

Foreign-Trade Zones Act (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on November 29, 2005.

FTZ 68 was approved on April 14, 1981 (Board Order 175, 46 FR 22918; 4/22/81). On September 30, 1982, the grant of authority was reissued to the City of El Paso, Texas (Board Order 193, 47 FR 45065, 10/13/82). The zone was expanded in 1984 (Board Order 255, 49 FR 22842, 6/1/84); in 1991 (Board Order 504, 56 FR 1166, 1/11/91); in 1999 (Board Order 1019, 64 FR 5765, 2/5/99); and, in 2000 (Board Order 1119, 65 FR 57167, 9/21/00).

FTZ 68 currently consists of five sites (3,003 acres) in the El Paso, Texas, area: *Site 1* (590 acres)—El Paso Airport's Butterfield Trail Industrial Park; *Site 2* (832 acres)—Lower Valley Site, including the Americas Avenue/Zaragosa Bridge Industrial Parks located at the Pan American Center for Industry (281 acres), El Paso Public Service Board Park (51 acres), Ivey Development/AAA Park (90 acres), Yselta Industrial Park (64 acres), Americas Industrial Park and two adjacent parcels (200 acres), and Socorro Industrial Development (145 acres); *Site 3* (1,356 acres)—East Region Site includes the Eastern Region Industrial Park sites located at Americas Avenue and Interstate 10 in eastern El Paso (579 acres), the entire 10/375 Industrial Park and two adjacent parcels (210 acres), 335-acre tract within the 2,230-acre Vista del Sol Industrial Park, and a 232-acre parcel located at Montana Avenue, east of Loop 375; *Site 4* (130 acres)—Copperfield Industrial Park located on Hawkins Boulevard at Tony Lama Street in Central El Paso; and; *Site 5* (95 acres)—WWF Industries Park located on Highway 54 in northeastern El Paso.

The applicant is now requesting authority to expand Site 1 to include the 475-acre city-owned El Paso International Airport Air Cargo Complex and adjacent industrial park (new total - 1,065 acres). The proposed site is suitable for warehousing, distribution, assembly and light manufacturing activities. The applicant is also requesting authority to remove 35 acres from zone status at Site 2—Ivey Development/AAA Park (new total - 55 acres) due to changed circumstances (new Site 2 total - 796 acres). No specific manufacturing requests are being made at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to

investigate the application and report to the Board.

Public comment on the application is invited from interested parties.

Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at one of the following addresses:

1. *Submissions via Express/Package Delivery Services:* Foreign-Trade Zones Board, U.S. Department of Commerce, Franklin Court Building-Suite 4100W, 1099 14th Street, NW., Washington, DC 20005; or,

2. *Submissions via the U.S. Postal Service:* Foreign-Trade Zones Board, U.S. Department of Commerce, FCB—Suite 4100W, 1401 Constitution Avenue, NW., Washington, DC 20230.

The closing period for their receipt is February 10, 2006. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to February 27, 2006).

A copy of the application and accompanying exhibits will be available during this time for public inspection at the Office of the Foreign-Trade Zones Board's Executive Secretary at the first address listed above, and at the City of El Paso, 501 George Perry Boulevard, Suite 1, El Paso, Texas 79906.

Dated: November 30, 2005.

Dennis Puccinelli,

Executive Secretary.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-427-808]

Certain Corrosion-Resistant Carbon Steel Flat Products From France: Notice of Intent To Rescind Administrative Review

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

SUMMARY: On September 28, 2005, the Department of Commerce (the Department) published a notice of initiation of an administrative review of the antidumping duty (AD) order on certain corrosion-resistant carbon steel flat products (CORE) from France for the period August 1, 2004, through July 31, 2005. The Department intends to rescind this review after determining that the party subject to this review did not have entries during the period of review (POR) upon which to assess antidumping duties.

EFFECTIVE DATE: December 12, 2005.

FOR FURTHER INFORMATION CONTACT:

Stephen Bailey or Dena Aliadinov, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-0193 or (202) 482-3362, respectively.

SUPPLEMENTARY INFORMATION: On August 1, 2005, the Department published a notice of opportunity to request an administrative review of the antidumping duty order on CORE from France for the period August 1, 2004, through July 31, 2005. See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 70 FR 44085 (August 1, 2005). On August 31, 2005, United States Steel Corporation, petitioner, and Duferco Coating SA and Sorral SA, French producers and exporters of the subject merchandise, and Duferco Steel, Inc. (the U.S. importer of subject merchandise exported to the United States by Duferco Coating SA and Sorral SA) (collectively "Duferco"), made timely requests that the Department conduct an administrative review of Duferco.¹ In its August 31, 2005, submission, Duferco requested that the Department conduct a review of its sale of subject merchandise to an unaffiliated customer during the POR, pursuant to section 351.213(e)(1), which states that an administrative review "normally will cover, as appropriate, entries, exports, or sales of subject merchandise during the 12 months immediately preceding the most recent anniversary month." Duferco also requested that the Department rely on the entry summary date (August 11, 2004) for administrative review purposes, or align the AD administrative review period with the countervailing duty review period (*i.e.*, initiate an AD review for the period January 1, 2004, through December 31, 2004).

On September 23, 2005, petitioner formally objected to Duferco's request that the Department align the AD and CVD reviews, stating that this practice is not based on the statute, the Department's regulations, or precedent. On September 28, 2005, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), the Department published in the **Federal Register** a notice of initiation of this AD administrative review. See *Initiation of*

¹ On October 6, 2005, October 26, 2005, and November 15, 2005, respectively, Ispat Inland Inc., Mittal Steel USA ISG Inc., and Nucor Corporation submitted their entries of appearance as interested parties.

Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part, 70 FR 56631 (September 28, 2005). On October 7, 2005, the Department issued its AD questionnaire to Duferco.

Scope of the Order

For purposes of this order, the products covered are corrosion-resistant carbon steel flat products, which covers flat-rolled carbon steel products, of rectangular shape, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel- or iron-based alloys, whether or not corrugated or painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating, in coils (whether or not in successively superimposed layers) and of a width of 0.5 inch or greater, or in straight lengths which, if of a thickness less than 4.75 millimeters, are of a width of 0.5 inch or greater and which measures at least 10 times the thickness or if of a thickness of 4.75 millimeters or more are of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the Harmonized Tariff Schedule (HTS) of the United States under item numbers 7210.30.0030, 7210.30.0060, 7210.41.0000, 7210.49.0030, 7210.49.0090, 7210.61.0000, 7210.69.0000, 7210.70.6030, 7210.70.6060, 7210.70.6090, 7210.90.1000, 7210.90.6000, 7210.90.9000, 7212.20.0000, 7212.30.1030, 7212.30.1090, 7212.30.3000, 7212.30.5000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7212.60.0000, 7215.90.1000, 7215.90.3000, 7215.90.5000, 7217.20.1500, 7217.30.1530, 7217.30.1560, 7217.90.1000, 7217.90.5030, 7217.90.5060, 7217.90.5090. Included in the order are flat-rolled products of non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process (*i.e.*, products which have been “worked after rolling”)—for example, products which have been beveled or rounded at the edges. Excluded from the order are flat-rolled steel products either plated or coated with tin, lead, chromium, chromium oxides, both tin and lead (“terne plate”), or both chromium and chromium oxides (“tin-free steel”), whether or not painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating. Also excluded from the order are clad products in straight lengths of 0.1875 inch or more in composite thickness and of a width which exceeds 150

millimeters and measures at least twice the thickness. Also excluded from the order are certain clad stainless flat-rolled products, which are three-layered corrosion-resistant carbon steel flat-rolled products less than 4.75 millimeters in composite thickness that consist of a carbon steel flat-rolled product clad on both sides with stainless steel in a 20%-60%-20% ratio.

These HTS item numbers are provided for convenience and customs purposes. The written descriptions remain dispositive.

Intent To Rescind Administrative Review

On October 24, 2005, the Department requested documentation relating to all entry(s) or sale(s) made by Duferco during the POR. On November 2, 2005, Duferco responded to the Department’s request for documentation by providing, among other documents, CBP Form 7501 (Entry Summary), CBP Form 3461 (Entry/Immediate Delivery), sale invoice, bill of lading and packing list. See Duferco Coating SA and Sorral SA, and Duferco Steel Inc. submission regarding documentation relating to all entry(s) or sale(s) made by Duferco during the review period, dated November 2, 2005. The entry date (box 4) on CBP Form 7501 indicates that subject merchandise entered the United States prior to the POR. Additionally, the Department conducted an internal customs data query, which determined that Duferco had no entries of subject merchandise into the United States during the POR.

In its August 31, 2005, request for review, Duferco contends that the Department can conduct an administrative review, in accordance with section 351.213(e)(1) of the Department’s regulations, because its sale to an unaffiliated customer occurred within the POR. While the Department maintains the discretion to conduct reviews of sales or exports if circumstances warrant, the Department’s consistent, long-standing practice is to require that there be entries during the POR upon which to assess antidumping duties, irrespective of the export-price or constructed export-price designation of the U.S. sales. *See, e.g., Granular Polytetrafluoroethylene Resin from Japan: Notice of Rescission of Antidumping Duty Administrative Review*, 70 FR 44088 (August 1, 2005), and *Stainless Steel Plate in Coils from Taiwan: Final Rescission of Antidumping Duty Administrative Review*, 69 FR 20859 (April 19, 2004). Furthermore, in *Allegheny Ludlum*, the Court of Appeals for the Federal Circuit

upheld the Department’s discretion to determine not to conduct annual reviews, where there were no entries during the POR. *Allegheny Ludlum Corp v. United States*, 346 F.3d 1368 (Fed. Cir. 2003).

In the present review, the Department has weighed case precedent, our practice under section 351.213(e), and the information on the record of this proceeding in determining whether we should rescind this administrative review. The record in this proceeding does not support a conclusion that the Department should deviate from our normal practice of conducting administrative reviews of entries rather than sales.

Additionally, Duferco could have requested that the Department review its entry in the prior administrative review. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 69 FR 46496 (August 3, 2004) (providing an opportunity to request a review of the CORE from France AD order for the August 1, 2003–July 31 2004 POR). Duferco did not take the opportunity to request a review of its entries in the review period in which such entries occurred. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 69 FR 56745 (September 22, 2004).

Duferco argues in the alternative that the entry summary date, box 3 on Customs and Border Protection (CBP) Form 7501, is within the POR and is the date the Department should use to determine whether the entry occurred during the POR. We disagree with Duferco that the entry summary date is the date the Department should rely on for purposes of establishing when the merchandise entered the Customs territory of the United States for consumption. In *Certain Cut-to-Length Carbon Steel Plate from Romania*, the Department relied on the date on which the merchandise was released by CBP as the date of entry of the subject merchandise in that review. *See Certain Cut-to-Length Carbon Steel Plate from Romania: Final Results of Antidumping Duty Administrative Review*, 66 FR 2879 (January 12, 2001) and corresponding Issues and Decision Memorandum at Comment 1. The “release date” appears in box 4 of CBP Form 7501 as the “entry date.” According to CBP’s Automated Customs System and box 4 of Duferco’s CBP Form 7501, obtained from CBP and placed on the record by the Department, the entry in question was entered for consumption prior to the current POR. *See* The Department’s Memorandum to the File, dated November 18, 2005, with

Duferco's CBP Form 7501 included as an attachment.

Pursuant to § 351.213(d)(3) of the Department's regulations, the Department will rescind an administrative review if it concludes that during the POR there were no entries, exports, or sales of the subject merchandise, as the case may be. In this case, the Department has determined to conduct an administrative review of entries during the POR. Because record evidence demonstrates that no such entries occurred, pursuant to section 351.213(d)(3), we intend to rescind the 2004–2005 administrative review.

Public Comment

An interested party may request a hearing within 20 days of publication of this notice. Any hearing, if requested, will be held 34 days after the date of publication of this notice, or the first working day thereafter. Interested parties may submit case briefs not later than 20 days after the date of publication of this notice. Rebuttal briefs, which must be limited to issues raised in such briefs, must be filed not later than 7 days from the case brief after the date of publication of this notice. Parties who submit arguments are requested to submit with the argument (1) a statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities. Further, parties submitting written comments should provide the Department with an additional copy of the public version of any such comments on diskette. We will issue our final decision concerning the conduct of the review no later than 120 days from the date of publication of this notice.

Additionally, if the Department makes a final determination to rescind the 2004–2005 administrative review, the cash-deposit rate will remain at 29.41 percent for Duferco and all other producers/exporters of subject merchandise from France. *See Certain Hot-Rolled Carbon Steel Flat Products, Certain Cold-Rolled Carbon Steel Flat Products, Certain Corrosion-Resistant Carbon Steel Flat Products, and Certain Cut-to-Length Carbon Steel Plate From France; Notice of Final Court Decision and Amended Final Determinations*, 61 FR 51274 (October 1, 1996).

This notice is published in accordance with section 777(i) of the Act and section 351.213(d)(4) of the Department's regulations.

Dated: December 6, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-580-839]

Notice of Final Results of Antidumping Duty Administrative Review: Certain Polyester Staple Fiber from the Republic of Korea

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

SUMMARY: On June 6, 2005, the Department of Commerce published the preliminary results of the administrative review of the antidumping duty order on certain polyester staple fiber from the Republic of Korea. We gave interested parties an opportunity to comment on the preliminary results. Based on our analysis of the comments received and an examination of our calculations, we have made certain changes for the final results. The final weighted-average dumping margin for Huvis Corporation is listed below in the "Final Results of the Review" section of this notice.

EFFECTIVE DATE: December 12, 2005.

FOR FURTHER INFORMATION CONTACT: Yasmin Bordas or Andrew McAllister, Office 1, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington DC 20230; telephone: (202) 482-3813 or (202) 482-1174, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 6, 2005, the Department of Commerce ("the Department") published *Certain Polyester Staple Fiber from Korea: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Review*, 70 FR 32756 (June 6, 2005) ("Preliminary Results") in the **Federal Register**.

We invited parties to comment on the preliminary results of the review. On July 6, 2005, Wellman, Inc.; Arteva Specialties, Inc. d/b/a KoSa; and DAK Fibers, LLC (collectively, "the petitioners"), and the respondent,¹

¹ On March 11, 2005, the Department was informed that Arteva Specialties, Inc. d/b/a KoSa had changed its name to Invista S.a.r.l. Presently,

Huvis Corporation ("Huvis"), filed case briefs. On July 11, 2005, the petitioners and Huvis filed rebuttal briefs.

On September 29, 2005, we extended the time limit for the final results of this administrative review, pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("the Act"). *See Certain Polyester Staple Fiber from the Republic of Korea: Extension of Time Limit for the Final Results of the Antidumping Duty Administrative Review*, 70 FR 58186 (October 5, 2005). Accordingly, the final results of this administrative review are scheduled for completion by December 5, 2005.

Scope of the Order

For the purposes of this order, the product covered is certain polyester staple fiber ("PSF"). PSF is defined as synthetic staple fibers, not carded, combed or otherwise processed for spinning, of polyesters measuring 3.3 decitex (3 denier, inclusive) or more in diameter. This merchandise is cut to lengths varying from one inch (25 mm) to five inches (127 mm). The merchandise subject to this order may be coated, usually with a silicon or other finish, or not coated. PSF is generally used as stuffing in sleeping bags, mattresses, ski jackets, comforters, cushions, pillows, and furniture. Merchandise of less than 3.3 decitex (less than 3 denier) currently classifiable under the *Harmonized Tariff Schedule of the United States* ("HTSUS") at subheading 5503.20.00.20 is specifically excluded from this order. Also specifically excluded from this order are polyester staple fibers of 10 to 18 denier that are cut to lengths of 6 to 8 inches (fibers used in the manufacture of carpeting). In addition, low-melt PSF is excluded from this order. Low-melt PSF is defined as a bi-component fiber with an outer sheath that melts at a significantly lower temperature than its inner core.

The merchandise subject to this order is currently classifiable in the HTSUS at subheadings 5503.20.00.45 and 5503.20.00.65. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under order is dispositive.

Period of Review

The period of review ("POR") is May 1, 2003, through April 30, 2004.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this review

the petitioners are Wellman, Inc.; Invista S.a.r.l.; and DAK Fibers.