

the antidumping duty order on hand trucks and certain parts thereof ("Hand Trucks") from the People's Republic of China ("PRC"), received July 2, 2007, meets the statutory and regulatory requirements for initiation. The period of review ("POR") of this new shipper review is December 1, 2006, through May 31, 2007.

**FOR FURTHER INFORMATION CONTACT:** Matthew Quigley or Robert Bolling, 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) 482-4551 or (202) 482-3434, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

The notice announcing the antidumping duty order on hand trucks from the PRC was published on December 2, 2004. See *Antidumping Duty Order: Hand Trucks and Certain Parts Thereof From the People's Republic of China*, 69 FR 70122 (December 2, 2004). On July 2, 2007, we received a new shipper review request from New-Tec Integration (Xiamen) Co., Ltd. ("New-Tec"). New-Tec certified that it is both the producer and exporter of the subject merchandise upon which the respective request for a new shipper review is based.

Pursuant to section 751(a)(2)(B)(i)(I) of the Tariff Act of 1930, as amended (the "Act"), and 19 CFR 351.214(b)(2)(i), New-Tec certified that it did not export hand trucks to the United States during the period of investigation ("POI"). In addition, pursuant to section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A), New-Tec certified that, since the initiation of the investigation, it has never been affiliated with any exporter or producer who exported hand trucks to the United States during the POI, including those not individually examined during the investigation. As required by 19 CFR 351.214(b)(2)(iii)(B), New-Tec also certified that its export activities were not controlled by the central government of the PRC.

In addition to the certifications described above, New-Tec submitted documentation establishing the following: (1) the date on which it first shipped hand trucks for export to the United States; (2) the volume of its first shipment; and (3) the date of its first sale to an unaffiliated customer in the United States.

**Initiation of New Shipper Review**

Pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214(d)(1), we find

that the request submitted by New-Tec meets the threshold requirements for initiation of a new shipper review for shipments of hand trucks from the PRC produced and exported by New-Tec.

The POR is December 1, 2006, through May 31, 2007. See 19 CFR 351.214(g)(1)(i)(B). We intend to issue preliminary results of this review no later than 180 days from the date of initiation, and final results no later than 90 days from the date the preliminary results are issued. See section 751(a)(2)(B)(iv) of the Act.

It is the Department's usual practice, in cases involving non-market economies, to require that a company seeking to establish eligibility for an antidumping duty rate separate from the country-wide rate provide evidence of *de jure* and *de facto* absence of government control over the company's export activities. Accordingly, we will issue a questionnaire to New-Tec, including a separate-rate section. The review will proceed if the response provides sufficient indication that New-Tec is not subject to either *de jure* or *de facto* government control with respect to its exports of hand trucks. However, if New-Tec does not demonstrate its eligibility for a separate rate, it will be deemed not separate from other companies that exported during the POI, and its new shipper review will be rescinded.

On August 17, 2006, the Pension Protection Act of 2006 (H.R. 4) was signed into law. Section 1632 of H.R. 4 temporarily suspends the authority of the Department to instruct U.S. Customs and Border Protection to collect a bond or other security in lieu of a cash deposit in a new shipper review. Therefore, the posting of a bond or other security under section 751(a)(2)(B)(iii) of the Act in lieu of a cash deposit is not available in this case. Importers of hand trucks produced by and exported by New-Tec must continue to post cash deposits of estimated antidumping duties on each entry of subject merchandise (*i.e.*, hand trucks) at the PRC-wide entity rate of 383.6 percent.

Interested parties that need access to proprietary information in this new shipper review should submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306.

This initiation and notice are in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 351.221(c)(1)(i).

Dated: July 26, 2007.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-533-823, A-834-807, A-307-820]

**Silicomanganese from India, Kazakhstan, and Venezuela: Final Results of Expedited Five-year ("Sunset") Reviews of the Antidumping Duty Orders**

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

**SUMMARY:** On April 2, 2007, the Department of Commerce ("the Department") published in the **Federal Register** the notice of initiation of the first five-year sunset reviews of the antidumping duty orders on silicomanganese from India, Kazakhstan, and Venezuela, pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). See *Initiation of Five-year ("Sunset") Reviews*, 72 FR 15652 (April 2, 2007) ("*Notice of Initiation*"). On the basis of notices of intent to participate and adequate substantive responses filed on behalf of domestic interested parties, and inadequate responses from respondent interested parties, the Department has conducted expedited sunset reviews of these orders pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C). As a result of these sunset reviews, the Department finds that revocation of the antidumping duty orders is likely to lead to continuation or recurrence of dumping at the levels indicated in the "Final Results of Review" section of this notice.

**EFFECTIVE DATE:** August 2, 2007.

**FOR FURTHER INFORMATION CONTACT:** Martha Douthit or Dara Iserson, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC. 20230; telephone: (202) 482-5050, or (202) 482-4052, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

The antidumping duty orders on silicomanganese from India, Kazakhstan, and Venezuela were published in the **Federal Register** on May 23, 2002. See *Notice of Amended*

*Final Determination of Sales at Less than Fair Value and Antidumping Duty Orders: Silicomanganese from India, Kazakhstan, and Venezuela*, 67 FR 36149 (May 23, 2002). On April 2, 2007, the Department initiated the first sunset reviews of the antidumping duty orders on silicomanganese from India, Kazakhstan, and Venezuela, pursuant to section 751(c) of the Act. See *Notice of Initiation*. The Department received notices of intent to participate from Felman Production Inc. ("Felman"), Eramet Marietta Inc. ("Eramet") (collectively "domestic interested parties"), within the deadline specified in 19 CFR 351.218(d)(1)(i). Domestic interested parties claimed interested party status under section 771(9)(C) of the Act as producers of the subject merchandise.

On May 1 and May 2, 2007, the Department received substantive responses from domestic interested parties Felman and Eramet, respectively, within the deadline specified in 19 CFR 351.218(d)(3)(i). On May 8, 2007, the Department received a timely substantive response from Nava Bharat Ventures Limited ("Nava Bharat"), a respondent interested party from India.<sup>1</sup> Nava Bharat claimed interested party status under section 771(9)(A) of the Act as a producer/exporter of subject merchandise. On May 22, 2007, the Department determined that Nava Bharat did not provide an adequate response to the *Notice of Initiation* in accordance with 19 CFR 351.218(e)(1)(ii)(A) because its shipments accounted for less than 50 percent of exports of subject merchandise to the United States over the five calendar years preceding the initiation of this review. Pursuant to 19 CFR 351.218(e)(1)(ii)(C)(1), on the same day, the Department notified the International Trade Commission ("ITC") of its adequacy determination. See *Memorandum to Barbara E. Tillman from the Sunset Team, Sunset Review of the Antidumping Duty Order on Silicomanganese from India: Adequacy Determination*, dated May 22, 2007. The Department, therefore, has conducted expedited sunset reviews of the antidumping duty orders pursuant to section 751(c)(3)(B) of the Act.

**Scope of the Orders**

For purposes of these orders, the products covered are all forms, sizes and compositions of silicomanganese, except low-carbon silicomanganese, including silicomanganese briquettes, fines and slag. Silicomanganese is a

ferroalloy composed principally of manganese, silicon and iron, and normally contains much smaller proportions of minor elements, such as carbon, phosphorous and sulfur. Silicomanganese is sometimes referred to as ferrosilicon manganese. Silicomanganese is used primarily in steel production as a source of both silicon and manganese. Silicomanganese generally contains by weight not less than 4 percent iron, more than 30 percent manganese, more than 8 percent silicon and not more than 3 percent phosphorous. Silicomanganese is properly classifiable under subheading 7202.30.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Some silicomanganese may also be classified under HTSUS subheading 7202.99.5040.

The low-carbon silicomanganese excluded from this scope is a ferro alloy with the following chemical specifications: minimum 55 percent manganese, minimum 27 percent silicon, minimum 4 percent iron, maximum 0.10 percent phosphorus, maximum 0.10 percent carbon and maximum 0.05 percent sulfur. Low-carbon silicomanganese is used in the manufacture of stainless steel and special carbon steel grades, such as motor lamination grade steel, requiring a very low carbon content. It is sometimes referred to as ferromanganese-silicon. Low-carbon silicomanganese is classifiable under HTSUS subheading 7202.99.5040. This scope covers all silicomanganese, regardless of its tariff classification. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope remains dispositive.

**Analysis of Comments Received**

All issues raised in the substantive responses by parties to these sunset reviews are addressed in the *Issues and Decision Memorandum for the Expedited Sunset Reviews of the Antidumping Duty Orders of Silicomanganese from India, Kazakhstan, and Venezuela; Final Results from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to David M. Spooner, Assistant Secretary for Import Administration*, dated concurrently with this notice ("*Decision Memo*"), which is hereby adopted in this notice. The issues discussed in the *Decision Memo* include the likelihood of continuation or recurrence of dumping and the rate likely to prevail if the orders were revoked. Parties can find a complete discussion of all issues raised in these sunset reviews and the

corresponding recommendation in this public memorandum which is on file in B-099, the Central Records Unit, of the main Commerce building. In addition, a complete version of the *Decision Memo* can be accessed directly on the Department's Web page at <http://ia.ita.doc.gov/frn>. The paper copy and electronic version of the *Decision Memo* are identical in content.

**Final Results of Reviews**

The Department determines that revocation of the antidumping duty orders on silicomanganese from India, Kazakhstan, and Venezuela would be likely to lead to continuation or recurrence of dumping at the following duty rates:

Manufacturers/Exporters/Producers	Weighted-Average Margin (percent)
<b>India.</b>	
Nava Bharat .....	15.32
Universal Ferro and Allied Chemicals, Ltd. ....	20.53
All Others Rate .....	17.74
<b>Kazakhstan.</b>	
Alloy 2000, S.A. ....	247.88
Kazakhstan-Wide Rate .....	247.88
<b>Venezuela.</b>	
Hornos Eléctricos de Venezuela, S.A. ....	.....
All Others Rate .....	24.62

**International Trade Commission (ITC) Notification**

In accordance with section 752(c)(3) of the Act, we will notify the ITC of the final results of this expedited sunset review.

**Notification Regarding Administrative Protective Order**

This notice also serves as the only reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this determination and notice in accordance with sections 751(c), 752, and 777(i) of the Act.

<sup>1</sup> Nava Bharat received an extension to May 8, 2007, to submit its substantive response.

Dated: July 25, 2007.

David M. Spooner,

Assistant Secretary for Import  
Administration.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

A-469-805

#### Stainless Steel Bar from Spain: Final Results of Antidumping Duty Administrative Review

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

**SUMMARY:** On March 28, 2007, the Department of Commerce published the preliminary results of the 2005/2006 administrative review of the antidumping duty order on stainless steel bar from Spain. We gave interested parties an opportunity to comment on the preliminary results. Based on our analysis of the comments received we did not make changes for the final results. The final weighted-average dumping margin for a single respondent is listed below in the "Final Results of the Review" section of this notice.

**EFFECTIVE DATE:** August 2, 2007.

**FOR FURTHER INFORMATION CONTACT:** Dmitry Vladamirov or Mino Hatten, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-0665 and (202) 482-1690, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On March 28, 2007, the Department of Commerce (the Department) published *Stainless Steel Bar from Spain: Preliminary Results of Antidumping Duty Administrative Review*, 72 FR 14522 (March 28, 2007) (*Preliminary Results*) in the **Federal Register**. The period of review is March 1, 2005, through February 28, 2006.

We invited parties to comment on the Preliminary Results. On April 27, 2007, we received a case brief from the respondent, Sidenor Industrial SL (Sidenor). On May 7, 2007, Carpenter Technology Corporation, Valbruna Slater Stainless, Inc., and Electralloy Corporation, a Division of G.O. Carlson, Inc. (collectively, the domestic interested parties), filed a rebuttal brief. At the request of Sidenor, we held a hearing on May 16, 2007.

We have conducted this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

##### Scope of Order

The product covered by this order is stainless steel bar (SSB). SSB means articles of stainless steel in straight lengths that have been either hot-rolled, forged, turned, cold-drawn, cold-rolled or otherwise cold-finished, or ground, having a uniform solid cross section along their whole length in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles, hexagons, octagons or other convex polygons. SSB includes cold-finished SSBs that are turned or ground in straight lengths, whether produced from hot-rolled bar or from straightened and cut rod or wire, and reinforcing bars that have indentations, ribs, grooves, or other deformations produced during the rolling process.

Except as specified above, the term does not include stainless steel semi-finished products, cut length flat-rolled products (*i.e.*, cut length rolled products which if less than 4.75 mm in thickness have a width measuring at least 10 times the thickness, or if 4.75 mm or more in thickness having a width which exceeds 150 mm and measures at least twice the thickness), wire (*i.e.*, cold-formed products in coils, of any uniform solid cross section along their whole length, which do not conform to the definition of flat-rolled products), and angles, shapes and sections.

The SSB subject to this order is currently classifiable under subheadings 7222.10.0005, 7222.10.0050, 7222.20.0005, 7222.20.0045, 7222.20.0075, and 7222.30.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this order is dispositive.

##### Analysis of Comments Received

All comments raised in the case and rebuttal briefs by parties in this review of the antidumping duty order on stainless steel bar from Spain are addressed in the "Issues and Decision Memorandum" from Stephen J. Claeys, Deputy Assistant Secretary, to David M. Spooner, Assistant Secretary, dated July 26, 2007 (Decision Memorandum), which is hereby adopted by this notice. The Decision Memorandum, which is a public document, is on file in the Central Records Unit, main Commerce building, Room B-099, and is accessible on the Web at <http://ia.ita.doc.gov/frn/index.html>. The paper copy and

electronic version of the Decision Memorandum are identical in content.

##### Changes Since The Preliminary Results

With respect to Sidenor, in the *Preliminary Results*, we determined that the use of adverse facts available is appropriate as the basis for the weighted-average dumping margin. For these final results of review, we have continued to rely on the use of adverse facts available in establishing the weighted-average dumping margin for Sidenor for the period of review. Therefore, there were no changes since the *Preliminary Results*.

##### Use of Adverse Facts Available

In accordance with section 776(b) of the Act, we determine that the use of adverse facts available as the basis for the weighted-average dumping margin is appropriate for Sidenor. As explained in the *Preliminary Results* and in the Memorandum from Mark Todd to Neal Halper, entitled "Use of Adverse Facts Available for the Preliminary Determination," dated March 22, 2007 (AFA Memo), we determined that the cost-of-production (COP) questionnaire responses submitted by Sidenor are incomplete and cannot be used to calculate an accurate dumping margin for Sidenor. Specifically, as a result of the serious deficiencies that we identified and that Sidenor failed repeatedly to address with respect to its reporting of the COP information, we are unable to determine adequately whether the reported COP information reflects, reasonably and accurately, the costs incurred by Sidenor to produce the merchandise under consideration. Without this information, we cannot calculate an accurate dumping margin for this company.

Therefore, as a consequence of the requested necessary information being absent from the record, we find that our reliance on facts otherwise available is warranted pursuant to section 776(a)(1) of the Act. Furthermore, we find that Sidenor has withheld requested information, failed to provide such information in the form and manner required, impeded the conduct of this review, and reported information that could not be verified. As such, pursuant to sections 776(a)(2)(A), (B), (C), and (D) of the Act, we find that the use of facts available for the final results is warranted. For a detailed discussion, please refer to the AFA Memo. See also the Decision Memorandum for a complete discussion of this issue. In addition, we find that Sidenor did not act to the best of its ability in reporting the COP information. Despite our repeated requests for information and