

Background

On February 12, 2002, the Department published in the **Federal Register** a notice of final results of the antidumping duty administrative review on silicon metal from Brazil. See *Silicon Metal From Brazil: Final Results of Antidumping Duty Administrative Review*, 67 FR 6488 (February 12, 2002) (*Final Results*). Following publication of the Final Results, Elkem Metals Company and Globe Metallurgical Inc. (collectively petitioners), filed a lawsuit with the CIT challenging the Department's findings in the Final Results, regarding the calculation of Rima's constructed value (CV). In *Elkem Metals Company and Globe Metallurgical Inc. v. United States*, No. 02-00232, (CIT February 25, 2004) (*Elkem Metals I*), the CIT remanded this matter to the Department for it to recalculate Rima's CV to include certain value-added taxes (VAT). In its Final Results of Redetermination Pursuant to Court Remand (*Remand Results I*), filed on June 8, 2004, in response to *Elkem Metals I*, the Department determined that such VAT were not incurred by Rima and therefore did not constitute a material cost for purposes of calculating CV. Consequently, in *Remand Results I*, the Department found that no adjustment was necessary to Rima's CV. In *Elkem Metals Company and Globe Metallurgical Inc. v. United States*, 350 F. Supp 2d 1270 (CIT 2004) (*Elkem Metals II*), the CIT once again instructed the Department to include VAT paid by Rima in the re-calculation of CV and to make any necessary adjustments to the dumping margin.

The Draft Results of Redetermination Pursuant to Court Remand (*Draft Remand Results II*) were released to parties on January 24, 2005. The Department received comments from interested parties on the *Draft Remand Results II* on January 24, 2005, and rebuttal comments on February 4, 2005. On March 16, 2005, the Department responded to the CIT's Order of Remand by filing the *Remand Results II*. In *Remand Results II*, pursuant to the CIT's order, the Department included VAT paid by Rima in the re-calculation of CV.

As a result of the remand determination, the antidumping duty rate for Rima was increased from 0.35 percent to 0.48 percent. The CIT did not receive comments from either petitioners or Rima.

On August 26, 2005, the CIT affirmed the Department's findings in *Remand Results II*. Specifically, the CIT upheld the Department's inclusion of VAT in Rima's CV. See *Elkem Metals III*.

The only revision made to the *Final Results* was the inclusion of VAT in the calculation of Rima's CV, as noted above. This revision resulted in a change in Rima's margin. However, Rima continues to have a *de minimis* margin, as it had in the *Final Results*.

Suspension of Liquidation

The CAFC, in *Timken*, held that the Department must publish notice of a decision of the CIT or the CAFC which is not "in harmony" with the Department's final determination or results. Publication of this notice fulfills that obligation. The CAFC also held that the Department must suspend liquidation of the subject merchandise until there is a "conclusive" decision in the case. Therefore, pursuant to *Timken*, the Department must continue to suspend liquidation pending the expiration of the period to appeal the CIT's August 26, 2005, decision, or, if that decision is appealed, pending a final decision by the CAFC. The Department will instruct CBP to revise cash deposit rates, as appropriate, and to liquidate relevant entries covering the subject merchandise effective September 20, 2005, in the event that the CIT's ruling is not appealed, or if appealed and upheld by the CAFC.

Dated: September 14, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Scope Rulings

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

EFFECTIVE DATE: September 20, 2005.

SUMMARY: The Department of Commerce (the Department) hereby publishes a list of scope rulings completed between April 1, 2005, and June 30, 2005. In conjunction with this list, the Department is also publishing a list of requests for scope rulings and anticircumvention determinations pending as of June 30, 2005. We intend to publish future lists after the close of the next calendar quarter.

FOR FURTHER INFORMATION CONTACT: 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) 482-0498.

SUPPLEMENTARY INFORMATION:

Background

The Department's regulations provide that the Secretary will publish in the **Federal Register** a list of scope rulings on a quarterly basis. See 19 CFR 351.225(o). Our most recent "Notice of Scope Rulings" was published on July 19, 2005. See 70 FR 41374. The instant notice covers all scope rulings and anticircumvention determinations completed by Import Administration between April 1, 2005, and June 30, 2005, inclusive. It also lists any scope or anticircumvention inquiries pending as of June 30, 2005, as well as scope rulings inadvertently omitted from prior published lists. As described below, subsequent lists will follow after the close of each calendar quarter.

Scope Rulings Completed Between April 1, 2005, and June 30, 2005:

Brazil

A-351-832; C-351-833: Carbon and Certain Alloy Steel Wire Rod from Brazil
Requestors: Companhia Siderurgica Belgo Mineira Participacao Industria e Comercio S.A. and B.M.P. Siderurgica S.A.; for grade 1080 tire cord quality wire rod and tire bead quality wire rod (1080 TCBQWR), the phrase "having no inclusions greater than 20 microns" means no inclusions greater than 20 microns in any direction; May 9, 2005.

India

A-533-810: Stainless Steel Bar from India; A-533-808: Stainless Steel Wire Rod from India
Requestor: Mukand International, Ltd.; stainless steel bar, manufactured in the United Arab Emirates out of stainless steel wire rod that is manufactured in India, is not included in the scope of the antidumping duty order; May 23, 2005.

Japan

A-588-824: Certain Corrosion-Resistant Carbon Steel Flat Products from Japan
Requestor: Metal One Corporation; diffusion-annealed nickel plate is within the scope of the anti-dumping duty order; August 26, 2005.

People's Republic of China

A-570-804: Petroleum Wax Candles from the People's Republic of China
Requestor: Target Corporation; a snowball candle (stock no. 08 0986) and set of snowball candles (stock no. 08 0959) are within the scope of the antidumping duty order; April 1, 2005.
A-570-804: Petroleum Wax Candles from the People's Republic of China

Requestor: Rokeach Foods; a "Yahrzeit" candle is within the scope of the antidumping duty order; April 15, 2005.

A-570-804: Petroleum Wax Candles from the People's Republic of China
Requestor: Crazy Mountain Imports, Inc., wax-filled ceramic containers with a single "snowman" or "snow-woman" figurine attached to the top of each container's lid with the words "Merry Christmas," are included within the scope of the antidumping duty order; April 20, 2005.

A-570-804: Petroleum Wax Candles from the People's Republic of China
Requestor: Rokeach Foods; 44 Chanukah candles are within the scope of the antidumping duty order; April 29, 2005.

A-570-804: Petroleum Wax Candles from the People's Republic of China
Requestor: Access Business Group; one candle and five candle sets with various components are within the scope of the antidumping duty order; May 4, 2005.

A-570-804: Petroleum Wax Candles from the People's Republic of China
Requestor: New Spectrum Gift Gallery; seventy candles in various shapes are within the scope of the antidumping duty order. Thirty candles also in various shapes are not included in the scope of the antidumping duty order; May 12, 2005.

A-570-804: Petroleum Wax Candles from the People's Republic of China

Requestor: Home Interiors and Gifts; set of six "rose blossom" candles (item number 11538) and set of three "American heart" candles (item number 12117) are within the scope of the antidumping duty order. Three "sunflower" candles (item number 12116) and two sets of 12 "baked apple pie" and "vanilla" tea light candles (item numbers 11611 and 11612) are not included in the scope of the antidumping duty order; May 13, 2005.

A-570-504: Petroleum Wax Candles from the People's Republic of China
Requestor: Pier 1 Imports, Inc.; 12 models of candles are not included in the scope of the antidumping duty order (requestor removed one of the 13 candles from its original request); May 13, 2005.

A-570-803: Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, from the People's Republic of China
Requestor: Olympia Group Inc.; cast tampers are not included in the scope of the antidumping duty order; May 23, 2005.

A-570-827: Cased Pencils from the People's Republic of China
Requestor: Fiskars Brands, Inc.; certain compasses are not included in the scope of the antidumping duty order; June 3, 2005.

A-570-891: Hand Trucks and Certain Parts Thereof from the People's Republic of China

Requestor: Central Purchasing, LLC; accessory carts are within the scope of the antidumping duty order; June 3, 2005.

A-570-891: Hand Trucks and Certain Parts Thereof from the People's Republic of China

Requestor: Faultless Starch/Bon Ami Co.; RuXXac and RuXXac Long hand trucks are within the scope of the antidumping duty order; June 3, 2005.

Russian Federation

A-821-819: Magnesium Metal From the Russian Federation

Requestor: Leeds Specialty Alloys; Mg-15Zr magnesium master alloy, made in the Russian Federation by Solikamsk Magnesium Works, is within the scope of the antidumping duty order; May 31, 2005.

Multiple Countries

A-570-886: Polyethylene Retail Carrier Bags from the People's Republic of China; A-557-813: Polyethylene Retail Carrier Bags from Malaysia; A-549-821: Polyethylene Retail Carrier Bags from Thailand

Requestor: Dimensions Trading, Inc.; polyethylene sample bags are within the scope of the antidumping duty order; May 9, 2005.

Anticircumvention Determinations Completed Between April 1, 2005, and June 30, 2005:

None.

Scope Inquiries Terminated Between April 1, 2005, and June 30, 2005:

None.

Scope Inquiries Pending as of June 30, 2005:

People's Republic of China

A-570-502: Iron Construction Castings from the People's Republic of China
Requestor: A.Y. McDonald Mfg. Co.;

whether certain cast iron articles (meter box frames, covers, extension rings; meter box bases, upper bodies, lids), if imported separately, are within the scope of the antidumping duty order; requested November 16, 2004.

A-570-890: Wooden Bedroom Furniture from the People's Republic of China
Requestor: Dorel Asia; whether certain infant furniture (i.e., infant (baby) changing tables, toy boxes or chests,

infant (baby) armories, and toddler beds) is within the scope of the antidumping duty order; requested February 15, 2005.

A-570-868: Folding Metal Tables and Chairs from the People's Republic of China

Requestor: Spencer Gifts LLC; whether "butterfly chairs" are within the scope of the antidumping duty order; requested March 21, 2005.

A-570-890: Wooden Bedroom Furniture from the People's Republic of China

Requestor: Sunrise Medical Inc.; whether long-term care patient room furniture is within the scope of the antidumping duty order; requested March 25, 2005.

A-570-868: Folding Metal Tables and Chairs from the People's Republic of China

Requestor: Korhani of America; whether its "wood-seated folding chair" is within the scope of the antidumping duty order; requested April 28, 2005.

A-570-803: Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, from the People's Republic of China

Requestor: Avalanche Industries LLC; whether "Smart Splitter" is within the scope of the antidumping duty order; requested March 10, 2005; initiated May 12, 2005.

A-570-894: Certain Tissue Paper Products from the People's Republic of China

Requestor: Seaman Paper Company of Massachusetts, Inc. (MA); American Crepe Corporation (PA); Eagle Tissue LLC (CT); Flower City Tissue Mills Co. (NY); Garlock Printing & Converting, Inc. (MA); Paper Service Ltd. (NH); Putney Paper Co., Ltd. (VT); and the Paper, Allied-Industrial, Chemical and Energy Workers International Union AFL-CIO, CLC; whether certain tissue paper products are within the scope of the antidumping duty order when imported as part of a kit or set of goods that includes other non-subject items; requested June 7, 2005.

A-570-504: Petroleum Wax Candles from the People's Republic of China
Requestor: Kohl's Department Stores, Inc.; whether candles contained in a ceramic basket, which are in the shape of Easter eggs and painted with multiple Easter colors, are within the scope of the antidumping duty order; requested June 7, 2005.

Republic of Korea

C-580-851: Dynamic Random Access Memory Semiconductors from the Republic of Korea

Requestor: Cisco Systems, Inc.; whether removable memory modules placed on motherboards that are imported for repair or refurbishment are within the scope of the countervailing duty order;

requested December 29, 2004; initiated February 4, 2005.

Russian Federation

A-821-802: Antidumping Suspension Agreement on Uranium

Requestor: USEC, Inc. and its subsidiary, United States Enrichment Corporation; whether enriched uranium located in Kazakhstan at the time of the dissolution of the Soviet Union is within the scope of the order; requested August 6, 1999.

Vietnam

A-552-801: Certain Frozen Fish Fillets From the Socialist Republic of Vietnam

Requestor: Piazza Seafood World LLC; whether certain basa and tra fillets from Cambodia which are a product of Vietnam are not included within the antidumping duty order; requested May 12, 2004; initiated October 22, 2004.

Anticircumvention Inquiries Pending as of June 30, 2005:

People's Republic of China

A-570-504: Petroleum Wax Candles from the People's Republic of China

Requestor: National Candle Association; whether imports of palm and vegetable-based wax candles from the PRC can be considered later-developed merchandise which is now circumventing the antidumping duty order; requested October 8, 2004; initiated February 25, 2005.

A-570-504: Petroleum Wax Candles from the People's Republic of China

Requestor: National Candle Association; whether imports of palm and vegetable-based wax candles from the PRC can be considered a minor alteration to the subject merchandise for purposes of circumventing the antidumping duty order; requested October 12, 2004; initiated February 25, 2005.

Vietnam

A-552-801: Certain Frozen Fish Fillets From the Socialist Republic of Vietnam

Requestor: Catfish Farmers of America and certain individual U.S. catfish processors; whether imports of frozen fish fillets from Cambodia made from live fish sourced from Vietnam, and falling within the scope of the order, can be considered "merchandise completed or assembled in other foreign countries" and are circumventing the antidumping duty order; requested August 20, 2004; initiated October 22, 2004.

Scope Rulings Inadvertently Omitted from Prior Published Lists:

A-570-803: Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, from the People's Republic of China

Requestor: Olympia Group Inc.; whether pry bars, with a bar length under 18 inches, are within the scope of the antidumping duty order; initiated December 20, 2004; terminated due to lack of information on March 7, 2005.

Interested parties are invited to comment on the completeness of this list of pending scope and anti-circumvention inquiries. Any comments should be submitted to the Deputy Assistant Secretary for AD/CVD Operations, Import Administration, International Trade Administration, 14th Street and Constitution Avenue, NW, Room 1870, Washington, DC 20230.

This notice is published in accordance with 19 CFR 351.225(o) of the Department's regulations.

Dated: September 14, 2005.

Barbara E. Tillman,

Acting Deputy Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 091405D]

Mid-Atlantic Fishery Management Council (MAFMC); Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council), its Research Set-Aside Committee, its Joint Spiny Dogfish Committee, its Ecosystems Committee, its Law Enforcement Committee, its Atlantic Mackerel, Squid, Butterfish Committee, and its Executive Committee will hold public meetings.

DATES: The meetings will be held from Tuesday, October 4, 2005, through Thursday, October 6, 2005. See **SUPPLEMENTARY INFORMATION** for more detailed information regarding the meeting agenda.

ADDRESSES: This meeting will be held at the Southampton Inn, 91 Hill Street, Southampton, NY, telephone 631-283-6500.

Council address: Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19904, telephone 302-674-2331.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director,

Mid-Atlantic Fishery Management Council; telephone: 302-674-2331, ext. 19.

SUPPLEMENTARY INFORMATION: Agenda items for the Council's committees and the Council itself are: Meeting of the Research Set-Aside Committee will review, discuss and establish 2007 priorities and project selection criteria. The Committee will also review the NMFS grants review/approval process. The Joint Dogfish Committee will discuss, develop and adopt 2006/2007 quotas and associated management measures. The Ecosystems Committee will review comments and feedback on the Council's ecosystems scoping document; and, develop and provide comments on H.R. 2939. The Law Enforcement Committee will meet to review Fisheries Achievement Award nominations. The swearing in of new and reappointed Council members and the election of Council Officers will take place following lunch. The Council will review the Joint Spiny Dogfish Committee's recommendations, develop and adopt quota and associated management measures for the 2006/2007 fishing year. NMFS will make a presentation on its proposed rule to consolidate its Atlantic Highly Migratory Species Fishery Management Plan. An Ecosystems Scoping meeting will be held at 7 p.m. The Atlantic Mackerel, Squid, Butterfish Committee will meet to review Amendment 9, receive updates on Amendment 10, and address developing a butterflyfish rebuilding schedule under Framework 5 to the FMP. The Council will address Framework 6 and priorities for Amendment 14 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan. The Council will also conduct its regular business session to approve minutes and receive reports. The Executive Committee will meet to develop and adopt its annual work plan for 2006. The Council will then convene to receive a NMFS presentation on law enforcement issues, a New England Council presentation on Habitat Areas of Particular Concern (HAPCS), and address any continuing or new business.

Meeting Agenda

On Tuesday, October 4, the Research Set-Aside Committee will meet from 8 - 10 a.m. Concurrent sessions of the Joint Dogfish Committee and the Ecosystems Committee will meet from 10 a.m.-12 noon. The Law Enforcement Committee will meet from 1-1:30 p.m. The Council will convene at 1:30 p.m. at which time new and reappointed Council members will take their oaths of