

7219.90.00.20, 7219.90.00.25, 7219.90.00.60, 7219.90.00.80, 7220.11.00.00, 7220.20.10.10, 7220.20.10.15, 7220.20.10.60, 7220.20.10.80, 7220.20.60.05, 7220.20.60.10, 7220.20.60.15, 7220.20.60.60, 7220.20.60.80, 7220.90.00.10, 7220.90.00.15, 7220.90.00.60, and 7220.90.00.80. Although the HTS subheadings are provided for convenience and CBP purposes, the written description of the merchandise subject to these orders is dispositive.

#### Period of Review

The POR is May 1, 2002 through April 30, 2003.

#### Analysis of Comments Received

All issues raised in the case brief and rebuttal brief by parties to this administrative review are addressed in the "Issues and Decision Memorandum" ("Decision Memorandum") from Joseph A. Spetrini, Deputy Assistant Secretary, Import Administration, Group III, to James J. Jochum, Assistant Secretary for Import Administration, dated April 13, 2004, which is hereby adopted by this notice. Petitioners argue that the Department should, at minimum, obtain section A questionnaire responses from respondents which would inform the Department of their affiliated parties, definition of subject merchandise and otherwise create a substantiated record. We have determined to rescind this administrative review because the Department's interpretation of its statute and regulations, as affirmed by the Court of Appeals for the Federal Circuit, does not support conducting an administrative review when the evidence on the record indicates that respondents had no entries of subject merchandise during the POR. Pursuant to 19 CFR 351.213(d)(3), the Department may rescind an administrative review, in whole or with respect to a particular exporter or producer, if the Secretary concludes that, during the period covered by the review, there were no entries, exports, or sales of the subject merchandise. Furthermore, to the extent that petitioners believe affiliated parties should be reviewed, section 19 CFR 351.213(b)(1) specifically states that requests for administrative reviews from the domestic parties must specify the name of the individual exporter or producer covered by an antidumping duty order. As the Court of Appeals for the Federal Circuit affirmed in *Floral Trade Council v. United States*, 888 F.2d 1366, 1369 (Fed. Cir. 1989), petitioners have the minimum burden of naming and selecting the proper party to be reviewed. Petitioners did not request

a review of these specific, named "affiliates" in this case.

A complete list of the issues which petitioners have raised and to which we have responded, are in the *Decision Memorandum* which 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 on the Web at <http://ia.ita.doc.gov/frn/summary/list.htm>. The paper copy and electronic version of the *Decision Memorandum* are identical in content.

#### Final Rescission of Review

Pursuant to 19 CFR 351.213(d)(3), the Department may rescind an administrative review, in whole or only with respect to a particular exporter or producer, if the Secretary concludes that, during the period covered by the review, there were no entries, exports, or sales of the subject merchandise, as the case may be. In this case the Department is satisfied, after a review of information on the record, that there were no entries of stainless steel plate in coils produced and exported from Ta Chen or YUSCO during the POR. Therefore, we are rescinding this review with respect to Ta Chen and YUSCO in accordance with 19 CFR 351.213(d)(3). The cash deposit rate for YUSCO will remain at 8.02 percent, for Ta Chen the cash deposit rate will remain at 10.20 percent, and for "all other" producers/exporters of the subject merchandise the cash deposit rate will remain at 7.39 percent, the rates established in the most recently completed segment of this proceeding. See *Notice of Final Results and Rescission in Part of Antidumping Duty Administrative Review: Stainless Steel Plate in Coils From Taiwan*, 67 FR 40914 (June 14, 2002). These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

#### Changes Since the Preliminary Rescission

We have made no changes since the *Preliminary Rescission* of this review.

#### Notification of Interested Parties

This notice 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 return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. 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 terms of an APO is a violation which is subject to sanction.

This issuing and publishing this determination in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

Dated: April 13, 2004.

Jeffrey A. May,

Acting Assistant Secretary for Import Administration.

#### Appendix I—List of Issues for Discussion

##### A. Issues with Respect to Ta Chen and YUSCO

Comment 1: Section A Questionnaire from Ta Chen and YUSCO

Comment 2: Review of the Affiliated Parties

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-549-818]

#### Certain Hot-Rolled Carbon Steel Flat Products from Thailand; Notice of Rescission of Countervailing Duty Administrative Review

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

**SUMMARY:** In accordance with 19 CFR 351.213(b)(1), petitioner, United States Steel Corporation, submitted a timely request for an administrative review of the countervailing duty order on hot-rolled carbon steel flat products from Thailand for Sahaviriya Steel Industries Public Company Limited (SSI). We initiated this review on January 22, 2004. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in*

Part, 69 FR 3117 (January 22, 2004) (Initiation Notice). We are now rescinding this administrative review because petitioner has withdrawn its request for review in accordance with 19 CFR § 351.213(d)(1).

**FOR FURTHER INFORMATION CONTACT:**

Sean Carey, AD/CVD Enforcement, Group III, Office 7, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-3964.

**SUPPLEMENTARY INFORMATION:**

**Background**

On December 3, 2001, the Department of Commerce (the Department) published a countervailing duty order on certain hot-rolled carbon steel flat products (hot-rolled steel) from Thailand. *See Notice of Countervailing Duty Orders: Certain Hot-Rolled Carbon Steel Flat Products from Thailand*, 66 FR 60197 (December 3, 2001). On December 31, 2003, petitioner, United States Steel Corporation, requested an administrative review of the countervailing duty order for hot-rolled steel from Thailand, produced/exported by SSI during the period January 1, 2002 through December 31, 2002. In accordance with 19 CFR 351.221(c)(1)(i), we published a notice of initiation of the review on January 22, 2004. *See Initiation Notice*. On February 27, 2004, petitioner withdrew its request for review.

**Rescission of Countervailing Duty Administrative Review**

The Department's regulations at 19 CFR 351.213(d)(1) provide that the Department will rescind an administrative review if a party that requested a review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. Petitioner, United States Steel Corporation, withdrew its request for an administrative review on February 27, 2004, which is within the 90-day deadline. No other party requested a review of the order. Therefore, the Department is rescinding this administrative review for the period January 1, 2002 through December 31, 2002.

The Department will issue appropriate assessment instructions directly to U.S. Customs and Border Protection (CBP) within 15 days of publication of this notice. The Department will direct CBP to assess countervailing duties for all entries of subject merchandise, including those produced or exported by SSI, at the cash deposit rate in effect on the date of entry

during the period January 1, 2002 through December 31, 2002.

This determination and notice are issued and published in accordance with 19 CFR 351.213(d)(4) and sections 751(a)(1) and 777(i)(1) of the Act.

Dated: April 8, 2004.

**James J. Jochum,**

*Assistant Secretary for Import Administration.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[I.D. 032504B]

**Taking and Importing of Marine Mammals**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of affirmative finding.

**SUMMARY:** The Assistant Administrator for Fisheries, NMFS, (Assistant Administrator) renewed the affirmative finding for the Republic of El Salvador under the Marine Mammal Protection Act (MMPA). This affirmative finding will allow yellowfin tuna harvested in the eastern tropical Pacific Ocean (ETP) in compliance with the International Dolphin Conservation Program (IDCP) by El Salvadorian-flag purse seine vessels or purse seine vessels operating under El Salvador's jurisdiction to continue to be imported into the United States. The affirmative finding was based on review of documentary evidence submitted by the Republic of El Salvador and obtained from the Inter-American Tropical Tuna Commission (IATTC) and the Department of State.

**DATES:** Effective April 8, 2004, through March 31, 2005.

**FOR FURTHER INFORMATION CONTACT:** Regional Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, California, 90802-4213; Phone 562-980-4000; Fax 562-980-4018.

**SUPPLEMENTARY INFORMATION:** The MMPA, 16 U.S.C. 1361 *et seq.*, as amended by the International Dolphin Conservation Program Act (IDCPA) (Public Law 105-42), allows the entry into the United States of yellowfin tuna harvested by purse seine vessels in the ETP under certain conditions. If requested by the harvesting nation, the Assistant Administrator will determine whether to make an affirmative finding

based upon documentary evidence provided by the government of the harvesting nation, the IATTC, or the Department of State. A finding will remain valid for 1 year (April 1 through March 31) or for such other period as the Assistant Administrator may determine. An affirmative finding applies to tuna and tuna products that were harvested in the ETP by purse seine vessels of the nation, and applies to any tuna harvested in the ETP purse seine fishery after March 3, 1999, the effective date of the IDCPA.

The affirmative finding process requires that the harvesting nation meet several conditions related to compliance with the IDCP. A nation may opt to provide information regarding compliance with the IDCP directly to NMFS on an annual basis or authorize the IATTC to release the information to NMFS in years when NMFS will conduct an annual review of the affirmative finding.

An affirmative finding will be terminated, in consultation with the Secretary of State, if the Assistant Administrator determines that the requirements of 50 CFR 216.24(f) are no longer being met or that a nation is consistently failing to take enforcement actions on violations which diminish the effectiveness of the IDCP. Every 5 years, the government of the harvesting nation, must request an affirmative finding and submit the required documentary evidence directly to the Assistant Administrator.

As a part of the affirmative finding process set forth in 50 CFR 216.24(f), the Assistant Administrator considered documentary evidence submitted by the Republic of El Salvador and obtained from the IATTC and the Department of State and determined that the requirements under the MMPA to receive an affirmative finding have been met.

After consultation with the Department of State, NMFS renewed the Republic of El Salvador's affirmative finding allowing the importation into the United States of yellowfin tuna and products derived from yellowfin tuna harvested in the ETP, by El Salvadorian-flag purse seine vessels or vessels under El Salvadorian jurisdiction.

In subsequent years, the Assistant Administrator will determine on an annual basis whether the Republic of El Salvador is meeting the requirements under section 101(a)(2)(B) and (C) of the MMPA. If necessary, documentary evidence may also be requested from the Republic of El Salvador to determine whether the affirmative finding criteria are being met. If the affirmative finding for the Republic of El Salvador is