

DEPARTMENT OF COMMERCE

International Trade Administration

[A-351-826]

Notice of Final Results of Antidumping Duty Administrative Review: Small Diameter Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe from Brazil

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

SUMMARY: On May 10, 2005, the Department of Commerce published the preliminary results of the administrative review of the antidumping duty order on small diameter seamless carbon and alloy steel standard, line and pressure pipe from Brazil. The review covers V&M do Brasil, S.A., a manufacturer/exporter of the subject merchandise. The period of review is August 1, 2003, through July 31, 2004.

Based on our analysis of the comments received, we have made changes in the margin calculations. Therefore, the final results 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 17, 2005.

FOR FURTHER INFORMATION CONTACT: Patrick Edwards or Stephen Bailey at (202) 482-8029 or (202) 482-0193, 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 May 10, 2005, the Department of Commerce ("the Department") published in the **Federal Register** its preliminary results in this administrative review. See *Small Diameter Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe from Brazil: Preliminary Results of Antidumping Duty Administrative Review*, 70 FR 24524 (May 10, 2005) ("Preliminary Results"). We invited parties to comment on the *Preliminary Results*. On June 9, 2005, we received a case brief from the sole respondent, V&M do Brasil, S.A. ("VMB"). We received a rebuttal brief from the petitioner, United States Steel Corporation ("petitioner") on June 17, 2005. Neither party requested a public hearing.

On August 16, 2005, because it was not practicable to complete the final results of this review within the original time period, the Department published in the **Federal Register** an extension of the time limit for completion of the final results of this administrative review in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("the Act"). See *Small Diameter Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe from Brazil: Extension of Time Limit for the Final Results of the Antidumping Duty Administrative Review*, 70 FR 48102 (August 16, 2005).

Scope of the Order

The products covered by the order are seamless pipes produced to the ASTM A-335, ASTM A-106, ASTM A-53 and API 5L specifications and meeting the physical parameters described below, regardless of application. The scope of this order also includes all products used in standard, line, or pressure pipe applications and meeting the physical parameters below, regardless of specification.

For purposes of this order, seamless pipes are seamless carbon and alloy (other than stainless) steel pipes, of circular cross-section, not more than 114.3 mm (4.5 inches) in outside diameter, regardless of wall thickness, manufacturing process (hot-finished or cold-drawn), end finish (plain end, beveled end, upset end, threaded, or threaded and coupled), or surface finish. These pipes are commonly known as standard pipe, line pipe or pressure pipe, depending upon the application. They may also be used in structural applications. Pipes produced in non-standard wall thickness are commonly referred to as tubes.

The seamless pipes subject to this antidumping duty order are currently classifiable under subheadings 7304.10.10.20, 7304.10.50.20, 7304.31.60.50, 7304.39.00.16, 7304.39.00.20, 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.51.50.05, 7304.51.50.60, 7304.59.60.00, 7304.59.80.10, 7304.59.80.15, 7304.59.80.20, and 7304.59.80.25 of the Harmonized Tariff Schedule of the United States ("HTSUS"). The following information further defines the scope of this order, which covers pipes meeting the physical parameters described above:

Specifications, Characteristics and Uses: Seamless pressure pipes are intended for the conveyance of water, steam, petrochemicals, chemicals, oil products, natural gas, and other liquids and gasses in industrial piping systems. They may carry these substances at

elevated pressures and temperatures and may be subject to the application of external heat. Seamless carbon steel pressure pipe meeting the ASTM standard A-106 may be used in temperatures of up to 1000 degrees Fahrenheit, at various American Society of Mechanical Engineers ("ASME") code stress levels. Alloy pipes made to ASTM standard A-335 must be used if temperatures and stress levels exceed those allowed for A-106 and the ASME codes. Seamless pressure pipes sold in the United States are commonly produced to the ASTM A-106 standard.

Seamless standard pipes are most commonly produced to the ASTM A-53 specification and generally are not intended for high temperature service. They are intended for the low temperature and pressure conveyance of water, steam, natural gas, air and other liquids and gasses in plumbing and heating systems, air conditioning units, automatic sprinkler systems, and other related uses. Standard pipes (depending on type and code) may carry liquids at elevated temperatures but must not exceed relevant ASME code requirements.

Seamless line pipes are intended for the conveyance of oil and natural gas or other fluids in pipelines. Seamless line pipes are produced to the API 5L specification.

Seamless pipes are commonly produced and certified to meet ASTM A-106, ASTM A-53 and API 5L specifications. Such triple certification of pipes is common because all pipes meeting the stringent ASTM A-106 specification necessarily meet the API 5L and ASTM A-53 specifications. Pipes meeting the API 5L specification necessarily meet the ASTM A-53 specification. However, pipes meeting the A-53 or API 5L specifications do not necessarily meet the A-106 specification. To avoid maintaining separate production runs and separate inventories, manufacturers triple-certify the pipes. Since distributors sell the vast majority of this product, they can thereby maintain a single inventory to service all customers.

The primary application of ASTM A-106 pressure pipes and triple-certified pipes is in pressure piping systems by refineries, petrochemical plants and chemical plants. Other applications are in power generation plants (electrical-fossil fuel or nuclear), and in some oil field uses (on shore and off shore) such as for separator lines, gathering lines and metering runs. A minor application of this product is for use as oil and gas distribution lines for commercial applications. These applications constitute the majority of the market for

the subject seamless pipes. However, A-106 pipes may be used in some boiler applications.

The scope of this order includes all seamless pipe meeting the physical parameters described above and produced to one of the specifications listed above, regardless of application, and whether or not also certified to a non-covered specification. Standard, line and pressure applications and the above-listed specifications are defining characteristics of the scope of this order. Therefore, seamless pipes meeting the physical description above, but not produced to the ASTM A-335, ASTM A-106, ASTM A-53, or API 5L standards shall be covered if used in a standard, line or pressure application.

For example, there are certain other ASTM specifications of pipe which, because of overlapping characteristics, could potentially be used in A-106 applications. These specifications generally include A-162, A-192, A-210, A-333, and A-524. When such pipes are used in a standard, line or pressure pipe application, such products are covered by the scope of this order.

Specifically excluded from this order are boiler tubing and mechanical tubing, if such products are not produced to ASTM A-335, ASTM A-106, ASTM A-53 or API 5L specifications and are not used in standard, line or pressure applications. In addition, finished and unfinished oil country tubular goods ("OCTG") are excluded from the scope of this order, if covered by the scope of another antidumping duty order from the same country. If not covered by such an OCTG order, finished and unfinished OCTG are included in this scope when used in standard, line or pressure applications. Finally, also excluded from this order are redraw hollows for cold-drawing when used in the production of cold-drawn pipe or tube.

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this order is dispositive.

Analysis of Comments Received

The issues raised in the case briefs by parties to this administrative review are addressed in the Issues and Decision Memorandum to Joseph A. Spetrini, Acting Assistant Secretary for Import Administration, from Barbara E. Tillman, Acting Deputy Assistant Secretary ("Decision Memorandum"), which is hereby adopted by this notice. A list of the issues addressed in the Decision Memorandum is appended to this notice. The Decision Memorandum is on file in the Central Records Unit in Room B-099 of the main Commerce building, and can also be accessed

directly on the Web at <http://ia.ita.doc.gov/frn>. The paper copy and electronic version of the Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received, we have made adjustments to the constructed export price ("CEP") profit ratio and the total and variable costs used in calculating the final dumping margin in this proceeding. See Sales Analysis Memorandum for the Final Results of Administrative Review of Small Diameter Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe from Brazil: V&M do Brasil, SA ("Analysis Memo"), dated October 7, 2005. We have also made adjustments to the cost of affiliate inputs, certain unreconciled expenses, and the company's selling and general administrative expenses. See Cost of Production and Constructed Value Calculation Adjustments for the Final Determination V&M do Brasil S.A. ("COP Memo"), dated October 7, 2005. The adjustments are further discussed in detail in the Decision Memorandum.

Final Results of Review:

As a result of our review, we determine that the following weighted-average margin exists for the period of August 1, 2003, through July 31, 2004:

Producer	Weighted-average margin (Percentage)
V&M do Brasil, S.A.	14.60 percent

Assessment

The Department will determine, and U.S. Customs and Border Protection ("CBP") shall assess, antidumping duties on all appropriate entries, pursuant to 19 CFR 351.212(b). The Department calculated importer-specific duty assessment rates on the basis of the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales for that importer. Where the assessment rate is above *de minimis*, we will instruct CBP to assess duties on all entries of subject merchandise produced by VMB. The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of these final results of review.

Cash Deposits

Furthermore, the following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of seamless carbon and certain alloy steel standard, line and pressure pipe

from Brazil entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, as provided by section 751(a) of the Act: (1) For the company covered by this review, the cash deposit rate will be the rate listed above; (2) for merchandise exported by producers or exporters not covered in this review but covered in the investigation, the cash deposit rate will continue to be the company-specific rate from the final determination; (3) if the exporter is not a firm covered in this review or the investigation, but the producer is, the cash deposit rate will be that established for the producer of the merchandise for the most recent period; and (4) if neither the exporter nor the producer is a firm covered in this review or the investigation, the cash deposit rate will be 124.94 percent, the "All Others" rate established in the less-than-fair-value investigation. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also 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 antidumping duties occurred, and in the subsequent assessment of double antidumping duties.

This notice also is the only reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. 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 the terms of an APO is a sanctionable violation.

We are issuing and publishing these results and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: October 6, 2005.

Joseph A. Spetrini,
Acting Assistant Secretary for Import Administration.

APPENDIX Issues in Decision Memorandum

Comment 1: CEP Profit Adjustments

Comment 2: Establishing the Most Similar Foreign Like Product

Comment 3: Date of Sale

Comment 4: Revised Cost Database

Comment 5: Clerical Errors: Revisions to Variable and Total Costs of Manufacturing

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-427-819, C-428-829, C-421-809, C-412-821]

Low Enriched Uranium from France, Germany, the Netherlands, and the United Kingdom: Extension of Time Limit for Preliminary Results of Countervailing Duty Administrative Reviews

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

EFFECTIVE DATE: October 17, 2005.

FOR FURTHER INFORMATION CONTACT: Kristen Johnson or Darla Brown, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-4793 or (202) 482-2849, respectively.

SUPPLEMENTARY INFORMATION:

Background Information

On March 23, 2005, the U.S. Department of Commerce ("the Department") published a notice of initiation of the administrative reviews of the countervailing duty orders on low enriched uranium from France, Germany, the Netherlands, and the United Kingdom covering the period of review January 1, 2004, through December 31, 2004. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 70 FR 14643 (March 23, 2005). The preliminary results are currently due no later than October 31, 2005.

Extension of Time Limit for Preliminary Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("the Act"), requires the Department to make a preliminary determination within 245 days after the last day of the anniversary month of an order or finding for which a review is requested. Section 751(a)(3)(A) of the Act further states that if it is not practicable to complete the review within the time period specified, the administering authority may extend the 245-day period to issue its preliminary results by up to 120 days.

We determine that completion of the preliminary results of these reviews within the 245-day period is not practicable for the following reasons. These reviews are extraordinarily complicated because of the complex nature of the more than adequate remuneration program in the review covering France and the request for revocation in the reviews covering Germany, the Netherlands, and the United Kingdom. Given the complexity of these issues, which need to be thoroughly analyzed by the Department, and in accordance with section 751(a)(3)(A) of the Act, we are extending the time period for issuing the preliminary results of reviews by 120 days. Therefore, the preliminary results are now due no later than February 28, 2006. The final results continue to be due 120 days after publication of the preliminary results.

This notice is issued and published in accordance with sections 751(a)(3)(A) and 777(i)(1) of the Act.

Dated: October 11, 2005.

Gary Taverman,

Acting Deputy Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 092705B]

Endangered and Threatened Species; Take of Anadromous Fish; Correction

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

ACTION: Notice; availability of fishery plan and request for comment; Correction

SUMMARY: This document corrects an earlier version of this action that was published on October 3, 2005, in which the ACTION statement was omitted. The Oregon Department of Fish and Wildlife (ODFW) has submitted a Fishery Management and Evaluation Plan (FMEP) and the Washington Department of Fish and Wildlife (WDFW) has submitted an amendment to an FMEP pursuant to the protective regulations promulgated for Lower Columbia River (LCR) coho salmon under the Endangered Species Act. The FMEPs specify the future management of inland recreational fisheries potentially affecting LCR coho salmon. This document serves to notify the public of

the availability of the FMEPs for review and comment before final approval or disapproval is made by NMFS.

DATES: Comments on the FMEPs must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific daylight time on November 2, 2005.

ADDRESSES: Written comments on the application should be addressed to the Salmon Recovery Division, Hatcheries and Inland Fisheries Branch, 1201 NE Lloyd Blvd. Suite 1100, Portland, OR 97232 or faxed to 503-872-2737. Comments may be submitted by e-mail. The mailbox address for providing e-mail comments is LCRCohoFMEPs.nwr@noaa.gov. Include in the subject line of the e-mail comment the following identifier: *Comments on LCR Coho FMEPs*.

FOR FURTHER INFORMATION CONTACT: Richard Turner, Portland, Oregon, at phone number: (503) 736-4737, or e-mail: rich.turner@noaa.gov.

SUPPLEMENTARY INFORMATION:

Species Covered in This Notice

This notice is relevant to the Lower Columbia River coho salmon (*Oncorhynchus kisutch*), Lower Columbia River Chinook salmon (*O. tshawytscha*), Lower Columbia River steelhead (*O. mykiss*), and Columbia River chum salmon (*O. keta*) evolutionarily significant unit (ESU).

ODFW has submitted to NMFS an FMEP: Lower Columbia River Coho in Oregon Freshwater Fisheries of the Lower Columbia River Tributaries (between the Pacific Ocean and Hood River). WDFW has submitted an amendment to their Lower Columbia River FMEP for inland recreational fisheries potentially affecting listed adult and juvenile LCR coho salmon. These FMEPs include fisheries occurring in all tributaries to the Lower Columbia River from the Pacific Ocean to the Hood River in Oregon and the Big White Salmon River in Washington. The objective of the fisheries described in these FMEPs is to harvest known, hatchery-origin coho salmon, and other fish species in a manner that does not appreciably reduce the likelihood of survival and recovery of listed LCR salmon and steelhead ESUs. All fisheries included in these FMEPs will be managed such that only hatchery-origin coho salmon that are adipose fin-clipped may be retained. Impact levels on listed LCR coho salmon are specified in ODFW's FMEP and the amendment to WDFW's FMEP. Population viability analysis and risk assessments in the FMEPs indicate the extinction risk for listed coho salmon would not increase