminary Results of Antidumping Duty Administrative Review and Notice of Intent to Rescind in Part*, 69 FR 40859 (July 7, 2004); *Corrosion-Resistant Carbon Steel Flat Products from Korea: Partial Rescission of Antidumping Duty Administrative Review*, 69 FR 34646 (June 22, 2004); and *Allegheny Ludlum Corp. v. United States*, 346 F.3d 1368, 1374 (CIT 2003), in which the court upheld the Department's policy of rescinding administrative reviews where there are no entries during the POR. CSN pointed out that Nucor failed to identify even one case in which the Department conducted an administrative review in the absence of any POR entries.

Pursuant to 19 CFR 351.213(d)(3), the Department will rescind an administrative review if we conclude that during the POR there were no entries, exports, or sales of the subject merchandise. The Department's practice, supported by substantial precedent, requires that there be entries during the POR upon which to assess antidumping duties. See, e.g. *Stainless Steel Bar from Italy: Preliminary Results*. CSN certified that it had no entries of subject merchandise during the 2004–2005 POR, which the Department corroborated on the basis of official data from the U.S. Bureau of Customs and Border Protection. Further, the Department made a preliminary determination in the 2003–2004 administrative review to review CSN's U.S. sale of further manufactured merchandise made after the POR that is linked to an entry during that POR. See *Certain Hot-Rolled Carbon Steel Flat Products from Brazil: Preliminary Results of Antidumping Administrative Review*, 70 FR 17406 (April 6, 2005). The final results of that review are now being published with a signature date of October 3, 2005. CSN had no additional entries to review in the current POR. Finally, as CST had no entries in addition to those already being reviewed as part of a new shipper review, we have preliminarily determined to rescind the 2004–2005 administrative review.

#### Public Comment

An interested party may request a hearing within 20 days of publication of this notice. Any hearing, if requested, will be held 34 days after the date of

publication of this notice, or the first working day thereafter. Interested parties may submit case briefs not later than 20 days after the date of publication of this notice. Rebuttal briefs, which must be limited to issues raised in such briefs, must be filed not later than 7 days from the case brief after the date of publication of this notice. Parties who submit arguments are requested to submit with the argument (1) A statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities. Further, parties submitting written comments should provide the Department with an additional copy of the public version of any such comments on diskette. We will issue our final decision concerning the conduct of the review no later than 120 days from the date of publication of this notice.

This notice is published in accordance with 19 CFR 351.213(d)(4).

Dated: October 3, 2005.

**Joseph A. Spetrini**,

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E5–5539 Filed 10–6–05; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–351–828]

#### Notice of Final Results of Antidumping Duty Administrative Review: Certain Hot-Rolled Flat-Rolled Carbon Quality Steel Products From Brazil

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

**SUMMARY:** On April 6, 2005, the U.S. Department of Commerce (“the Department”) published the preliminary results of administrative review of the antidumping duty order covering certain hot-rolled flat-rolled carbon quality steel products from Brazil. See *Certain Hot-Rolled Flat-Rolled Carbon Quality Steel Products from Brazil: Preliminary Results of Antidumping Duty Administrative Review*, 70 FR 17406 (April 6, 2005) (“*Preliminary Results*”). The merchandise covered by this order is certain hot-rolled flat-rolled carbon quality steel from Brazil as described in the “Scope of the Order” section of this notice. The period of review (“POR”) is March 1, 2003, through February 29, 2004. We invited parties to comment on our *Preliminary Results*. Based on our analysis of the comments received, we made an adjustment to the window period for

home market sales. We also made a correction to further manufacturing costs in the United States based upon verification findings. However, the final results do not 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.”

**EFFECTIVE DATE:** October 7, 2005.

#### FOR FURTHER INFORMATION CONTACT:

Helen Kramer or Kristin Najdi at (202) 482–0405 or (202) 482–8221, respectively; AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230.

#### SUPPLEMENTARY INFORMATION:

##### Background

On April 6, 2005, the Department published in the **Federal Register** its preliminary results in this administrative review. On May 27, 2005, Nucor Corporation (“Nucor”), a domestic interested party in accordance with section 771(9)(C) of the Tariff Act of 1930, as amended (“the Act”), submitted comments. On June 3, 2005, we received a letter from Companhia Siderurgica Nacional (“CSN”), the foreign manufacturer and exporter of the subject merchandise in accordance with section 771(9)(A) of the Act, and Companhia Siderurgica Nacional, LLC (“CSN, LLC”), CSN's U.S. affiliate, responding to Nucor's comments. On July 7–8, 2005, the Department conducted a sales verification of CSN, LLC in Terre Haute, Indiana, followed by a cost verification on July 20–22, 2005. As stated in the *Preliminary Results*, the briefing schedule was extended due to these verifications. On August 24, 2005, we received a case brief from CSN and CSN, LLC, and on August 25, 2005, we received a case brief from Nucor. As per the Department's request, CSN and CSN, LLC resubmitted their case brief on August 26, 2005, incorporating revised bracketing. We received a rebuttal brief from CSN and CSN, LLC on August 29, 2005, and a rebuttal brief from Nucor on August 30, 2005. We asked Nucor to resubmit a revised rebuttal brief with corrected bracketing, which we received on September 2, 2005. No hearing was requested by the September 2, 2005, deadline given in the Department's August 15, 2005, memorandum advising parties of the briefing schedule. (See Memorandum to the File from Kristin Najdi, Case Analyst: Antidumping Administrative Review of Certain Hot-

Rolled Carbon Steel Flat Products from Brazil, Briefing Schedule—Notification of Parties). No public hearing was held.

On July 12, 2005, because it was not practicable to complete the final results of this review within the original time period, the Department published in the **Federal Register** a notice extending the time limit for completion of the final results of this administrative review in accordance with section 751(a)(3)(A) of the Act. See *Notice of Extension of Time Limit for the Final Results of Antidumping Duty Administrative Review: Certain Hot-Rolled Carbon Steel Flat Products from Brazil*, 70 FR 39995 (July 12, 2005).

**Scope of the Order**

For purposes of this order, the products covered are certain hot-rolled flat-rolled carbon-quality steel 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 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 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 order.

Specifically included in this scope 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 and/or niobium added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, titanium, 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 the Harmonized Tariff Schedule of the United States (HTSUS) definitions, are products in which: (1) Iron predominates, by weight, over each of the other contained elements; (2) the carbon content is 2 percent or less, by weight; and (3) none of the elements listed below exceeds the quantity, by weight, respectively indicated: 1.80 percent of manganese, or 1.50 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 0.012 percent of boron, or 0.10 percent of molybdenum, or 0.10 percent of niobium, or 0.41 percent of titanium, 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 and/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, and A506).
- SAE/AISI grades of series 2300 and higher.
- Ball bearing steels, as defined in the HTSUS.
- Tool steels, as defined in the HTSUS.
- Silico-manganese (as defined in the HTSUS) or silicon electrical steel with a silicon level exceeding 1.50 percent.
- ASTM specifications A710 and A736.
- USS Abrasion-resistant steels (USS AR 400, USS AR 500).
- Hot-rolled steel coil which meets the following chemical, physical and mechanical specifications:

[In percent]

C	Mn (max)	P (max)	S (max)	Si	Cr	Cu	Ni (max)
0.10–0.14	0.90	0.025	0.005	0.30–0.50	0.30–0.50	0.20–0.40	0.20

Width = 44.80 inches maximum;  
Thickness = 0.063–0.198 inches; Yield

Strength = 50,000 ksi minimum; Tensile Strength = 70,000–88,000 psi.

—Hot-rolled steel coil which meets the following chemical, physical and mechanical specifications:

[In percent]

C	Mn	P (max)	S (max)	Si	Cr	Cu (max)	Ni (max)	MO (max)
0.10–0.16	0.70–0.90	0.025	0.006	0.30–0.50	0.30–0.50	0.25	0.20	.021

Width = 44.80 inches maximum;  
Thickness = 0.350 inches maximum;

Yield Strength = 80,000 ksi minimum;  
Tensile Strength = 105,000 psi Aim.

—Hot-rolled steel coil which meets the following chemical, physical and mechanical specifications:

[In percent]

C	Mn	P (max)	S (max)	Si	Cr	Cu	Ni (max)	V (wt) (max)	cb (max)
0.10–0.14	1.30–1.80	0.025	0.005	0.30–0.50	0.50–0.70	0.20–0.40	0.20	0.10	0.08

Width = 44.80 inches maximum;  
Thickness = 0.350 inches maximum;

Yield Strength = 80,000 ksi minimum;  
Tensile Strength = 105,000 psi Aim.

—Hot-rolled steel coil which meets the following chemical, physical and mechanical specifications.

[In percent]

C (max)	Mn (max)	P (max)	S (max)	Si (max)	Cr (max)	Cu (max)	Ni (max)	Nb (min)	CA	AL
0.15	1.40	0.025	0.010	0.50	1.00	0.50	0.20	0.005	Treated	0.01–0.70

Width = 39.37 inches; Thickness = 0.181 inches maximum; Yield Strength = 70,000 psi minimum for thickness ≤ 0.148 inches and 65,000 psi minimum for thicknesses > 0.148 inches; account for 64 FR 38650; Tensile Strength = 80,000 psi minimum.

—Hot-rolled dual phase steel, phase-hardened, primarily with a ferritic-martensitic microstructure, contains 0.9 percent up to and including 1.5 percent silicon by weight, further characterized by either (i) tensile strength between 540 N/mm<sup>2</sup> and 640 N/mm<sup>2</sup> and an elongation percentage ≥ 26 percent for thicknesses of 2 mm and above, or (ii) a tensile strength between 590 N/mm<sup>2</sup> and 690 N/mm<sup>2</sup> and an elongation percentage ≥ 25 percent for thicknesses of 2 mm and above.

—Hot-rolled bearing quality steel, SAE grade 1050, in coils, with an inclusion rating of 1.0 maximum per ASTM E 45, Method A, with excellent surface quality and chemistry restrictions as follows: 0.012 percent maximum phosphorus, 0.015 percent maximum sulfur, and 0.20 percent maximum residuals including 0.15 percent maximum chromium.

—Grade ASTM A570–50 hot-rolled steel sheet in coils or cut lengths, width of 74 inches (nominal, within ASTM tolerances), thickness of 11 gauge (0.119 inch nominal), mill edge and skin passed, with a minimum copper content of 0.20%.

The merchandise subject to this order is classified in the HTSUS 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, 7210.70.30.00, 7210.90.90.00, 7211.14.00.30, 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, 7211.19.75.90, 7212.40.10.00, 7212.40.50.00, 7212.50.00.00. Certain hot-rolled flat-rolled carbon-quality steel 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. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under this order is dispositive.

**Analysis of Comments Received**

The issues raised in the case briefs by parties to this administrative review are addressed in the Issues and Decision Memorandum to Joseph A. Spetrini, Acting Assistant Secretary for Import Administration, from Barbara E. Tillman, Acting Deputy Assistant Secretary (“Decision Memorandum”), which is hereby adopted by this notice. A list of the issues addressed in the Decision Memorandum is appended to this notice. The Decision Memorandum is on file in the Central Records Unit in Room B–099 of the main Commerce building, and can also be accessed directly on the Web at <http://www.ia.ita.doc.gov/frn>. The paper copy and electronic version of the Decision Memorandum are identical in content.

**Change Since the Preliminary Results**

Based on our analysis of comments received, we made a correction to the window period for home market sales. We also made a correction to further manufacturing costs in the United States based upon verification findings. See the Decision Memorandum.

**Final Results of Review**

As a result of our review, we determine that the following weighted-average margin exists for the period of March 1, 2003, through February 29, 2004:

Manufacturer/exporter	Weighted-average margin (percentage)
Companhia Siderúrgica Nacional .....	0.00

**Assessment**

The Department will determine, and U.S. Customs and Border Protection (“CBP”) shall assess, antidumping duties on all appropriate entries, pursuant to section 751(a)(1)(B) of the Act and 19 CFR 351.212(b). The Department calculated importer-specific duty assessment rates on the basis of the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales for that importer. Where the assessment rate is above *de minimis*, we will instruct CBP to assess duties on all entries of subject merchandise produced by CSN. The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of these final results of review.

**Cash Deposits**

The following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of hot-rolled flat-rolled carbon-quality steel products from Brazil entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, as provided by section 751(a) of the Act: (1) For the company covered by this review, the cash deposit rate will be the rate listed above; (2) for merchandise exported by producers or exporters not covered in this review but covered in the investigation, the cash deposit rate will continue to be the company-specific rate from the final determination; (3) if the exporter is not a firm covered in this review or the investigation, but the producer is, the cash deposit rate will be that established for the producer of the merchandise in these final results of review or in the final determination; and (4) if neither the exporter nor the producer is a firm covered in this review or the investigation, the cash deposit rate will be 42.12 percent, the “All Others” rate established in the less-than-fair-value investigation. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402 (f) 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 antidumping duties occurred, and in the subsequent assessment of double antidumping duties. This notice also is the only reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the 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.

We are issuing and publishing these results and notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: October 3, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

#### Appendix—Issues in Decision Memorandum

Comment 1: Date of Sale

Comment 2: General and Administrative Expenses

Comment 3: Treatment of Non-Dumped Sales

Comment 4: Expand Cost Reporting Period to Cover the 90/60 Window Period

Comment 5: Window Period for Home Market Sales

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-851]

#### Certain Preserved Mushrooms from the People's Republic of China: Initiation of New Shipper Review

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

**EFFECTIVE DATE:** October 7, 2005.

**SUMMARY:** The Department of Commerce (the "Department") has determined that a request for a new shipper review of the antidumping duty order on certain preserved mushrooms from the People's Republic of China ("PRC"), received before August 31, 2005, meets the statutory and regulatory requirements for initiation. The period of review ("POR") of this new shipper review is February 1, 2005, through July 31, 2005.

**FOR FURTHER INFORMATION CONTACT:** Paul Walker at (202) 482-0413, AD/CVD Operations, Office 9, Import

Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

#### SUPPLEMENTARY INFORMATION:

##### Background

On February 19, 1999, the Department published in the **Federal Register** an amended final determination and antidumping duty order on certain preserved mushrooms from the PRC. *See Notice of Amendment of Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Preserved Mushrooms from the People's Republic of China*, 64 FR 8308 (February 19, 1999). The notice of opportunity to request an administrative review on certain preserved mushrooms from the PRC was published on February 1, 2005. *See Notice of opportunity to request administrative review of antidumping or countervailing duty order, finding, or suspended investigation*, 70 FR 5136 (February 1, 2005).<sup>1</sup> On August 23, 2005, we received a new shipper review request from an exporter Guangxi Eastwing Trading Co., Ltd. ("Guangxi Eastwing") and its supplier Raoping CXF Foods, Inc. ("Raoping CXF").

Pursuant to section 751(a)(2)(B)(i)(I) of the Tariff act of 1930 (the "Act") and 19 CFR 351.214(b)(2)(i), Guangxi Eastwing certified that it did not export preserved mushrooms to the United States during the period of investigation ("POI"). In addition, pursuant to section 751(a)(2)(B)(i)(I) of the Act and 19 CFR 351.214(b)(2)(ii)(B), Raoping CFX, the producer of the mushrooms exported by Guangxi Eastwing, provided a certification that it did not export the subject merchandise to the United States during the POI. In addition, pursuant to section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A), Guangxi Eastwing certified that, since the initiation of the investigation, it has never been affiliated with any exporter or producer who exported preserved mushrooms to the United States during the POI, including those not individually examined during the investigation. As required by 19 CFR 351.214(b)(2)(iii)(B), Guangxi Eastwing also certified that its export activities were not controlled by the central government of the PRC.

In addition to the certifications described above, Guangxi Eastwing submitted documentation establishing the following: (1) the date on which it

<sup>1</sup>Therefore, a request for a new shipper review based on the semi-annual anniversary month, August, would be due to the Department by the last day in August 2005. *See* 19 CFR 351.214(d)(1).

first shipped preserved mushrooms for export to the United States; (2) the volume of its first shipment; and (3) the date of its first sale to an unaffiliated customer in the United States.

The Department conducted customs database queries to substantiate that Guangxi Eastwing's shipment of subject merchandise had entered the United States for consumption and had been suspended for antidumping duties.

#### Initiation of New Shipper Reviews

Pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214(d)(1), we find that the request submitted by Guangxi Eastwing meets the threshold requirements for initiation of a new shipper review for shipments of preserved mushrooms from the PRC produced by Raoping CXF and exported by Guangxi Eastwing.

The POR is February 1, 2005, through July 31, 2005. *See* 19 CFR 351.214(g)(1)(i)(B). We intend to issue preliminary results of this review no later than 180 days from the date of initiation, and final result of this review no later than 270 days from the date of initiation. *See* section 751(a)(2)(B)(iv) of the Act.

Guangxi Eastwing has certified that it exported, but did not produce, the preserved mushrooms on which it based its request for a new shipper review. Therefore, we will instruct U.S. Customs and Border Protection to allow, at the option of the importer, the posting of a bond or security in lieu of a cash deposit for each entry of preserved mushrooms that were produced by Raoping CXF and exported by Guangxi Eastwing until the completion of the new shipper review, pursuant to section 751(a)(2)(B)(iii) of the Act.

Interested parties that need access to proprietary information in this new shipper review should submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306.

This initiation and notice are published in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 351.221(c)(1)(i).

Dated: September 30, 2005.

**Barbara E. Tillman,**

*Acting Assistant Secretary for Import Administration.*

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