

written description remains dispositive as to the scope of the product coverage.

There have been no scope rulings for the subject order. There was one changed circumstances determination in which the Department affirmed that Kinn Salmon A/S was the successor-in-interest to Skaarfish Group A/S. *See Fresh and Chilled Atlantic Salmon From Norway; Final Results of Changed Circumstance Antidumping Duty Administrative Review*, 64 FR 9979 (March 1, 1999).

Background

On February 2, 2005, the Department published its notice of initiation of the second sunset review of the antidumping duty order on Salmon from Norway, in accordance with section 751(c) of the Act. *See Notice of Initiation of Five-Year ("Sunset") Reviews*, 70 FR 5415 (February 2, 2005). The Department received Notices of Intent to Participate on behalf of Heritage Salmon Company, Inc., and Atlantic Salmon of Maine (collectively, "petitioners"), within the applicable deadline specified in section 351.218(d)(1)(i) of the Department's regulations. Petitioners claimed interested party status pursuant to sections 771(9)(C) and (D) of the Act. The Department received a complete substantive response to the notice of initiation from petitioners within the 30-day deadline specified in the Department's regulations under section 351.218(d)(3)(i). The Department also received a complete substantive response from respondent interested parties, The Norwegian Seafood Federation (NSF) and The Norwegian Seafood Association (NSA) (collectively "respondents"), within the applicable deadline specified in section 351.218(d)(3)(i). On March 9, 2005, the Department received rebuttal comments from respondents. Additionally, on February 25, 2005 and March 9, 2005, petitioners filed comments challenging the standing of the respondents in this proceeding. On March 4, March 11 and March 16, 2005, respondents rebutted petitioners' comments pertaining to their standing and filed comments challenging petitioners' standing in this proceeding.

Section 351.218(e)(1)(ii)(A) of the Department's regulations provides that the Secretary normally will conclude that respondents have provided an adequate response to a notice of initiation where it receives complete substantive responses from respondent interested parties accounting on average for more than 50 percent, by volume, or value, if appropriate, of the total exports of the subject merchandise to the United

States over the five calendar years preceding the year of publication of the notice of initiation. On April 13, 2005, the Department determined that respondents have standing in the instant review and also that their filings constituted an adequate response to the notice of initiation. In accordance with section 351.218(e)(2)(i) of the Department's regulations, the Department determined to conduct a full sunset review of this antidumping duty order. *See Memorandum from the Sunset Team to Ronald Lorentzen, Acting Director, Office of Policy*. On April 25, 2005, all parties submitted comments pertaining to the Department's April 13, 2005, decision to grant respondents standing in this proceeding and to accept respondents' filings as adequate.

On May 13, 2005, the Department determined that the sunset review of the antidumping duty order on Salmon from Norway is extraordinarily complicated, and, therefore, we extended the time limit for completion of the final results of this review until not later than December 29, 2005, in accordance with section 751(c)(5)(B) of the Act. *See Extension of Time Limits for Preliminary Results and Final Results of the Full Sunset Review of the Antidumping Duty Order on Fresh and Chilled Atlantic Salmon from Norway and the Final Results of the Expedited Sunset Review of the Countervailing Duty Order on Fresh and Chilled Atlantic Salmon from Norway*, 70 FR 25537 (May 13, 2005).

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this sunset review are addressed in the "Issues and Preliminary Decision Memorandum" (Preliminary Decision Memorandum) from Barbara E. Tillman, Acting Deputy Assistant Secretary for Import Administration, to Ronald K. Lorentzen, Acting Assistant Secretary for Import Administration, dated August 22, 2005, which is hereby adopted and incorporated by reference into this notice. The issues discussed in the attached Preliminary Decision Memorandum include the likelihood of continuation or recurrence of dumping and the magnitude of the margin likely to prevail were the order revoked. 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 Commerce building.

In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Web at

www.ita.doc.gov/import_admin/records/frn/ under the heading "Norway 2005." The paper copy and electronic version of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of Review

We preliminarily determine that revocation of the antidumping duty order on Salmon from Norway would be likely to lead to continuation or recurrence of dumping at the following weighted-average margins:

Manufacturer/Exporter	Margin (percent)
Salmonor A/S	18.39
Sea Star International ...	24.61
Skaarfish Mowi A/S	15.65
Fremstad Group A/S	21.51
Domstein and Co.	31.81
Saga A/S	26.55
Chr. Bjelland	19.96
Hallvard Leroy A/S	31.81
All Others	23.80

This five-year ("sunset") review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

This notice serves as the preliminary reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305 of the Department's regulations. Timely notification of 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.

Dated: August 22, 2005.

Ronald K. Lorentzen,
Acting Assistant Secretary for Import Administration.

[FR Doc. E5-4718 Filed 8-26-05; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-475-827]

Certain Cut-To-Length Plate From Italy: Notice of Amended Final Determination Pursuant to Final Court Decision and Partial Revocation of Order

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

SUMMARY: On March 26, 2004, the United States Court of International Trade (CIT) sustained the Department of Commerce's (the Department) third remand determination of the *Final*

Affirmative Countervailing Duty Determination: Certain Cut-to-Length Carbon Steel Plate from Italy, 64 FR 73244 (December 29, 1999) (*Italian Plate*). See *ILVA Lamiere e Tubi S.p.A. v. United States*, Court No. 00-03-00127, Slip. Op. 04-29 (CIT, March 26, 2004) (*ILVA v. United States*). The Department appealed this decision to the United States Court of Appeals for the Federal Circuit (Federal Circuit). On February 10, 2005, the Federal Circuit affirmed the CIT's decision in a non-precedential judgment. See *Ilva Lamiere E Tubi S.r.l. and Ilva S.p.A. v. United States*, Court No. 04-1415 (February 10, 2005). Because all litigation in this matter has concluded, the Department is issuing the amended final determination in *Italian Plate* in accordance with the CIT's decision.

EFFECTIVE DATE: April 16, 2004

FOR FURTHER INFORMATION CONTACT: Eric B. Greynolds, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230; telephone: (202) 482-6071.

SUPPLEMENTARY INFORMATION:

Background

On December 29, 1999, the Department published its affirmative countervailing duty determination in *Italian Plate*. The Department published related countervailing duty orders on February 10, 2000. See *Notice of Amended Final Determinations: Certain Cut-to-Length Carbon-Quality Steel Plate from India and the Republic of Korea; and Notice of Countervailing Duty Orders: Certain Cut-to-Length Carbon-Quality Steel Plate from France, India, Indonesia, Italy, and the Republic of Korea*, 65 FR 6587 (February 10, 2000) (*CVD Order*). ILVA S.p.A. and ILVA Lamiere e Tubi S.r.l. (collectively, ILVA) challenged this determination before the CIT arguing, in relevant part, that the Department misapplied its change-in-ownership methodology. On August 30, 2000, the CIT granted the Department's request for a voluntary remand, and remanded the *Italian Plate* proceeding to the Department with instructions to: "Issue a determination consistent with United States law, interpreted pursuant to all relevant authority, including the decision of the Court of Appeals for the Federal Circuit in *Delverde, S.r.l. v. United States*, 202 F.3d 1360 (Fed. Cir. 2000)." *ILVA v. United States*, Court No. 00-03-00127 (CIT August 30, 2000). The Department issued its remand results on December 28, 2000. See *Final Results of*

Redetermination Pursuant to Court Remand: ILVA Lamiere e Tubi S.p.A. v. United States Remand Order, Court No. 00-03-00127 (CIT, August 30, 2000) (December 28, 2000) (*Remand Determination I*).

On March 29, 2002, the CIT remanded the *Italian Plate* proceeding to the Department, and ordered the Department to reexamine the facts of the proceeding pursuant to its instructions. See *ILVA v. United States*, Court No. 00-03-00127, Slip. Op. 02-32 (CIT, March 29, 2002). Though the Department noted its objections, it complied with the court's instructions and issued its second redetermination on July 2, 2002. See *Final Results of Second Redetermination Pursuant to Remand Order, ILVA Lamiere e Tubi S.r.l. and ILVA S.p.A. v. United States*, Court No. 00-03-00127, Remand Order (CIT, March 29, 2002) (July 2, 2002) (*Remand Determination II*).

On July 29, 2003, the CIT affirmed the Department's second redetermination in part, and remanded it in part. See *ILVA v. United States*, Slip. Op. 03-97 (CIT, July 29, 2003). The CIT affirmed the Department's application of the court-ordered methodology, but remanded the proceeding, ordering the Department to resolve one issue, still outstanding, pursuant to the CIT's prescribed methodology. Though the Department noted its objections, it complied with the court's instructions and issued its third redetermination on August 28, 2003. See *Results of Redetermination Pursuant to Court Remand: ILVA Lamiere e Tubi S.r.l. and ILVA S.p.A.*, Court No. 00-03-00127, Remand Order (CIT, July 29, 2003) (August 28, 2003) (*Remand Determination III*). As a result of the methodologies established in Remand Determinations I through III, the Department calculated a cash deposit rate of 2.45 percent for ILVA. *Id.*

In a contemporaneous but separate proceeding, on November 17, 2003, the Department published a *Notice of Implementation Under Section 129 of the Uruguay Round Agreements Act; Countervailing Measures Concerning Certain Steel Products from the European Communities*, 68 FR 64858 (November 17, 2003) (*Section 129 Implementation*). The Department implemented, among other determinations, its Section 129 determination with respect to the *CVD Order*. The result was a revised cash deposit rate of 3.44 percent *ad valorem* for ILVA/ILT, which is consistent with the revised rate in *Redetermination II* pursuant to the CIT's ordered methodology. The effective date of the revised cash deposit rate pursuant to the *Section 129 Implementation* was

November 7, 2003. The Department instructed U.S. Customs and Border Protection (CBP) to collect cash deposits of estimated countervailing duties in the percentage of 3.44 percent *ad valorem* of the f.o.b. invoice price on all shipments of subject merchandise from ILVA/ILT entered or withdrawn from warehouse, for consumption on or after November 7, 2003.

On March 26, 2004, the CIT sustained the Department's third redetermination in all respects, and thus affirmed the Department's calculated cash deposit rate of 2.45 percent. On April 16, 2004, the Department, consistent with the decision of the Federal Circuit in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990), notified the public that the *ILVA v. United States* decision, along with the CIT's earlier opinions and orders in this case, were "not in harmony" with the Department's original results. See *Certain Cut-to-Length Plate from Italy: Notice of Decision of the Court of International Trade*, 69 FR 20600 (April 16, 2004) (*Timken Notice*). The *Timken Notice* continued the suspension of liquidation, and further informed that if the CIT's decision was not appealed, or if appealed, and upheld, the Department would publish amended final countervailing duty results. *Id.*

The Department subsequently appealed the case to the Federal Circuit on May 24, 2004. On February 10, 2005, the Federal Circuit issued a non-precedential decision affirming the CIT's decision in *ILVA v. United States* sustaining the results of *Redetermination III*. Because there is now a final and conclusive decision in the court proceeding, we are amending the final determination and establishing the revised countervailing duty rate of 2.45 percent, effective as of April 16, 2004, the publication date of the *Timken Notice*.

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 *Remand Determination III*, i.e., that the countervailable subsidy rate for ILVA/ILT is 2.45 percent *ad valorem*, effective as of April 16, 2004, the publication date of the *Timken Notice*. Accordingly, we will instruct CBP to collect cash deposits of estimated countervailing duties in the percentage of 2.45 percent of the f.o.b. invoice price on all shipments of subject merchandise from ILVA/ILT entered or withdrawn from warehouse, for consumption, on or after April 16, 2004.

Further, we will instruct CBP to assess countervailing duties at 3.44 percent *ad valorem* on all shipments of the subject merchandise from ILVA/ILT, entered, or withdrawn from warehouse, for consumption, on or after January 1, 2004, through April 15, 2004. We will instruct CBP to assess countervailing duties at 2.45 percent *ad valorem* on all shipments of the subject merchandise from ILVA/ILT, entered, or withdrawn from warehouse, for consumption, on or after April 16, 2004 through December 31, 2004.¹

This determination is published pursuant to sections 705(d) and 777(i) of the Act.

¹ All entries prior to January 1, 2004, have been liquidated.

Dated: August 22, 2005.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

[FR Doc. E5-4716 Filed 8-26-05; 8:45 am]

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DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 05-39]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104-164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/DBO/ADM, (703) 604-6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 05-39 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: August 23, 2005.

Jeannette Owings-Ballard,

*OSD Federal Register Liaison Officer,
Department of Defense.*

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