

Dated: November 8, 2004.

James J. Jochum,

Assistant Secretary for Import Administration.

[FR Doc. E4-3175 Filed 11-16-04; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-475-829]

Stainless Steel Bar From Italy; Extension of Time Limit for the Preliminary Results of the Antidumping Duty Administrative Review

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

DATES: *Effective Date:* November 17, 2004.

FOR FURTHER INFORMATION CONTACT:

Melanie Brown, AD/CVD Enforcement, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230; telephone (202) 482-4987.

Background

On May 27, 2004, the Department of Commerce ("the Department") published a notice of initiation of administrative review of the antidumping duty order on stainless steel bar from Italy covering the period March 1, 2003, through February 29, 2004 (69 FR 30282). The preliminary results in the antidumping duty administrative review of stainless steel bar from Italy are currently due no later than December 1, 2004.

Extension of Time Limits for Preliminary Results

Section 751(a)(3)(A) of the Tariff Act of 1930 ("the Act") requires the Department to issue the preliminary results of an administrative review within 245 days after the last day of the anniversary month of an antidumping duty order for which a review is requested and issue the final results within 120 days after the date on which the preliminary results are published. However, if the Department finds it is not practicable to complete the review within the time period, section 751(a)(3)(A) of the Act allows the Department to extend these deadlines to a maximum of 365 days and 180 days, respectively.

The Department finds that it is not practicable to complete the preliminary

results in this administrative review of stainless steel bar from Italy within the originally anticipated time limit. Additional time is needed due to complex verification and affiliation issues in this case.

Therefore, the Department is extending the time limit for completion of the preliminary results to February 1, 2005, in accordance with section 751(a)(3)(A) of the Act.

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

Dated: November 8, 2004.

Jeffrey A. May,

Deputy Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-201-822]

Certain Stainless Steel Sheet and Strip in Coils From Mexico; Preliminary Results of the Sunset Review of Antidumping Duty Order

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

ACTION: Notice of antidumping duty order of sunset review on certain stainless steel sheet and strip in coils from Mexico; preliminary results.

SUMMARY: On June 1, 2004, the Department of Commerce ("the Department") initiated a sunset review of the antidumping duty order of certain stainless steel sheet and strip in coils from Mexico.¹ On the basis of the notice of intent to participate, adequate substantive responses and rebuttal comments filed on behalf of the domestic and respondent interested parties, the Department is conducting a full sunset review of the antidumping duty order pursuant to section 751(e)(3)(B) of the Tariff Act of 1930, as amended ("the Act") and section 351.218(e)(2)(i) of the Department's regulations. As a result of this sunset review, the Department preliminarily finds that revocation of the antidumping duty order would likely lead to continuation or recurrence of dumping at the levels listed below in the section entitled "Preliminary Results of Review".

DATES: *Effective Date:* November 17, 2004.

¹ See *Initiation of Five-Year ("Sunset") Reviews*, 69 FR 30874 (June 1, 2004) ("Notice of Initiation").

FOR FURTHER INFORMATION CONTACT:

Martha V. Douthit, Office of Policy, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC, 20230; telephone: (202) 482-5050.

SUPPLEMENTARY INFORMATION:

Background

On June 1, 2004, the Department published its notice of initiation of the first sunset review of the antidumping duty order on stainless steel sheet and strip in coils from Mexico, in accordance with section 751(c) of the Act. See *Initiation of Five-Year ("Sunset") Reviews*, 69 FR 30874 (June 1, 2004).

The Department received Notices of Intent to Participate on behalf of Allegheny Ludlum Corporation, North America Stainless, Nucor Corporation, Local 3303 United Auto Workers (formerly Butler Armco Independent Union), the United Steelworkers of America, AFL-CIO/CLC, and the Zanesville Armco Independent Organization, Inc. (collectively, "domestic interested parties"), within the applicable deadline specified in section 351.218(d)(1)(i) of the Department's regulations. Domestic interested parties 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 the domestic interested parties within the 30-day deadline specified in the Department's regulations under section 351.218(d)(3)(i). The Department received a complete substantive response from respondent interested parties, ThyssenKrupp Mexinox S.A. de C.V. ("Mexinox") and Mexinox USA, Inc. ("Mexinox USA"), (collectively, "respondent"), within the applicable deadline specified in section 351.218(d)(3)(i).

On July 2, 2004, the Department received a request from domestic interested parties for an extension of the deadline for filing rebuttal comments to the substantive response. Pursuant to Section 351.302(b) of the Department's regulations, domestic and respondent parties were granted an extension to file rebuttal comments to the substantive responses until July 9, 2004. On July 9, 2004, the Department received rebuttal comments to the substantive response from the domestic interested parties and the respondent.

On September 27, 2004, the Department published a notice of extension of time limits for its preliminary results of review until

November 4, 2004.² Final results in the full sunset review of this antidumping duty order is scheduled for April 27, 2005.

Section 351.218(e)(1)(ii)(A) of the Department's regulations provides that the Secretary normally will conclude that respondent interested parties have provided 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 basis, 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 July 21, 2004, the Department determined that Mexinox's response 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.

Scope of the Order

For purposes of this sunset review, the products covered 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 (*i.e.*, 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:

7219.13.00.31, 7219.13.00.51,
7219.13.00.71, 7219.13.00.81,
7219.14.00.30, 7219.14.00.65,
7219.14.00.90, 7219.32.00.05,
7219.32.00.20, 7219.32.00.25,
7219.32.00.35, 7219.32.00.36,
7219.32.00.38, 7219.32.00.42,
7219.32.00.44, 7219.33.00.05,
7219.33.00.20, 7219.33.00.25,
7219.33.00.35, 7219.33.00.36,
7219.33.00.38, 7219.33.00.42,
7219.33.00.44, 7219.34.00.05,
7219.34.00.20, 7219.34.00.25,

7219.34.00.30, 7219.34.00.35,
7219.35.00.05, 7219.35.00.15,
7219.35.00.30, 7219.35.00.35,
7219.90.00.10, 7219.90.00.20,
7219.90.00.25, 7219.90.00.60,
7219.90.00.80, 7220.12.10.00,
7220.12.50.00, 7220.20.10.10,
7220.20.10.15, 7220.20.10.60,
7220.20.10.80, 7220.20.60.05,
7220.20.60.10, 7220.20.60.15,
7220.20.60.60, 7220.20.60.80,
7220.20.70.05, 7220.20.70.10,
7220.20.70.15, 7220.20.70.60,
7220.20.70.80, 7220.20.80.00,
7220.20.90.30, 7220.20.90.60,
7220.90.00.10, 7220.90.00.15,
7220.90.00.60, and 7220.90.00.80.
Although the HTS subheadings are provided for convenience and customs purposes, the Department's written description of the merchandise under review is dispositive.

Excluded from the scope of this order are the following: (1) Sheet and strip that is not annealed or otherwise heat treated and pickled or otherwise descaled; (2) sheet and strip that is cut to length; (3) plate (*i.e.*, flat-rolled stainless steel products of a thickness of 4.75 mm or more); (4) flat wire (*i.e.*, cold-rolled sections, with a prepared edge, rectangular in shape, of a width of not more than 9.5 mm); and (5) razor blade steel. Razor blade steel is a flat-rolled product of stainless steel, not further worked than cold-rolled (cold-reduced), in coils, of a width of not more than 23 mm and a thickness of 0.266 mm or less, containing, by weight, 12.5 to 14.5 percent chromium, and certified at the time of entry to be used in the manufacture of razor blades.³

In response to comments by interested parties, the Department has determined that certain specialty stainless steel products are also excluded from the scope of this order. These excluded products are described below.

Flapper valve steel is defined as stainless steel strip in coils containing, by weight, between 0.37 and 0.43 percent carbon, between 1.15 and 1.35 percent molybdenum, and between 0.20 and 0.80 percent manganese. This steel also contains, by weight, phosphorus of 0.025 percent or less, silicon of between 0.20 and 0.50 percent, and sulfur of 0.020 percent or less. The product is manufactured by means of vacuum arc remelting, with inclusion controls for sulfide of no more than 0.04 percent and for oxide of no more than 0.05 percent. Flapper valve steel has a tensile strength of between 210 and 300 ksi, yield strength of between 170 and 270 ksi, plus or minus 8 ksi, and a hardness (Hv)

of between 460 and 590. Flapper valve steel is most commonly used to produce specialty flapper valves for compressors.

Also excluded is a product referred to as suspension foil, a specialty steel product used in the manufacture of suspension assemblies for computer disk drives. Suspension foil is described as 302/304 grade or 202 grade stainless steel of a thickness between 14 and 127 microns, with a thickness tolerance of plus-or-minus 2.01 microns, and surface glossiness of 200 to 700 percent Gs. Suspension foil must be supplied in coil widths of not more than 407 mm, and with a mass of 225 kg or less. Roll marks may only be visible on one side, with no scratches of measurable depth. The material must exhibit residual stresses of 2 mm maximum deflection, and flatness of 1.6 mm over 685 mm length.

Certain stainless steel foil for automotive catalytic converters is also excluded from the scope of this order. This stainless steel strip in coils is a specialty foil with a thickness of between 20 and 110 microns used to produce a metallic substrate with a honeycomb structure for use in automotive catalytic converters. The steel contains, by weight, carbon of no more than 0.030 percent, silicon of no more than 1.0 percent, manganese of no more than 1.0 percent, chromium of between 19 and 22 percent, aluminum of no less than 5.0 percent, phosphorus of no more than 0.045 percent, sulfur of no more than 0.03 percent, lanthanum of between 0.002 and 0.05 percent, and total rare earth elements of more than 0.06 percent, with the balance iron.

Permanent magnet iron-chromium-cobalt alloy stainless steel strip is also excluded from the scope of this order. This ductile stainless steel strip contains, by weight, 26 to 30 percent chromium, and 7 to 10 percent cobalt, with the remainder of iron, in widths 228.6 mm or less, and a thickness between 0.127 and 1.270 mm. It exhibits magnetic remanence between 9,000 and 12,000 gauss, and a coercivity of between 50 and 300 oersteds. This product is most commonly used in electronic sensors and is currently available under proprietary trade names such as "Arnokrome III."⁴

Certain electrical resistance alloy steel is also excluded from the scope of this order. This product is defined as a non-magnetic stainless steel manufactured to American Society of Testing and Materials (ASTM) specification B344 and containing, by weight, 36 percent nickel, 18 percent chromium, and 46 percent iron, and is most notable for its

² See *Stainless Steel Sheet & Strip in Coils from Mexico; Extension of Time Limits for Preliminary and Final Results of Full ("Sunset") Review of Antidumping Duty Order*, 69 FR 57673 (September 27, 2004).

³ See Chapter 72 of the HTSUS, "Additional U.S. Note" 1(d).

⁴ "Arnokrome III" is a trademark of the Arnold Engineering Company.

resistance to high temperature corrosion. It has a melting point of 1390 degrees Celsius and displays a creep rupture limit of 4 kilograms per square millimeter at 1000 degrees Celsius. This steel is most commonly used in the production of heating ribbons for circuit breakers and industrial furnaces, and in rheostats for railway locomotives. The product is currently available under proprietary trade names such as "Gilphy 36."⁵

Certain martensitic precipitation-hardenable stainless steel is also excluded from the scope of this order. This high-strength, ductile stainless steel product is designated under the Unified Numbering System (UNS) as S45500-grade steel, and contains, by weight, 11 to 13 percent chromium, and 7 to 10 percent nickel. Carbon, manganese, silicon and molybdenum each comprise, by weight, 0.05 percent or less, with phosphorus and sulfur each comprising, by weight, 0.03 percent or less. This steel has copper, niobium, and titanium added to achieve aging, and will exhibit yield strengths as high as 1700 Mpa and ultimate tensile strengths as high as 1750 Mpa after aging, with elongation percentages of 3 percent or less in 50 mm. It is generally provided in thicknesses between 0.635 and 0.787 mm, and in widths of 25.4 mm. This product is most commonly used in the manufacture of television tubes and is currently available under proprietary trade names such as "Durphynox 17."⁶

Finally, three specialty stainless steels typically used in certain industrial blades and surgical and medical instruments are also excluded from the scope of this order. These include stainless steel strip in coils used in the production of textile cutting tools (*i.e.*, carpet knives).⁷ This steel is similar to ASTM grade 440F, but containing, by weight, 0.5 to 0.7 percent of molybdenum. The steel also contains, by weight, carbon of between 1.0 and 1.1 percent, sulfur of 0.020 percent or less, and includes between 0.20 and 0.30 percent copper and between 0.20 and 0.50 percent cobalt. The second excluded stainless steel strip in coils is similar to AISI 420-J2 and contains, by weight, carbon of between 0.62 and 0.70 percent, silicon of between 0.20 and 0.50 percent, manganese of between 0.45 and 0.80 percent, phosphorus of no more than 0.025 percent and sulfur of no more than 0.020 percent. This steel has a carbide density on average of 100

carbide particles per square micron. An example of this product is "GIN5" steel. The third specialty steel has a chemical composition similar to AISI 420 F, with carbon of between 0.37 and 0.43 percent, molybdenum of between 1.15 and 1.35 percent, but lower manganese of between 0.20 and 0.80 percent, phosphorus of no more than 0.025 percent, silicon of between 0.20 and 0.50 percent, and sulfur of no more than 0.020 percent. This product is supplied with a hardness of more than Hv 500 guaranteed after customer processing, and is supplied as, for example, "GIN6."⁸

Analysis of Comments Received

All issues raised in this sunset review are addressed in the "Issues and Decision Memorandum ("Decision Memo")" from Ronald K. Lorentzen, Acting Director, Office of Policy, Import Administration, to Jeffrey A. May, Acting Assistant Secretary for Import Administration, dated November 4, 2004, which is hereby adopted by this notice. The issues discussed in the Decision Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the margin likely to prevail if the antidumping duty order were revoked. Parties can find a complete discussion of all issues raised in this sunset review and the corresponding recommendations in this public memo, which is on file in room B-099 of the main Commerce Building.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at <http://ia.ita.doc.gov/frn>, under the heading "November 2004". The paper copy and electronic version of the Decision Memo are identical in content.

Preliminary Results of Review

The Department preliminarily determines that revocation of the antidumping duty order on certain stainless steel sheet and strip in coils from Mexico is likely to lead to continuation or recurrence of dumping at the following weighted-average margins:

Manufacturers/producers/exporter's	Weighted-average margin (percent)
Mexinox	30.85
All Others	30.85

Any interested party may request a hearing within 30 days of publication of this notice in accordance with 19 CFR 351.310(c). Any hearing, if requested,

will be held on January 10, 2005, in accordance with 19 CFR 351.310(d). Interested parties may submit case briefs no later than January 3, 2005, in accordance with 19 CFR 351.309(c)(1)(i). Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than January 7, 2005. The Department will issue a notice of final results of this sunset review, which will include the results of its analysis of issues raised in any such briefs, no later than January 27, 2005.

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

Dated: November 4, 2004.

Jeffrey A. May,

Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-583-831]

Notice of Amended Final Determination in Accordance With Court Decision of the Antidumping Duty Investigation of Stainless Steel Sheet and Strip in Coils From Taiwan

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

EFFECTIVE DATE: November 17, 2004.

FOR FURTHER INFORMATION CONTACT: Robert Bolling, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: 482-3434.

SUMMARY: On January 15, 2004, the United States Court of Appeals for the Federal Circuit ("CAFC") sustained the final remand determination of the Department of Commerce ("the Department"). See *Tung Mung Development Co., Ltd. v. U.S.*, 354 F.3d 1371, C.A.Fed (Jan. 15, 2004) ("*Tung Mung III*"), and the Department's *Final Results of Redetermination Pursuant to Court Remand in Tung Mung Development Co., Ltd. v. United States*, Consol. Court No. 99-06-00457 (CIT July 3, 2001). As there is now a final and conclusive court decision in this case, we are amending our final determination of sales at less than fair value.

SUPPLEMENTARY INFORMATION:

⁵ "Gilphy 36" is a trademark of Imphy, S.A.

⁶ "Durphynox 17" is a trademark of Imphy, S.A.

⁷ This list of uses is illustrative and provided for descriptive purposes only.

⁸ "GIN4 Mo", "GIN5" and "GIN6" are the proprietary grades of Hitachi Metals America, Ltd.