supported by relevant evidence including information from U.S. import statistics, the New York Board of Trade, industry studies and reports, the USDA, and press reports from a variety of sources. We have assessed the allegations and supporting evidence regarding material injury and causation, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation. *See* the ''Initiation Checklist'' at Attachment III.

Regarding the existing antidumping order on FCOJ from Brazil, the petitioners stated in their January 6, 2005, petition supplement that the existing order has had a very limited effect in preventing the dumping alleged in the petition. According to the petitioners, the FCOJ pricing evident in the marketplace (both before and after the hurricane damage in the fall of 2004) confirms that the current order has ceased to have any corrective impact. In addition, the petitioners point out that, because the existing order only covers FCOJ, not NFC, it has no impact in preventing damage inflicted by dumped NFC from Brazil.

**Initiation of Antidumping Investigation**

Based upon our examination of the petition on certain orange juice, we have found that it meets the requirements of section 732 of the Act. Therefore, we are initiating an antidumping duty investigation to determine whether imports of certain orange juice from Brazil are being, or are likely to be, sold in the United States at less than fair value. Unless this deadline is extended pursuant to section 733(b)(1)(A) of the Act, we will make our preliminary determination no later than 140 days after the date of this initiation.

**Distribution of Copies of the Petition**

In accordance with section 732(b)(3)(A) of the Act, a copy of the public version of the petition has been provided to the representatives of the government of Brazil. We will attempt to provide a copy of the public version of the petition to each exporter named in the petition, as provided for under 19 CFR 351.203(c)(2).

**ITC Notification**

We have notified the ITC of our initiation as required by section 732(d) of the Act.

**Preliminary Determination by the ITC**

The ITC will preliminarily determine no later than March 7, 2005, whether there is a reasonable indication that imports of certain orange juice from Brazil are causing material injury, or threatening to cause material injury, to a U.S. industry. A negative ITC determination will result in the investigation being terminated; otherwise, this investigation will proceed according to statutory and regulatory time limits.

This notice is issued and published pursuant to section 777(i) of the Act.

Dated: February 7, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E5–587 Filed 2–10–05; 8:45 am]

BILLING CODE 3510–DS–P

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## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–485–805]**

### Certain Small Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe From Romania: Final Results of Antidumping Duty Administrative Review and Final Determination Not To Revoke Order in Part

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

**SUMMARY:** On September 7, 2004, the Department of Commerce (the Department) published the preliminary results of the antidumping duty administrative review of certain small diameter carbon and alloy seamless standard, line, and pressure pipe (seamless pipe) from Romania. This review covers one manufacturer/exporter of the subject merchandise. The period of review (POR) is August 1, 2002, through July 31, 2003. Based on our analysis of comments received, these final results differ from the preliminary results. The final results are listed below in the ''Final Results of Review'' section.

**EFFECTIVE DATES:** February 11, 2005.

**FOR FURTHER INFORMATION CONTACT:** David Layton or Erin Begnal, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0371 and (202) 482–1442, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Department published the preliminary results of the antidumping duty administrative review of seamless pipe from Romania. *See* Certain Small Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe From Romania: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review and Preliminary Determination Not To Revoke in Part, 69 FR 54119 (September 7, 2004) (Preliminary Results). The review covers one manufacturer/exporter, S.C. Silcotub S.A. (Silcotub).

Romania's designation as a non-market-economy (NME) country remained in effect until January 1, 2003.[1] Because the first five months of the POR fell before Romania's graduation to market-economy status and the last seven months of this POR came after its graduation, in its antidumping questionnaire to Silcotub, dated November 14, 2003, the Department determined that it would treat Romania as an NME country from August 1, 2002, through December 31, 2002, and a market-economy (ME) country from January 1, 2003, through July 31, 2003. The first part of this notice refers to the NME portion of the POR (NME POR) and the Department's NME methodology, and the second part of this notice refers to the ME portion of the POR (ME POR) and the Department's ME methodology. In the section of this notice entitled *Final Results of the Review,* we have calculated a weighted-average dumping margin reflecting the margin we calculated for the NME POR and the dumping margin we calculated for the ME POR. This weighted-average figure reflects the margin of dumping for the entire POR.

We invited parties to comment on our preliminary results of review. Silcotub filed a brief on November 12, 2004, and a rebuttal brief on November 18, 2004. On December 10, 2004, the Department rejected Silcotub's case brief because it contained new factual information.[2]

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[1] In *Certain Small Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from Romania: Final Results of Antidumping Duty Administrative Review*, 68 FR 12672, 12673 (March 17, 2003), the Department reviewed the non-market-economy status of Romania and determined to reclassify Romania as a market economy for purposes of antidumping and countervailing duty proceedings,pursuant to section 771(18)(A) of the Tariff Act of 1930, as amended (The Act), effective January 1, 2003. *See* Memorandum from Lawrence Norton, Import Policy Analyst, to Joseph Spetrini, Acting Assistant Secretary for Import Administration: Antidumping Duty Administrative Review of Certain Small Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from Romania—Non-Market Economy Status Review (March 10, 2003).

[2] *See* Letter from Department of Commerce to Silcotub regarding *2002–2003 Administrative Review of the Antidumping Duty Order on Certain Small Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from Romania* (December 3, 2004).

Silcotub filed a redacted case brief on December 14, 2004. The domestic interested party, United States Steel Corporation (U.S. Steel), filed a case brief on November 12, 2004, and a rebuttal brief on November 18, 2004. On January 5, 2005, we issued a letter requesting parties to comment on two issues: (1) The most appropriate methodology for the Department to use in calculating an all-others rate for future entries; and (2) whether it was more appropriate to calculate the company-specific cash-deposit rate based on the weighted-average margin reflecting sales from both the ME and NME portions of the POR or on sales from the ME portion alone. We received comments on these issues from U.S. Steel on January 11, 2005.

**Scope of the Order**

The products covered by the order are seamless carbon and alloy (other than stainless) steel standard, line, and pressure pipes and redraw hollows produced, or equivalent, to the ASTM A–53, ASTM A–106, ASTM A–333, ASTM A–334, ASTM A–335, ASTM A–589, ASTM A–795, and the API 5L specifications and meeting the physical parameters described below, regardless of application. The scope of the order also includes all products used in standard, line, or pressure pipe applications and meeting the physical parameters described below, regardless of specification. Specifically included within the scope of the order are seamless pipes and redraw hollows, less than or equal to 4.5 inches (114.3 mm) 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.

The seamless pipes subject to the order are currently classifiable under the subheadings 7304.10.10.20, 7304.10.50.20, 7304.31.30.00, 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).

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 A–106 standard may be used in temperatures of up to 1000 degrees Fahrenheit, at various ASME code stress levels. Alloy pipes made to ASTM A–335 standard must be used if temperatures and stress levels exceed those allowed for ASTM A–106. 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. If exceptionally low temperature uses or conditions are anticipated, standard pipe may be manufactured to ASTM A–333 or ASTM A–334 specifications.

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

Seamless water well pipe (ASTM A–589) and seamless galvanized pipe for fire protection uses (ASTM A–795) are used for the conveyance of water.

Seamless pipes are commonly produced and certified to meet ASTM A–106, ASTM A–53, API 5L–B, and API 5L–X42 specifications. To avoid maintaining separate production runs and separate inventories, manufacturers typically triple or quadruple certify the pipes by meeting the metallurgical requirements and performing the required tests pursuant to the respective specifications. 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 or quadruple certified pipes is use 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, ASTM A–106 pipes may be used in some boiler applications.

Redraw hollows are any unfinished pipe or ''hollow profiles'' of carbon or alloy steel transformed by hot rolling or cold drawing/hydrostatic testing or other methods to enable the material to be sold under ASTM A–53, ASTM A–106, ASTM A–333, ASTM A–334, ASTM A–335, ASTM A–589, ASTM A–795, and API 5L specifications.

The scope of the order includes all seamless pipe meeting the physical parameters described above and produced to one of the specifications listed above, regardless of application, with the exception of the specific exclusions discussed below, 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 the order. Therefore, seamless pipes meeting the physical description above, but not produced to the ASTM A–53, ASTM A–106, ASTM A–333, ASTM A–334, ASTM A–335, ASTM A–589, ASTM A–795, and API 5L specifications shall be covered if used in a standard, line, or pressure application, with the exception of the specific exclusions discussed below.

For example, there are certain other ASTM specifications of pipe which, because of overlapping characteristics, could potentially be used in ASTM A–106 applications. These specifications generally include ASTM A–161, ASTM A–192, ASTM A–210, ASTM A–252, ASTM A–501, ASTM A–523, ASTM A–524, and ASTM A–618. When such pipes are used in a standard, line, or pressure pipe application, with the exception of the specific exclusions discussed below, such products are covered by the scope of the order.

Specifically excluded from the scope of the order are boiler tubing and mechanical tubing, if such products are not produced to ASTM A–53, ASTM A–106, ASTM A–333, ASTM A–334, ASTM A–335, ASTM A–589, ASTM A–795, and API 5L specifications and are not used in standard, line, or pressure pipe applications. In addition, finished and unfinished OCTG are excluded from the scope of the 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.

With regard to the excluded products listed above, the Department will not instruct U.S. Customs and Border Protection (CBP) to require end-use certification until such time as

petitioner or other interested parties provide to the Department a reasonable basis to believe or suspect that the products are being used in a covered application. If such information is provided, we will require end-use certification only for the product(s) (or specification(s)) for which evidence is provided that such products are being used in covered applications as described above. For example, if, based on evidence provided by petitioner, the Department finds a reasonable basis to believe or suspect that seamless pipe produced to the A–161 specification is being used in a standard, line or pressure application, we will require end-use certifications for imports of that specification. Normally we will require only the importer of record to certify to the end use of the imported merchandise. If it later proves necessary for adequate implementation, we may also require producers who export such products to the United States to provide such certification on invoices accompanying shipments to the United States.

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

**Separate Rates**

Because we are conducting this review in accordance with 19 CFR 351.408, we are applying our NME methodology for Silcotub in the first five months of this review (August-December 2002). Silcotub has requested a separate, company-specific antidumping duty rate in this review. In the preliminary results, we found that Silcotub had met the criteria for the application of separate antidumping duty rates. See Preliminary Results. We have not received any other information since the preliminary results which would warrant reconsideration of our separate rates determination with respect to this company. Therefore, we determine that Silcotub should be assigned a rate separate from the NME entity for the NME portion of this administrative review period.

**Analysis of Comments Received**

All issues raised in the case and rebuttal briefs by parties to this review are addressed in the ''Issues and Decision Memorandum'' (Decision Memorandum) from Barbara E. Tillman, Acting Deputy Assistant Secretary, Import Administration, to Joseph E. Spetrini, Acting Assistant Secretary for Import Administration, dated February 4, 2005, which is hereby adopted by this notice.

A list of the issues which parties have raised and to which we have responded in the Decision Memorandum is attached to this notice as an Appendix. 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 Decision Memorandum can be accessed directly on the Internet at *http://ia.ita.doc.gov/frn*. The paper copy and electronic version of the Decision Memorandum are identical in content.

**Fair Value Comparisons**

We calculated constructed export price (CEP) and normal value (NV) based on the same methodology we used in the preliminary results. Changes to ocean freight, unpaid freight for billets, model-matching, home-market credit expenses, U.S. credit expense, inventory carrying costs, and the indirect selling expenses of Duferco S.A. are detailed in the analysis memorandum and/or the Decision Memorandum.

**Cost of Production**

We calculated the cost of production (COP) for the merchandise based on the same methodology we used in the preliminary results. We found that Silcotub made sales below cost, and we disregarded such sales where appropriate.

**No Revocation in Part**

On August 29, 2003, Silcotub requested that the Department revoke the antidumping duty order in part with regard to Silcotub based on the absence of dumping pursuant to section 351.222(b)(2) of the Department's regulations. Silcotub submitted, along with its revocation request, a certification stating the following: (1) The company did not sell subject merchandise at less than NV during the POR and in the future it would not sell such merchandise at less than NV (*see* section 351.222 (e)(1)(i)) of the Department's regulations); (2) the company has sold subject merchandise to the United States in commercial quantities during each of the past three years (*see* section 351.222(e)(1)(ii)) of the Department's regulations; and (3) the company agreed to its immediate reinstatement in the order, as long as any exporter or producer is subject to the order, if the Department concludes that the company sold the subject merchandise at less than NV subsequent to the revocation. *See* sections 351.222(b)(2)(i)(B) and 351.222(e)(1)(iii) of the Department's regulations.

For these final results, the Department has relied upon Silcotub's sales activity during the 2000–2001, 2001–2002, and 2002–2003 PORs in making its decision regarding Silcotub's revocation request. Although Silcotub had two consecutive years of sales at not less than NV, Silcotub has not received a zero or *de minimis* margin in the instant review. Thus, Silcotub is not eligible for consideration for revocation. Accordingly, we determine not to revoke the order with respect to Silcotub's sales of certain small diameter carbon and alloy seamless standard, line, and pressure pipe to the United States.

**All-Others Rate**

As a result of Romania's transition from an NME to an ME during the course of the POR, we invited comments on the rate to be used as the all-others rate for the proceeding. The Department is has determined to apply an all-others rate of 13.06 percent. *See* Decision Memorandum at Comment 19

**Final Results of Review**

As a result of our review, we determine that the following weighted-average percentage margin exists for the period August 1, 2002, through July 31, 2003:

| Manufacturer/exporter | Margin (percent) |
|---|---|
| S.C. Silcotub S.A. ..... | 1.21 |

**Assessment**

The Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we have calculated importer-specific assessment rates by dividing the dumping margin found on the subject merchandise examined by the entered value of such merchandise. Where the importer-specific assessment rate is above *de minimis*, we will instruct CBP to assess antidumping duties on that importer's entries of subject merchandise. The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of these final results of review.

**Cash-Deposit Requirements**

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results of administrative review, as provided by

section 751(a) of the Act: (1) For the company named above, the cash-deposit rate will be the rate listed above; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a previous segment of this proceeding, the cash-deposit rate will continue to be the company-specific rate published in the prior segment of the proceeding in which that manufacturer or exporter participated; (3) if the exporter is not a firm covered in this review or in any previous segment of this proceeding but the manufacturer is, the cash-deposit rate will be that established for the manufacturer of the merchandise in these final results of review or in the most recent segment of the proceeding in which that manufacturer participated; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review conducted by the Department, the cash deposit rate will be 13.06 percent. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

## Notification

This notice also serves as the final reminder to importers of their responsibility under 19 CFR 351.402(f) 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 serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return/destruction or conversion to judicial protective order of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to comply is a violation of the APO.

Dated: February 4, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

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

## Appendix—Decision Memorandum

Comment 1: Romania As Its Own Surrogate Country
Comment 2: Silcotub's Market-Economy General & Administrative Expense Ratio
Comment 3: Silcotub's Financial Expense Ratio
Comment 4: Indirect Selling Expenses of Duferco S.A.
Comment 5: Indirect Selling Expenses of Duferco Steel Inc.
Comment 6: Freight for Billets
Comment 7: Indexing Brokerage and Handling Rate Using U.S. Producer Price Index
Comment 8: Non-Market-Economy Packing Costs
Comment 9: Ocean Freight Expenses for U.S. Sales in the Non-Market-Economy Portion of the POR
Comment 10: Treatment of the Schedule Field in the Model-Matching Methodology
Comment 11: Non-Market-Economy Natural Gas Price
Comment 12: Start-Up Adjustment
Comment 13: Model-Matching Methodology
Comment 14: Ordinary Course of Trade
Comment 15: Home Market Credit Expense
Comment 16: DSI's Credit Expense
Comment 17: Treatment of Negative Margins
Comment 18: Cash-Deposit Rate
Comment 19: All-Others Rate

[FR Doc. E5–586 Filed 2–10–05; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–427–814]**

### Stainless Steel Sheet and Strip in Coils From France: Final Results of Antidumping Administrative Review

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

**SUMMARY:** On August 6, 2004, the Department of Commerce (Department) published the preliminary results of its administrative review of the antidumping duty order on certain stainless steel sheet and strip in coils (SSSS) from France. *See Stainless Steel Sheet and Strip in Coils from France,* 69 FR 47892 (August 6, 2004) (*Preliminary Results*). This review covers all shipments of this merchandise to the United States during the period from July 1, 2002, through June 30, 2003 by Ugine & ALZ France, S.A. (UA France). We gave interested parties an opportunity to comment on the *Preliminary Results.* Based on our analysis of the comments received, we have made changes to the *Preliminary Results.* For the final dumping margins, see the ''Final Results of Review'' section below.

**EFFECTIVE DATE:** February 11, 2005.

**FOR FURTHER INFORMATION CONTACT:** Sebastian Wright or Sean Carey at (202) 482–5254 and (202) 482–3964, respectively; AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:**

## Background

On August 6, 2004, the Department published the *Preliminary Results* where we determined that U.S. sales had been made below normal value (NV). We invited parties to comment on our *Preliminary Results.* On September 7, 2004, UA France and Petitioners [1] filed comments on our *Preliminary Results.* On September 13, 2004, UA France and Petitioners filed rebuttal comments. Neither party requested a hearing. The Department has now completed this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

## Scope of the Antidumping Duty Order

For purposes of this administrative review, the products covered by the order are certain stainless steel sheet and strip in coils. Stainless steel is an alloy steel containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. The subject sheet and strip is a flat-rolled product in coils that is greater than 9.5 mm in width and less than 4.75 mm in thickness, and that is annealed or otherwise heat treated and pickled or otherwise descaled. The subject sheet and strip may also be further processed (*e.g.*, cold-rolled, polished, aluminized, coated, *etc.*) provided that it maintains the specific dimensions of sheet and strip following such processing.

The merchandise subject to this order is currently classifiable in the Harmonized Tariff Schedule of the United States (''HTS'') at subheadings: 7219.13.0031, 7219.13.0051, 7219.13.0071, 7219.1300.81 [2] 7219.14.0030, 7219.14.0065, 7219.14.0090, 7219.32.0005, 7219.32.0020, 7219.32.0025, 7219.32.0035, 7219.32.0036, 7219.32.0038, 7219.32.0042, 7219.32.0044, 7219.33.0005, 7219.33.0020, 7219.33.0025, 7219.33.0035, 7219.33.0036, 7219.33.0038, 7219.33.0042, 7219.33.0044, 7219.34.0005, 7219.34.0020, 7219.34.0025, 7219.34.0030, 7219.34.0035,

[1] Allegheny Ludlum Corporation, AK Steel, Inc., North American Stainless, United Steelworkers of America, AFL–CIO/CLC, Butler Armco Independent Union, and Zanesville Armco Independent Organization are the Petitioners in the case.

[2] Due to changes to the HTS numbers in 2001, 7219.13.0030, 7219.13.0050, 7219.13.0070, and 7219.13.0080 are now 7219.13.0031, 7219.13.0051, 7219.13.0071, and 7219.13.0081, respectively.