

("Regulations"),¹ issued under the Export Administration Act of 1979, as amended (50 U.S.C. app. 2401–2420 (2000)) ("Act").² In accordance with § 766.7 of Regulations, BIS moved for the issuance of an Order of Default against S.P. Equipamentos as S.P. Equipamentos failed to file an answer to the allegations in the Charging Letter issued by BIS within the time period required by law.

A. Legal Authority for Issuing an Order of Default

Section 776.7 of the Regulations states that BIS may file a motion for an order of default if a respondent fails to file a timely answer to a charging letter. That section, entitled Default, provides in pertinent part:

Failure of the respondent to file an answer within the time provided constitutes a waiver of the respondent's right to appear and contest the allegations in the charging letter. In such event, the administrative law judge, on BIS's motion and without further notice to the respondent, shall find the facts to be as alleged in the charging letter and render an initial or recommended decision containing findings of fact and appropriate conclusions of law and issue or recommend an order imposing appropriate sanctions.

15 CFR 766.7 (2005).

Pursuant to § 766.6 of the Regulations, a respondent must file an answer to the charging letter "within 30 days after being served with notice of the issuance of the charging letter * * *" initiating the proceeding.

B. Service of the Notice of Issuance of Charging Letter

In this case, BIS served notice of issuance of the Charging Letter in accordance with § 766.3(b)(1) of the Regulations when it sent a copy of the Charging Letter by registered mail to S.P. Equipamentos at its last known address on September 13, 2004. BIS submitted evidence that established the Charging letter was received by S.P. Equipamentos on or about September 24, 2004. Counsel for S.P. Equipamentos filed a Notice of Appearance in this matter on February 7, 2005. To date, however, S.P. Equipamentos has failed to file an answer or otherwise file a

response to the Charging Letter. Accordingly, because S.P. Equipamentos failed to file an answer to the Charging Letter within thirty (30) days from the time it received notice of issuance of the Charging Letter, as required by § 766.6 of the Regulations, the undersigned finds S.P. Equipamentos to be in default.

C. Summary of Violations Charged

The Charging Letter issued by BIS included a total of two (2) charges. Specifically, the Charging letter alleged that on one occasion, on or about February 25, 2002, S.P. Equipamentos engaged in conduct prohibited by the Regulations by transferring one thermal imaging camera classified under Export Control Classification Number ("ECCN") 6A003.b.4 to State Secretariat of Civil Defense (Military Police of the State of Rio de Janeiro) in violation of condition 4 of license D274828, which forbade the resale, reexport, or transfer of the thermal imaging camera to any party other than that listed on the license without the prior approval of the United States Government. In transferring the thermal imaging camera to a non-approved end-user without prior U.S. Government authorization, S.P. Equipamentos committed one violation of § 764.2(a) of the Regulations. (Charge 1).

The Charging Letter further alleged that S.P. Equipamentos sold one thermal imaging camera classified under ECCN 6A003.b.4 to the State Secretariat of Civil Defense (Military Police of the State of Rio de Janeiro) with the knowledge that doing so was a violation of condition 4 license D274828, which forbade the resale, reexport, or transfer of the thermal imaging camera to any party other than that listed on the license without the prior approval of the United States Government. In transferring the thermal imaging camera with such knowledge, S.P. Equipamentos committed one violation of § 764.2(e) of the Regulations.

D. Penalty Recommendation

[REDACTED SECTION]

E. Conclusion

Accordingly, I am referring this Recommended Decision and Order to the Under Secretary of Commerce for Industry and Security for review and final action for the agency, without further notice to the Respondent, as provided in § 766.7 of the Regulations. Within thirty (30) days after receipt of this Recommended Decision and Order, the Under Secretary shall issue a written order affirming, modifying, or vacating

the Recommended Decision and Order. See 15 CFR 766.22(c).

Dated: January 31, 2007.

The Honorable Joseph N. Ingolia,
Chief Administrative Law Judge.

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing RECOMMENDED DECISION AND ORDER by First Class Mail, Postage Prepaid to the following person:

Peter R. Klason, Esq., Office of Chief Counsel for Industry and Security, U.S. Department of Commerce, Room H-3839, 14th Street and Constitution Avenue, NW., Washington, DC 20230, Telephone: (202) 482-5301, Facsimile: (202) 482-0085.

Jenny L. Collins,
Hearing Docket Clerk.

Done and dated this 2nd day of February, 2007, Baltimore, Maryland.

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DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

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

FOR FURTHER INFORMATION CONTACT: Sheila E. Forbes, Office of AD/CVD Operations, Customs Unit, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482-4697.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (the Act), may request, in accordance with section 351.213(2004) of the Department of Commerce (the Department) Regulations, that the Department conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

¹ The charged violations occurred during 2002. The Regulations governing the violations at issue are found in the 2002 version of the Code of Federal Regulations (15 CFR Parts 730-774 (2002)). The 2006 Regulations establish the procedures that apply to this matter.

² Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13,222 of August 17, 2001, 3 CFR, 2001 Comp. 783 (2002), as extended by the Notice of August 3, 2006 (71 FR 44,551 (August 7, 2006)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701-1706 (2000)).

Opportunity to Request a Review: Not later than the last day of March 2007¹, interested parties may request

administrative review of the following orders, findings, or suspended

investigations, with anniversary dates in March for the following periods:

	Period
Antidumping Duty Proceeding	
Brazil:	
Certain Hot-Rolled Carbon Steel Flat Products, A-351-828	3/1/06-2/28/07
Orange Juice, A-351-840	8/24/05-2/28/07
Canada:	
Iron Construction Castings, A-122-503	3/1/06-2/28/07
Ecuador:	
Frozen Warmwater Shrimp, ² A-331-802	2/1/06-1/31/07
France:	
Brass Sheet & Strip, A-427-602	3/1/06-2/28/07
Stainless Steel Bar, A-427-820	3/1/06-2/28/07
Germany:	
Brass Sheet & Strip, A-428-602	3/1/06-2/28/07
Stainless Steel Bar, A-428-830	3/1/06-2/28/07
India:	
Sulfanilic Acid, A-533-806	3/1/06-2/28/07
Italy:	
Brass Sheet & Strip, A-475-601	3/1/06-2/28/07
Stainless Steel Bar, A-475-829	3/1/06-2/28/07
Japan:	
Stainless Steel Butt-Weld Pipe Fittings, A-588-702	3/1/06-2/28/07
Republic of Korea:	
Stainless Steel Bar, A-580-847	3/1/06-2/28/07
Russia:	
Silicon Metal, A-821-817	3/1/06-2/28/07
Spain:	
Stainless Steel Bar, A-469-805	3/1/06-2/28/07
Taiwan:	
Light-Walled Welded Rectangular Carbon Steel Tubing, A-583-803	3/1/06-2/28/07
Thailand:	
Circular Welded Carbon Steel Pipes & Tubes, A-549-502	3/1/06-2/28/07
The People's Republic of China:	
Chloropicrin, A-570-002	3/1/06-2/28/07
Glycine, A-570-836	3/1/06-2/28/07
Tissue Paper Products, A-570-894	3/1/06-2/28/07
United Kingdom:	
Stainless Steel Bar, A-412-822	3/1/06-2/28/07
Countervailing Duty Proceeding	
India:	
Sulfanilic Acid, C-533-807	1/1/06-12/31/06
Iran:	
In-Shell Pistachios Nuts, C-507-501	1/1/06-12/31/06
Italy:	
Stainless Steel Bar, C-475-830	1/1/06-12/31/06
Turkey: Welded Carbon Steel Pipes and Tubes, C-489-502	1/1/06-12/31/06

Suspension Agreements

None.

In accordance with section 351.213(b) of the regulations, an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension

agreement for which it is requesting a review, and the requesting party must state why it desires the Secretary to review those particular producers or exporters³. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which were produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state

specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Please note that, for any party the Department was unable to locate in prior segments, the Department will not accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the

¹ Or the next business day, if the deadline falls on a weekend, Federal holiday or any other day when the Department is closed.

² In the opportunity notice that published on February 2, 2007 (72 FR 5007), the review period for the above referenced case was incorrect. The

period listed above is the correct period of review for this case.

³ If the review request involves a non-market economy and the parties subject to the review request do not qualify for separate rates, all other exporters of subject merchandise from the non-

market economy country who do not have a separate rate will be covered by the review as part of the single entity of which the named firms are a part.

interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for the Secretary to determine if the interested party's attempts were reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003), the Department has clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders. See also the Import Administration Web site at <http://ia.ita.doc.gov>.

Six copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room 1870, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230. The Department also asks parties to serve a copy of their requests to the Office of Antidumping/Countervailing Operations, Attention: Sheila Forbes, in room 3065 of the main Commerce Building. Further, in accordance with section 351.303(f)(1)(i) of the regulations, a copy of each

request must be served on every party on the Department's service list.

The Department will publish in the **Federal Register** a notice of "Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation" for requests received by the last day of March 2007. If the Department does not receive, by the last day of March 2007, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct the U.S. Customs and Border Protection to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute but is published as a service to the international trading community.

Dated: February 22, 2007.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Reviews

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

ACTION: Notice of Upcoming Sunset Reviews

Background

Every five years, pursuant to section 751(c) of the Tariff Act of 1930, as amended, the Department of Commerce ("the Department") and the International Trade Commission automatically initiate and conduct a review to determine whether revocation of a countervailing or antidumping duty order or termination of an investigation suspended under section 704 or 734 would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

Upcoming Sunset Reviews for April 2007

The following Sunset Review is scheduled for initiation in April 2007 and will appear in that month's Notice of Initiation of Five-year Sunset Reviews.

Antidumping Duty Proceedings	Department Contact
Silicomanganese from India (A-533-823)	Dana Mermelstein (202) 482-1391
Silicomanganese from Kazakhstan (A-834-807)	Dana Mermelstein (202) 482-1391
Silicomanganese from Venezuela (A-307-820)	Dana Mermelstein (202) 482-1391

Countervailing Duty Proceedings

No countervailing duty orders are scheduled for initiation in April 2007

Suspended Investigations

No suspended investigations are scheduled for initiation in April 2007.

The Department's procedures for the conduct of Sunset Reviews are set forth in 19 CFR 351.218. Guidance on 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"). The Notice of Initiation of Five-year ("Sunset") Reviews provides further information regarding what is required of all parties to participate in Sunset Reviews.

Pursuant to 19 CFR 351.103(c), the Department will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact the Department in writing within 15 days of the publication of the Notice of Initiation.

Please note that if the Department receives a Notice of Intent to Participate from a member of the domestic industry within 15 days of the date of initiation,

the review will continue. Thereafter, any interested party wishing to participate in the Sunset Review must provide substantive comments in response to the notice of initiation no later than 30 days after the date of initiation.

This notice is not required by statute but is published as a service to the international trading community.

Dated: February 22, 2007.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

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