

28, 2006. See Notice of Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review: Stainless Steel Bar from Spain, 71 FR 69550 (December 1, 2006) (Extension Notice). Subsequent to the publication of the Extension Notice in the **Federal Register** we identified an inadvertent error.

The Extension Notice states incorrectly that we are extending the time period for issuing the preliminary results of this review to February 13, 2006. The Extension Notice is hereby corrected to read that we are extending the time period for issuing the preliminary results of this review to February 13, 2007.

This correction is issued and published in accordance with section 777(i) of the Tariff Act of 1930, as amended.

Dated: December 11, 2006.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

A-583-831

#### **Stainless Steel Sheet and Strip in Coils From Taiwan; Final Results and Partial Rescission of Antidumping Duty Administrative Review**

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

**SUMMARY:** On August 9, 2006, the Department of Commerce (the Department) published in the **Federal Register** the preliminary results and partial rescission of the administrative review of the antidumping duty order on stainless steel sheet and strip in coils from Taiwan. This review covers 15 manufacturers/exporters. The period of review (POR) is July 1, 2004, through June 30, 2005.

We provided interested parties with an opportunity to comment on the preliminary results of review. After analyzing the comments received, we corrected one programming error in the margin calculation for one respondent, Chia Far Industrial Factory Co., Ltd. (Chia Far). Therefore, the final results of review differ from the preliminary results of review. The final weighted-average dumping margins for the reviewed firms are listed below in the section entitled "Final Results of Review."

**EFFECTIVE DATE:** December 15, 2006.

**FOR FURTHER INFORMATION CONTACT:** Melissa Blackledge or Howard Smith, AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-3518 or (202) 482-5193, respectively.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The following events occurred after the Department published the preliminary results of the instant administrative review in the **Federal Register**. See *Stainless Steel Sheet and Strip in Coils from Taiwan: Preliminary Results and Rescission in Part of Antidumping Duty Administrative Review*, 71 FR 45521 (August 9, 2006) (*Preliminary Results*). In response to the Department's invitation to comment on the *Preliminary Results*, the petitioners<sup>1</sup> and Chia Far filed case briefs on September 8, 2006. Chia Far and petitioners filed rebuttal briefs on September 15, 2006.

##### **Period of Review**

The POR is July 1, 2004, through June 30, 2005.

##### **Scope of the Order**

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 the order is classified in the *Harmonized Tariff Schedule of the United States* (HTS) at subheadings: 7219.13.0031, 7219.13.0051, 7219.13.0071, 7219.1300.81<sup>2</sup>, 7219.14.0030,

<sup>1</sup> The petitioners are Allegheny Ludlum Corporation, United Auto Workers Local 3303 (formerly Butler Armco Independent Union), North American Stainless (except as to Ta Chen and its affiliates), United Steelworkers of America, AFL-CIO/CLC, and Zanesville Armco Independent Organization (collectively, "petitioners").

<sup>2</sup> 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.

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, 7219.35.0005, 7219.35.0015, 7219.35.0030, 7219.35.0035, 7219.90.0010, 7219.90.0020, 7219.90.0025, 7219.90.0060, 7219.90.0080, 7220.12.1000, 7220.12.5000, 7220.20.1010, 7220.20.1015, 7220.20.1060, 7220.20.1080, 7220.20.6005, 7220.20.6010, 7220.20.6015, 7220.20.6060, 7220.20.6080, 7220.20.7005, 7220.20.7010, 7220.20.7015, 7220.20.7060, 7220.20.7080, 7220.20.8000, 7220.20.9030, 7220.20.9060, 7220.90.0010, 7220.90.0015, 7220.90.0060, and 7220.90.0080. Although the HTS subheadings are provided for convenience and customs purposes, the Department's written description of the merchandise under the order is dispositive.

Excluded from the scope of the 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. See Chapter 72 of the HTS, "Additional U.S. Note" 1(d).

In response to comments by interested parties, the Department has determined that certain specialty stainless steel products are also excluded from the scope of the 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 sulphide 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 in 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 the 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 less than 0.002 or greater than 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 strip is also excluded from the scope of the 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."<sup>3</sup>

Certain electrical resistance alloy steel is also excluded from the scope of the 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 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."<sup>4</sup>

Certain martensitic precipitation-hardenable stainless steel is also excluded from the scope of the 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."<sup>5</sup>

Finally, three specialty stainless steels typically used in certain industrial blades and surgical and medical instruments are also excluded from the scope of the order. These include stainless steel strip in coils used in the production of textile cutting tools (e.g., carpet knives).<sup>6</sup> This steel is similar to AISI grade 420 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. This steel is sold under proprietary names such as "GIN4 Mo." 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 100 square microns. 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."<sup>7</sup>

#### Partial Rescission of Review

In the *Preliminary Results* notice, we stated that we were preliminarily rescinding the instant review with respect to Ta Chen Stainless Pipe Co., Ltd. (Ta Chen), Yieh United Steel Corp. (YUSCO), Yieh Mau Corp. (Yieh Mau), Chain Chon Industrial Co., Ltd. (Chain Chon), Yieh Loong Enterprise Company, Ltd. (Yieh Loong), and China Steel Corporation (China Steel), because record evidence supported their claims that they made no shipments of subject merchandise during the POR. The record evidence relied upon by the Department included U.S. Customs and Border Protection (CBP) data and customs entry documents which the Department placed on the record of this review. Parties did not comment on this record evidence. Because the record evidence does not call into question the parties' no shipments claims, we are rescinding this administrative review with respect to Ta Chen, YUSCO, Yieh Mau, Chain Chon, Yieh Loong, and China Steel pursuant to 19 CFR 351.213(d)(3). In addition, for the reasons explained in the *Preliminary Results* notice, we are rescinding this review with respect to Emerdex Stainless Flat-Rolled Products, Inc., Emerdex Stainless Steel, Inc., and the

<sup>3</sup> "Arnokrome III" is a trademark of the Arnold Engineering Company.

<sup>4</sup> "Gilphy 36" is a trademark of Imphy, S.A.

<sup>5</sup> "Durphynox 17" is a trademark of Imphy, S.A.

<sup>6</sup> This list of uses is illustrative and provided for descriptive purposes only.

<sup>7</sup> "GIN4 Mo," "GIN5" and "GIN6" are the proprietary grades of Hitachi Metals America, Ltd.

Emerdex Group. See *Preliminary Results*, 71 FR 45521.

### Analysis of Comments Received

All issues raised in the parties' case and rebuttal briefs commenting on this administrative review are addressed in the *Issues and Decision Memorandum* from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to David M. Spooner, Assistant Secretary for Import Administration, dated December 7, 2006, which is hereby adopted by this notice. A list of the issues that parties have raised and to which we have responded, all of which are in the *Issues and 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 the public *Issues and Decision Memorandum* that is on file in the Central Records Unit, Room B-099 of the main Department building. In

addition, a complete version of the *Issues and Decision Memorandum* can be accessed directly on the Web at <http://ia.ita.doc.gov/frn/index>. The paper copy and electronic version of the *Issues and Decision Memorandum* are identical in content.

### Use of Facts Available

In the preliminary results of review, we assigned a dumping margin based on total adverse facts available (AFA) to the following companies, pursuant to section 776 of the Act, because they failed to respond to the Department's questionnaire: PFP Taiwan Co., Ltd., Yieh Trading Corporation, Goang Jau Shing Enterprise Co., Ltd., Chien Shing Stainless Steel Company Ltd., and Tang Eng Iron Works Company, Ltd. That margin, 21.10 percent, is the highest appropriate dumping margin from this or any prior segment of the instant proceeding. No parties commented on the Department's decision to apply total AFA to these companies. For the

reasons noted in the *Preliminary Results* notice, we have continued to assign the above-mentioned companies an AFA rate of 21.10 percent.

### Changes Since the Preliminary Results

Based on our analysis of the comments received, we have corrected one programming error in calculating the dumping margin for one respondent, Chia Far. For additional information, see Analysis Memorandum for Chia Far Industrial Factory Co., Ltd. for the Final Results of the Administrative Review of the Antidumping Duty Order on Stainless Steel Sheet and Strip in Coils from Taiwan covering the period July 1, 2004, through June 30, 2005, dated December 7, 2006.

### Final Results of Review

We determine that the following weighted-average percentage margins exist for the period July 1, 2004, through June 30, 2005:

Manufacturer/Exporter/Reseller	Weighted-Average Margin (percentage)
Chia Far Industrial Factory Co., Ltd. (Chia Far)	0.79
Goang Jau Shing Enterprise Co., Ltd.	21.10
PFP Taiwan Co., Ltd.	21.10
Yieh Trading Corporation	21.10
Chien Shing Stainless Steel Company Ltd.	21.10
Tang Eng Iron Works Company, Ltd.	21.10

### Assessment

The Department has determined, and CBP shall assess, antidumping duties on all appropriate entries. In accordance with 19 C.F.R. § 351.212(b)(1), where possible, the Department calculated importer-specific assessment rates for merchandise subject to this review. Where the importer-specific assessment rate is above *de minimis*, we will instruct CBP to assess the importer-specific rate uniformly on the entered customs value of all entries of subject merchandise made by the importer during the POR. To determine whether the per-unit duty assessment rates were *de minimis* (i.e., less than 0.50 percent *ad valorem*), in accordance with the requirement set forth in 19 C.F.R. § 351.106(c)(2), we calculated importer-specific *ad valorem* ratios based on the export prices. For the respondents receiving dumping margins based upon AFA, the Department will instruct CBP to liquidate entries according to the AFA *ad valorem* rate. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of this final results of review.

The Department clarified its "automatic assessment" regulation in

*Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003). This clarification applies to POR entries of subject merchandise produced by companies included in these final results where the companies did not know that their merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

### Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of stainless steel sheet and strip in coils from Taiwan entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) the cash deposit rate for each of the reviewed companies will be the rate listed for the company in the "Final

Results of Review" section above (except if the rate for a particular company is *de minimis*, i.e., less than 0.5 percent, no cash deposit will be required for that company); (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in these or any previous reviews conducted by the Department, the cash deposit rate will be the "all others" rate, which is 12.61 percent.

These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

### Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under section 351.402(f)(2) of the Department's

regulations 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 the antidumping duties occurred and the subsequent assessment of double antidumping duties.

#### Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with section 351.305 of the Department's regulations, which continues to govern business proprietary information in this segment of the proceeding. 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 terms of an APO is a violation that is subject to sanction.

We are issuing and publishing these results and this notice in accordance with sections 751(a)(1) and 771(i) of the Act.

Dated: December 7, 2006.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

#### Appendix I -- Issues In The Issues And Decision Memorandum

##### List Of Issues Discussed

##### A. Issues with Respect to Chia Far

*Comment 1:* Home Market Early Payment Discounts

*Comment 2:* U.S. Indirect Selling Expenses

*Comment 3:* Work-In-Process Inventory

*Comment 4:* Minor Input from Affiliates

*Comment 5:* Improperly Excluded U.S. Sales

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Application of the Countervailing Duty Law to Imports From the People's Republic of China: Request for Comment

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

**DATES:** *Effective Date:* December 15, 2006.

**SUMMARY:** The Department of Commerce invites comments on the applicability of the countervailing duty law to imports from the People's Republic of China.

**DATES:** Comments must be submitted no later than thirty days after publication of this Notice.

**ADDRESSES:** Written comments (original and eight copies) should be sent to Susan H. Kuhbach, Senior Office Director for Import Administration, U.S. Department of Commerce, Central Records Unit, Room 1870, Pennsylvania Avenue and 14th Street, NW., Washington, DC 20230.

#### FOR FURTHER INFORMATION CONTACT:

Callie Conroy or David Layton, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: 202-482-0754 or 202-482-0371, respectively.

#### Background

In 1986, the Court of Appeals for the Federal Circuit affirmed that the Department of Commerce (the Department) has the discretion not to apply the countervailing duty (CVD) law to non-market economy (NME) countries in *Georgetown Steel Corp. v. United States*, 801 F.2d 1308 (Fed. Cir. 1986) (*Georgetown Steel*). On November 20, the Department initiated a countervailing duty investigation on imports of coated free sheet paper from the People's Republic of China (PRC). This is the first CVD investigation involving the PRC since 1991, when the Department initiated investigations on lugnuts and ceiling fans, which were terminated before going to order. See *Rescission of Initiation of Countervailing Duty Investigation and Dismissal of Petition: Chrome-Plated Lug Nuts and Wheel Locks From the People's Republic of China* ("PRC"), 57 FR 10459 (March 26, 1992); and *Final Negative Countervailing Duty Determinations: Oscillating and Ceiling Fans From the People's Republic of China*, 57 FR 24018 (June 5, 1992). In both cases, the Department did not find at that time a basis for applying the CVD law to the industry in question, consistent with *Georgetown Steel*. The initiation of the present investigation requires that the Department review its long-standing policy of not applying the CVD law to NMEs, such as the PRC.

The Department intends during the course of the present investigation to determine whether the countervailing duty law should now be applied to imports from the PRC. Given the complex legal and policy issues involved, the Department, therefore, invites public comment on this matter.

Persons wishing to comment should file a signed original and eight copies of each set of comments before the close of the comment period. Comments should be limited to thirty pages, double spaced. The Department will not accept comments accompanied by a request that a part or all of the material be treated confidentially because of its business proprietary nature or for any other reason. All comments responding to this notice will be a matter of public record and will be available for public inspection and copying at Import Administration's Central Records Unit, Room B-099, between the hours of 8:30 a.m. and 5 p.m. on business days. The Department requires that comments be submitted in written form, but also recommends submission of comments in electronic form to accompany the required paper copies. Comments filed in electronic form should be submitted either by e-mail to the webmaster below, or on CD-ROM, as comments submitted on diskettes are likely to be damaged by postal radiation treatment. Comments received in electronic form will be made available to the public in Portable Document Format (PDF) on the Internet at the Import Administration Web site at the following address: <http://ia.ita.doc.gov/>. Any questions concerning file formatting, document conversion, access on the Internet, or other electronic filing issues should be addressed to Andrew Lee Beller, Import Administration Webmaster, at (202) 482-0866, e-mail address: [webmaster-support@ita.doc.gov](mailto:webmaster-support@ita.doc.gov).

All comments and submissions should be mailed to Susan H. Kuhbach, Senior Office Director for Import Administration; Subject: Application of the Countervailing Duty Law to Imports from the People's Republic of China: Request for Comment; Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC, by no later than 5 p.m., on the above-referenced deadline date.

Dated: December 11, 2006.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

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