

five-year review of this order not later than January 2011.

This five-year (sunset) review and notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act.

Dated: February 10, 2006.

David Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E6-2280 Filed 2-15-06; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

International Trade Administration

A-821-817

Silicon Metal From the Russian Federation; Notice of Amended Final Determination Pursuant to Court Decision

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

EFFECTIVE DATE: (February 16, 2006

SUMMARY: On November 28, 2005, the United States Court of International Trade (“CIT”) issued an order affirming the Department of Commerce’s (“the Department”) *Second Remand Results*. *See Final Results of Redetermination Pursuant to Court Remand, Globe Metallurgical, Inc. v. United States*, Consol. Ct. No. 03-00202 (October 21, 2005) (available at <http://ia.ita.doc.gov>) (“*Second Remand Results*”); *see also Globe Metallurgical, Inc. v. United States*, Slip Op. 05-150, 2005 Ct. Int'l. Trade LEXIS 160 (CIT November 28, 2005) (affirming the *Second Remand Results* in their entirety) (“*Globe Metallurgical III*”). In the *First Remand Results*, the Department recalculated the antidumping margins for Bratsk Aluminum Smelter and Rusal Trade Limited (collectively, “Bratsk”) and ZAO Kremny and SUAL-Kremny-Ural Ltd. (“SKU”) (collectively, “Kremny”) to value the respondents’ usage of recycled silicon metal sized zero to five millimeters. *See Final Results of Redetermination Pursuant to Court Remand, Globe Metallurgical, Inc. v. United States*, Consol. Ct. No. 03-00202 (January 5, 2005) (available at <http://ia.ita.doc.gov>) (“*First Remand Results*”).

In the *Second Remand Results*, the Department recalculated the adverse facts available (“AFA”) portion of Kremny’s antidumping duty margin using the revised antidumping duty margin for Bratsk calculated in the *First Remand Results*. Because all litigation in this matter has now concluded, the Department is issuing its amended final

determination in accordance with the CIT’s decision.

FOR FURTHER INFORMATION CONTACT:

Carrie Blozy, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-5403.

SUPPLEMENTARY INFORMATION:

Background

On February 11, 2003, the Department published its *Amended Final Determination*, covering the period of investigation (“POI”) from July 1, 2001, through December 31, 2001. *See Notice of Final Determination of Sales at Less Than Fair Value: Silicon Metal From the Russian Federation*, 68 FR 6885 (February 11, 2003) (“*Final Determination*”), as amended by *Notice of Amended Final Determination of Sales at Less Than Fair Value: Silicon Metal From the Russian Federation*, 68 FR 12037 (March 13, 2003) (“*Amended Final Determination*”). Petitioners and Bratsk contested various aspects of the *Amended Final Determination*.

The Court remanded to the Department two aspects of its *Amended Final Determination* for reconsideration: (1) with respect to the Department’s decision not to use Russian values to value the factors of production and other expenses, the Court ordered the Department to either use Russian post-non-market economy (“NME”) values or explain why the market economy Russian values are not the best available information; and (2) with respect to the Department’s treatment of silicon metal fines, the Court granted the Department’s request to explain its exclusion of recycled silicon metal fines from the factor of production cost analysis. *See Globe Metallurgical, Inc. v. United States*, 350 F. Supp. 2d 1148 (CIT September 24, 2004) (“*Globe Metallurgical I*”). Subsequent to the Court’s remand, Bratsk voluntarily dismissed its challenge of the Department’s rejection of Russian post-NME values. Therefore, this issue became moot. In the Department’s *First Remand Results*, the Department recalculated Bratsk’s and Kremny’s margins to value the usage of recycled silicon metal sized zero to five millimeters.

On July 27, 2005, the CIT issued its opinion on the Department’s *First Remand Results*. *See Globe Metallurgical, Inc. v. United States*, Slip Op. 05-90, 2005 Ct. Int'l. Trade LEXIS 98 (CIT July 27, 2005) (“*Globe Metallurgical II*”). The CIT affirmed the Department’s determination to include

recycled silicon metal fines sized zero to five millimeters in each producer’s factors of production cost analysis and affirmed the calculation of Bratsk’s antidumping duty margin. However, the Court further remanded the case back to the Department and ordered the Department to either recalculate the AFA portion of Kremny’s antidumping duty margin using the revised antidumping duty margin for Bratsk calculated in the *Final Remand Results* or explain the use of the Bratsk margin from the *Amended Final Determination*.

The Department recalculated Kremny’s antidumping duty margin using the antidumping duty margin for Bratsk calculated in the *First Remand Results*. On October 21, 2005, the Department signed its *Second Remand Results*. On November 28, 2005, the CIT affirmed the Department’s *Second Remand Results* in its entirety. *See Globe Metallurgical III*. On December 14, 2005, consistent with the decision of the United States Court of Appeals for the Federal Circuit in *Timken Co. v. United States*, 893 F. 2d 337 (Fed. Cir. 1990), the Department notified the public that the CIT’s decision was “not in harmony” with the *Final Determination*. *See Notice of Decision of the Court of International Trade; Silicon Metal from the Russian Federation*, 70 FR 73989 (December 14, 2005) (“*Timken Notice*”). No party has appealed the CIT’s decision. Because there is now a final and conclusive decision in the court proceeding, we are issuing an amended final determination to reflect the results of the second remand determination. The recalculated margins are as follows:

Manufacturer/Exporter	Weighted-average margin (percent)
ZAO Kremny or SKU	61.61
Bratsk	87.08

Cash Deposit Requirements

The Department will direct the United States Customs and Border Protection to require the cash deposit rates listed above for the subject merchandise, effective as of December 14, 2005, the publication date of the *Timken Notice*. Because the Russia-wide rate was not challenged in this case, it has not changed and remains at 79.42 percent. These cash deposit requirements, when imposed, shall remain in effect until publication of the final results of an administrative review of this order.

This notice is issued and published in accordance with sections 735(d) and 777(i) of the Tariff Act of 1930, as amended.

Dated: February 9, 2006.

David M. Spooner,

Assistant Secretary for Import Administration.
[FR Doc. E6-2283 Filed 2-15-06; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

C-351-829

Certain Hot-Rolled Flat-Rolled Carbon-Quality Steel Flat Products from Brazil: Notice of Rescission of Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

SUMMARY: On October 25, 2005, in response to timely requests from United States Steel Corporation (Petitioner) and Companhia Siderurgica Nacional (CSN), the Department of Commerce (the Department) initiated an administrative review of the countervailing duty order on certain hot-rolled flat-rolled carbon-quality steel flat products from Brazil. *See Notice of Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 70 FR 61601 (October 25, 2005) (*Initiation Notice*). This administrative review covered the period January 1, 2004 through December 31, 2004. We are now rescinding this review as a result of Petitioner's withdrawal of its requests for an administrative review for all four of the Brazilian producers and exporters (Companhia Siderurgica de Tubarao (CST), Usinas Siderurgicas de Minas Gerais (USIMINAS), Companhia Siderurgica Paulista (COSIPA), and CSN), and because CSN, the sole Brazilian company that self-requested a review, also withdrew its request for review.

EFFECTIVE DATE: February 16, 2006.

FOR FURTHER INFORMATION CONTACT:

Joshua Reitze or Sean Carey, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, US Department of Commerce, 14th Street and Constitution Avenue, NW, Room 7866, Washington, DC 20230; telephone: (202) 482-0666 and (202) 482-3964, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 6, 1999, the Department entered into a suspension agreement that suspended the countervailing duty investigation involving certain hot-

rolled flat-rolled carbon-quality steel products from Brazil. *See Suspension of Countervailing Duty Investigation: Certain Hot-Rolled Flat-Rolled Carbon-Quality Steel Products From Brazil*, 64 FR 38797 (July 19, 1999). After the signing of the suspension agreement, the underlying investigation was completed pursuant to section 704(g) of the Tariff Act of 1930, as amended (the Act), and the Department determined that countervailable subsidies were being provided to producers and exporters of certain hot-rolled flat-rolled carbon-quality steel from Brazil. *See Final Affirmative Countervailing Duty Determination: Certain Hot-Rolled Flat-Rolled Carbon-Quality Steel Products From Brazil*, 64 FR 38742 (July 19, 1999).

On September 17, 2004, the Department terminated the suspension agreement in accordance with the terms of the agreement. *See Agreement Suspending the Countervailing Duty Investigation on Certain Hot-Rolled Flat-Rolled Carbon Quality Steel from Brazil; Termination of Suspension Agreement and Notice of Countervailing Duty Order*, 69 FR 56040 (September 17, 2004). The countervailing duty order was re-instituted effective September 26, 2004. *Id.*

On September 1, 2005, the Department published a notice of "Opportunity to Request Administrative Review" of the countervailing duty order for the period of January 1, 2004, through December 31, 2004. *See Notice of Opportunity to Request Administrative Review of Antidumping or Countervailing Duty Order, Finding or Suspended Investigation*, 70 FR 52072 (September 1, 2005). On September 30, 2005, Petitioner requested a review of the following companies: CST, USIMINAS, COSIPA and CSN. In addition, on September 30, 2005, CSN requested an administrative review. In response to these requests, on October 25, 2005, the Department initiated a countervailing duty administrative review on certain hot-rolled carbon steel flat products from Brazil. *See Initiation Notice*.

On December 21, 2005, USIMINAS and COSIPA requested, pursuant to section 351.213(d)(3) of the Department's regulations, a rescission of the administrative review because they had no entries or sales of subject merchandise to the United States during the period of review. On December 23, 2005, pursuant to section 351.213(d)(1) of the Department's regulations, Petitioner withdrew its request for an administrative review with respect to

CST, USIMINAS, and COSIPA. On January 23, 2006, Petitioner and CSN jointly withdrew their requests for an administrative review with respect to CSN. No other party requested an administrative review of these companies.

Rescission of the Administrative Review

Pursuant to section 351.213(d)(1) of the Department's regulations, the Secretary will rescind an administrative review, in whole or in part, if a party that requested the review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review. The initiation notice for this review was published on October 25, 2005. We received Petitioner's withdrawal requests on December 23, 2005, and January 23, 2006, both within 90 days after publication of the initiation notice. Since Petitioner withdrew its request for review of all four producers and exporters (CST, USIMINAS, COSIPA, and CSN) in a timely manner, and since CSN, the only producer/exporter that requested a review, also withdrew its request, we are rescinding this administrative review. The Department will issue appropriate assessment instructions to U.S. Customs and Border Protection within 15 days of publication of this notice.

Administrative Protective Orders

This notice serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with section 351.305(a)(3) of the Department's regulation. 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 terms of an APO is a sanctionable violation.

This notice is issued and published in accordance with section 777(i) of the Act and section 351.213(d)(4) of the Department's regulations.

Dated: February 10, 2006.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E6-2284 Filed 2-15-06; 8:45 am]

BILLING CODE 3510-DS-S