

3. Three violations of 15 CFR 764.2(e)—*Ordering Physical Therapy Equipment With Knowledge That a Violation of the Regulations Was to Occur*: On three occasions, Performance Medical Supplies ordered physical therapy equipment with knowledge that violations of the Regulations would occur. At all times relevant hereto, Performance Medical Supplies knew that prior authorization was required from the U.S. Government to export the physical therapy equipment, items subject to the Regulations and the Iranian Transactions Regulations, from the United States to Iran. Performance Medical Supplies ordered the items knowing that they would be exported to Iran without the required U.S. Government authorization.

4. Three Violations of 15 CFR 764.2(h)—*Actions to Evade the Requirements of the Regulations*: On three occasions, Performance Medical Supplies took actions to evade the U.S. Government's licensing requirements for the export of physical therapy equipment to Iran. Specifically, Performance Medical Supplies participated in the routing of sales to Iran through Australia to conceal the fact that the physical therapy equipment was destined for Iran.

Whereas, BIS and Performance Medical Supplies have entered into a Settlement Agreement pursuant to Section 766.18(b) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and

Whereas, I have approved of the terms of such Settlement Agreement;

*It Is Therefore Ordered:*

First, for a period of five years from the date of entry of the Order, Performance Medical Supplies, 16 Gardenia Crescent, Cheltenham, Victoria 3192, Australia, its successors or assigns, and when acting for or on behalf of Performance Medical Supplies, its officers, representatives, agents, or employees ("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. Benefitting 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.

Second, that 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 acquired 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, to prevent evasion of this Order, BIS, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, may make any person, firm, corporation, or business organization related to Performance Medical Supplies by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services subject to the provisions of this Order.

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 the charging letter, the Settlement Agreement, this Order, and the record of this case as defined by Section 766.20 of the Regulations shall be made available to the public.

Sixth, that the administrative law judge shall be notified that this case is withdrawn from adjudication.

This Order, which constitutes the final agency action in this matter, is effective upon publication in the **Federal Register**.

Entered this 9th day of November 2005.

**Darryl W. Jackson,**

*Assistant Secretary of Commerce, for Export Enforcement.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-865]

#### **Certain Hot-Rolled Carbon Steel Flat Products From the People's Republic of China; Notice of Amended Final Determination Pursuant to Court Decision**

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

**EFFECTIVE DATE:** November 17, 2005.

**SUMMARY:** On March 15, 2005, the United States Court of International Trade ("CIT") issued an order sustaining the Department of Commerce's ("the Department") second remand determination of the *Final Determination of Sales at Less Than Fair Value: Certain Hot Rolled Carbon Steel Flat Products from the People's Republic of China*, 66 FR 49632 (September 28, 2001) ("*Final Determination*"). See *Anshan Iron & Steel Co. v. United States*, 366 F. Supp. 2d 128 (CIT 2005). Because all litigation in this matter has now concluded, the Department is issuing its amended final determination in accordance with the CIT's decision.

#### **FOR FURTHER INFORMATION CONTACT:**

Carrie Blozy, 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) 482-5403.

#### **SUPPLEMENTARY INFORMATION:**

## Background

On September 28, 2001, the Department published the *Final Determination*, covering the period of investigation ("POI") April 1, 2000 through September 30, 2000. On November 29, 2001, the antidumping duty order was published. See *Notice of the Antidumping Duty Order: Certain Hot-Rolled Carbon Steel Flat Products From the People's Republic of China*, 66 FR 59561 (November 29, 2001). Anshan Iron & Steel Company, Ltd., New Iron & Steel Company, Ltd., and Angang Group International Trade Corporation (collectively "Anshan"), Benxi Iron & Steel Company, Ltd., Benxi Steel Plate Company, Ltd., and Benxi Iron & Steel Group International Economic and Trade Company Ltd. (collectively "Benxi"), and Shanghai Baosteel Group Corporation, Baosteel America, Inc., and Baosteel Group International Trade Corporation ("Baosteel") (collectively "Respondents") contested various aspects of the *Final Determination*.

On July 16, 2003, the CIT issued its opinion and remanded to the Department two issues in the *Final Determination* for reconsideration: (1) with respect to the Department's decision to assign surrogate values to Respondents' self-produced factors, the CIT ordered the Department to either provide an adequate explanation for its deviation from previous practice, or assign surrogate values to Respondents' inputs into its self-produced factors; and (2) with respect to the Department's decision not to treat defective hot-rolled sheet as a byproduct, the Court ordered the Department to adjust Baosteel's factors-of-production calculations by including defective sheet as merchandise under investigation. See *Anshan Iron & Steel Co. v. United States*, Slip Op. 03-83 (CIT 2003). Pursuant to the CIT's decision, the Department issued its remand. See *Final Results of Redetermination Pursuant to Remand* (November 7, 2003) (available at <http://ia.ita.doc.gov>). On September 22, 2004, the CIT issued its opinion regarding the Department's first remand, affirming in part and remanding in part the Department's results. The CIT ordered the Department: 1) to reopen the record in this case, admit the complete financial statements of the surrogate Indian producer, Tata Iron and Steel Co., Ltd. ("TATA"), and consider that information in its redetermination; and 2) reconsider its factors-of-production analysis by either providing an adequate explanation for its deviation from previous practice, or assigning surrogate values to Respondents' factors of production for

their self-produced intermediate inputs. See *Anshan Iron & Steel Company, Ltd. v. United States*, 358 F. Supp. 2d 1236 (CIT 2004). The Department complied with the CIT's request and reopened the record to admit TATA's complete financial statement. Based on an analysis of this new information, the Department recalculated Respondents' normal value to assign surrogate values to each of the inputs used by Respondents to self-produce electricity, nitrogen, oxygen, and argon. On January 7, 2005, the Department filed its second remand results. See *Final Results of Redetermination Pursuant to Remand* (January 7, 2005) (available at <http://ia.ita.doc.gov>). On March 15, 2005, the CIT sustained the Department's second remand results. See *Anshan Iron & Steel Co. v. United States*, 366 F. Supp. 2d 128 (CIT 2005).

## Amended Final Determination

Because there is now a final and conclusive decision in the court proceeding, we are amending the *Final Determination* to reflect the results of the second remand determination. The recalculated margins are as follows:

Manufacturer/exporter	Weighted-average margin (percent)
Angang Group International Trade Corporation, ..... New Iron & Steel Co., Ltd., and Angang Group Hong Kong Co., Ltd., Benxi Iron & Steel Group International ..... Economic & Trade Co., Ltd., Bengang Steel Plates Co., Ltd., and Benxi Iron & Steel Group Co., Ltd., Shanghai Baosteel Group Corporation, ..... Baoshan Iron and Steel Co., Ltd., and Baosteel Group International Trade Corporation.	31.09    57.19    12.39

## Cash Deposit Requirements

The Department will direct United States Customs and Border Protection to require, on or after the date of publication of this notice in the **Federal Register**, the cash deposit rates listed above for the subject merchandise. These cash deposit requirements, when imposed, shall remain in effect until publication of the final results of an administrative review of this order.

This notice is issued and published in accordance with sections 735(d) and 777(i) of the Tariff Act of 1930, as amended.

Dated: November 8, 2005.

**Stephen J. Claeys,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-122-852]

### Initiation of Antidumping Duty Investigation: Liquid Sulfur Dioxide from Canada

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

**EFFECTIVE DATE:** November 17, 2005.

**FOR FURTHER INFORMATION CONTACT:** Kate Johnson or Rebecca Trainor, 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) 482-4929 and (202) 482-4007, respectively.

### SUPPLEMENTARY INFORMATION:

### INITIATION OF INVESTIGATION

#### The Petition

On September 30, 2005, the Department of Commerce (Department) received a petition on imports of liquid sulfur dioxide from Canada filed in proper form by Calabrian Corporation (the petitioner) on behalf of the domestic industry producing liquid sulfur dioxide<sup>1</sup> (*Liquid Sulfur Dioxide from Canada: Antidumping Duty Petition* dated September 30, 2005 (Petition)). The period of investigation (POI) is July 1, 2004, through June 30, 2005.

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioner alleged that imports of liquid sulfur dioxide from Canada are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports are materially injuring or threaten to injure an industry in the United States.

#### Scope of Investigation

The product covered by this investigation is technical or commercial

<sup>1</sup> See Memorandum from the Team to Barbara Tillman, Acting Deputy Assistant Secretary: Decision Memorandum Concerning Filing Date of Petition, October 6, 2005, (explaining that the proper filing date is September 30, 2005, as the petition was filed at the ITC after the noon deadline on September 29).