

the statutory and regulatory requirements for initiation. The period of review ("POR") of this new shipper review is July 16, 2004, 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**

The notice announcing the antidumping duty order on certain frozen warmwater shrimp from the PRC was published on February 1, 2005. *See PRC Shrimp Order*. On August 26, 2005, we received a new shipper review request from Zhanjiang Regal Integrated Marine resources Co., Ltd. ("Regal"). On September 16, 2005, we requested that Regal correct certain filing deficiencies. *See* the Department's letter dated September 16, 2005. On September 20, 2005, Regal resubmitted their new shipper request. Regal certified that they are 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 ("the Act") and 19 CFR 351.214(b)(2)(i), Regal 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), Regal certified that, since the initiation of the investigation, it has never been affiliated with any 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), Regal also certified that their export activities were not controlled by the central government of the PRC.

In addition to the certifications described above, Regal submitted documentation establishing the following: (1) The date on which they 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shrimp for export to the United States and the date on which the frozen warmwater shrimp was first entered, or withdrawn from warehouse, for consumption; (2) the volume of their first shipment,<sup>2</sup> and (3) the date of their first sale to an

unaffiliated customer in the United States.

The Department conducted customs database queries to confirm the Regal'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 requested submitted by Regal meets the threshold requirements for initiation of a new shipper review for shipments of frozen warmwater shrimp from the PRC produced and exported by Regal.

The POR is July 16, 2004, through July 21, 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 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 Regal has certified that they produced and exported the frozen warmwater shrimp on which they based their request for a new shipper review, 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 cash deposit from each entry of frozen warmwater shrimp that was both produced and exported by Regal until the completion of a 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 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 Assistance Secretary for Import Administration.*

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**[A-351-828]**

**Certain Hot-Rolled Carbon Steel Flat Products From Brazil: Notice of Intent To Rescind Administrative Review**

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

**SUMMARY:** On April 22, 2005, the Department of Commerce published a notice of initiation of an administrative review of the antidumping duty order on certain hot-rolled carbon steel flat products from Brazil for the period March 1, 2004, through February 28, 2005. The Department intends to rescind this review after determining that one of the parties subject to this review did not have entries during the period of review (POR) upon which to assess antidumping duties, and that the other party had no entries in addition to those that are already being examined in an ongoing new shipper 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 and Constitution Avenue, NW., Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:** On March 1, 2005, the Department published a notice of opportunity to request an administrative review of the antidumping duty order on certain hot-rolled carbon steel flat products from Brazil for the period March 1, 2004, through February 28, 2005. *See Notice of Opportunity to Request Administrative Review of Antidumping Duty Order, Finding or Suspended Investigation*, 70 FR 9918 (March 1, 2005). On March 31, 2005, United States Steel Corporation (USSC) and Nucor Corporation (Nucor), domestic producers of the subject merchandise, made timely requests that the Department conduct an administrative review of Companhia Siderurgica Nacional (CSN) and Companhia Siderurgica de Tubarao (CST). On April 22, 2005, in accordance with section 751(a) of the Tariff Act of 1930 as amended (the Act), the Department published in the **Federal Register** a notice of initiation of this antidumping duty administrative review. *See Notice of Initiation of Antidumping Duty and Countervailing Duty Administrative Reviews*, 70 FR 20862 (April 22, 2005).

<sup>2</sup> Regal made no subsequent shipments to the United States, which the Department confirmed with U.S. Customs and Border Protection.

On April 28, 2005, the Department issued its antidumping duty questionnaire to CSN and CST. Both CSN and CST requested rescission of this administrative review.

### 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 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	0.21

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	S	Si	Cr	Cu	Ni	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	A1
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 Harmonized Tariff Schedule of the United States (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.

#### Intent To Rescind Administrative Review

On May 3, 2005, CSN submitted a letter to the Department indicating that it did not have any shipments or entries of subject merchandise during the POR. On May 10, 2005, CST submitted a letter to the Department certifying that the only shipments or entries of subject merchandise it had during the POR are currently being reviewed by the Department as part of a new shipper review of CST for the period March 1, 2004, through August 31, 2004. The Department conducted an internal customs data query to confirm that CSN had no entries of subject merchandise into the United States during the POR, and that CST had no entries of subject merchandise other than those already being reviewed as part of the current new shipper review. The customs data showed no entries of subject merchandise by CSN during the POR, and no additional entries by CST that should be reviewed.

On May 12, 2005, the Department asked the interested domestic parties to submit comments by May 19, 2005, on the requests for rescission. On May 19, 2005, Nucor filed comments objecting to the rescission of the administrative review for CSN, arguing that CSN had sales during this POR that are currently being examined as part of the first administrative review period. Nucor argued that those sales should be reviewed in the current period and that the Department should not limit its decision-making authority by rescinding the current review. Nucor also argued that CST did not certify that it had no sales during the current POR, and that although CST's sales are being reviewed under another proceeding, since CST was the only party that requested that review, it could withdraw its new shipper request subsequent to a

rescission of the 2004–2005 proceeding. Should this occur, Nucor claimed it would be prejudiced by a lack of review of sales in either proceeding. Nucor also stated that it is developing evidence that CST was affiliated with other producers by ownership and control mechanisms through Companhia Vale do Rio Doce (“CVRD”) at the time of the investigation, and that Nucor will seek to have the new shipper review rescinded on this basis. Nucor concluded that it would be inappropriate and premature to rescind the 2004–2005 review. Nucor has not thus far submitted any evidence of this affiliation claim to the Department.

On May 26, 2005, Nucor filed additional comments arguing that the Department should rescind the 2003–2004 review of CSN's sales and instead review them under the 2004–2005 proceeding. On June 3, 2005, CSN responded to Nucor's letter, noting that Nucor incorrectly identified the issue as to which review period the Department should assign CSN's U.S. sale, and pointing out that the purpose of administrative reviews is to determine the dumping duties to be assessed on entries of subject merchandise made during the POR, citing section 751(a)(2)(C) and the Department's consistent practice of rescinding all administrative reviews where no entries were made during the review period. CSN cited *Stainless Steel Sheet and Strip in Coils from Taiwan: Notice of Final Results of Administrative Review*, 67 FR 6682 (Feb. 13, 2002), and accompanying Issues and Decision Memorandum at Comment 30, in which the Department stated that its interpretation of the 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. CSN also cited *Stainless Steel Bar from Italy: Preliminary Results and Partial Rescission of Administrative Review*, 70 FR 17656 (April 7, 2005) (“*Stainless Steel Bar from Italy: Preliminary Results*”); *Cut-to-Length Carbon Steel Plate from Romania: Final Results and Partial Rescission of Administrative Review*, 70 FR 12651 (March 15, 2005); *Petroleum Wax*

*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-