

related to Tatos by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business, and that it is necessary to add this entity to the Denial Order imposed against Tatos in order to avoid evasion of that Order.

BIS notified the Related Person of its plans to take this action on December 15, 2005. Specifically, BIS provided notice to three individuals who were believed to be associated with the Related Person. In response, Tatos submitted comments on behalf of the Related Person stating that he was related to it by reason of being its business and company director. Tatos further stated that he did not believe it was appropriate to make the Denial Order imposed against him applicable to the Related Person. BIS also received comments from a second individual, who also stated that the Related Person is operated by Tatos.

It is my belief that Tatos' past actions of violating the Denial Order imposed against Suburban Guns (Pty) Ltd. and his justification for committing those violations indicate that he is prepared to take steps to both violate and evade orders issued against him by BIS. Accordingly, I find that it is necessary to make the Order imposed against Tatos applicable to the Related Person to prevent the evasion of that Order.

*It is now therefore ordered,*

*First*, that having been provided notice and opportunity for comment as provided in Section 766.23 of the Export Administration Regulations (the "Regulations"), the following party ("Related Person") has been determined to be related to Phaedon Nicholas Criton Constan-Tatos (a.k.a. Fred Tatos), Suburban Guns (Pty) Ltd., 119 Main Road, P.O. Box 30, Plumstead 7800, Cape Town, South Africa ("Tatos") by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services, and it has been deemed necessary to make the Order denying the export privileges of Tatos applicable to this Related Person in order to prevent evasion of the Order: Assegai Trading (Pty) Ltd., Four Loop Street, P.O. Box 4782, Cape Town 8001, South Africa.

*Second*, that the denial of export privileges described in the Order against Tatos, which was published in the **Federal Register** on November 15, 2005 at 70 FR 69,311, shall be made applicable to the Related Person until its expiration on November 15, 2010, as follows:

I. The Related Person, its successors or assigns, and when acting for or on behalf of the Related Person, its officers, representatives, agents, or employees

(collectively, "Denied Person") may not participate, directly or indirectly, in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as "item") exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefiting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

II. No person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United

States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

*Third*, that in accordance with the provisions of Section 766.23(c) of the Regulations, the Related Person may, at any time, make an appeal related to this Order by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202-4022.

*Fourth*, that this Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

*Fifth*, that this Order shall be published in the **Federal Register** and a copy provided to the Related Person.

This Order is effective upon publication in the **Federal Register**.

Entered this 17th day of March, 2006.

**Darryl W. Jackson,**

*Assistant Secretary of Commerce for Export Enforcement.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-552-802]

#### Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Initiation of New Shipper Review

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

**EFFECTIVE DATE:** March 24, 2006.

**SUMMARY:** The Department of Commerce (the "Department") has determined that a request for a new shipper review of the antidumping duty order on certain frozen warmwater shrimp from the Socialist Republic of Vietnam ("Vietnam"), received before February 28, 2006, meets the statutory and regulatory requirements for initiation. The period of review ("POR") of this new shipper review is July 16, 2004, through January 31, 2006.

**FOR FURTHER INFORMATION CONTACT:** Nicole Bankhead, 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) 482-9068.

**SUPPLEMENTARY INFORMATION:**

## Background

The notice announcing the antidumping duty order on certain frozen warmwater shrimp from Vietnam was published in the **Federal Register** on February 1, 2005. *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam*, 70 FR 05152 (February 1, 2005) (“*Vietnam Shrimp Order*”).<sup>1</sup> On January 31, 2006, pursuant to 19 CFR 351.214(c), the Department received a new shipper review request from Grobest & I-Mei Industrial (Vietnam) Co., Ltd. (“Grobest”). On February 24, 2006, the Department requested that Grobest correct certain filing deficiencies. *See* the Department’s letter dated February 24, 2006. On February 28, 2006, Grobest resubmitted its new shipper request. Grobest certified that it is both the producer and exporter of the subject merchandise upon which the request for a new shipper review is based.

Pursuant to section 751(a)(2)(B)(i)(I) of the Tariff Act of 1930 as amended (“the Act”), and 19 CFR 351.214(b)(2)(i), Grobest certified that it did not export frozen warmwater shrimp to the United States during the period of investigation (“POI”). In addition, pursuant to section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A), Grobest certified that, since the initiation of the investigation, it has never been affiliated with any Vietnamese exporter or producer who exported frozen warmwater shrimp 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), Grobest also certified that its export activities were not controlled by the central government of Vietnam.

In addition to the certifications described above, pursuant to 19 CFR 351.214(b)(2)(iv), Grobest submitted documentation establishing the following: (1) the date on which Grobest first shipped frozen warmwater shrimp for export to the United States and the date on which the frozen warmwater shrimp was first entered, or withdrawn from warehouse, for consumption; (2) the volume of its first shipment;<sup>2</sup> and (3)

the date of its first sale to an unaffiliated customer in the United States.

The Department conducted customs database queries to confirm that Grobest’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), the Department finds that Grobest’s request meets the threshold requirements for initiation of a new shipper review for the shipment of frozen warmwater shrimp from Vietnam it produced and exported. *See Memo to the File from Nicole Bankhead, Case Analyst, through James C. Doyle, Office Director, Office 9: New Shipper Review Initiation Checklist*, dated March 17, 2006.

The POR for this new shipper review is July 16, 2004, through January 31, 2006. *See* 19 CFR 351.214(g)(1)(ii)(A). The Department intends to issue the preliminary results of this review no later than 180 days from the date of initiation, and final results of this review no later than 270 days from the date of initiation. *See* section 751(a)(2)(B)(iv) of the Act.

Because Grobest has certified that it produced and exported the frozen warmwater shrimp upon which it based its request for a new shipper review, the Department 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 frozen warmwater shrimp that was both produced and exported by Grobest until the completion of the new shipper review, pursuant to section 751(a)(2)(B)(iii) of the Act.

Interested parties requiring 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: March 17, 2006.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-489-807]

### Certain Steel Concrete Reinforcing Bars from Turkey: Notice of Court Decision Not In Harmony with Final Results of Administrative Review

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

**SUMMARY:** On March 13, 2006, the United States Court of International Trade (the Court) sustained the final remand redetermination made by the Department of Commerce (the Department) pursuant to the Court’s remand of the final results of the 2002–2003 administrative review of certain steel concrete reinforcing bars from Turkey. *See Colakoglu Metalurji A.S. v. United States*, Court No. 04–00621, Slip Op. 06–36 (CIT Mar.13, 2006) (*Colakoglu Remand*). This case arises out of the Department’s *Certain Steel Concrete Reinforcing Bars From Turkey: Final Results, Rescission of Antidumping Duty Administrative Review in Part, and Determination Not To Revoke in Part*, 69 FR 64731 (Nov. 8, 2004) (*Final Results*). The final judgment in this case was not in harmony with the Department’s November 2004 *Final Results*.

**EFFECTIVE DATE:** March 24, 2006.

**FOR FURTHER INFORMATION CONTACT:** Irina Itkin or Alice Gibbons, AD/CVD Operations, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC, 20230; telephone (202) 482-0656 or (202) 482-0498, respectively.

**SUPPLEMENTARY INFORMATION:** In *Colakoglu Metalurji A.S. v. United States*, 394 F. Supp. 2d 1379 (CIT 2005), the Court remanded the Department’s determination in the final results for further review based on the Department’s request to reconsider what constitutes the appropriate U.S. date of sale for Colakoglu Metalurji A.S. and Colakoglu Dis Ticaret (collectively “Colakoglu”), a Turkish exporter/producer of subject merchandise.

On November 18, 2005, the Department issued the draft results of redetermination pursuant to remand (draft results) for comment by interested parties. In the draft results, the Department explained that upon reconsideration of the date-of-sale methodology used for Colakoglu, it found that the material terms of sale for Colakoglu’s U.S. sales were established

<sup>1</sup> Therefore, a request for a new shipper review based on the anniversary month, February, was due to the Department by the final day of February 2006. *See* 19 CFR 351.214(d)(1).

<sup>2</sup> Grobest made no subsequent shipments to the United States, which the Department corroborated using data from U.S. Customs and Border Protection.