

export hand trucks to the United States during the period of investigation (POI), April 1, 2003 through September 30, 2003. In addition, pursuant to section 751(a)(2)(B)(i)(III) of the Act and 19 CFR 351.214(b)(2)(iii)(A), ABC Tools 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), ABC Tools also certified that its export activities were not controlled by the central government of the PRC.

In addition to the certifications described above, pursuant to 19 CFR 351.214(b)(2)(iv), ABC Tools 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; (3) an entry of subject merchandise for consumption in the United States; and (4) a sale of subject hand trucks by ABC Tools to an unaffiliated customer in the United States during the twelve-month period immediately preceding the annual anniversary month of the antidumping duty order on hand trucks from the PRC.

#### 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 ABC Tools meets the threshold requirements for initiation of a new shipper review of hand trucks from the PRC produced and exported by ABC Tools.

This review covers the period from December 1, 2007, through November 30, 2008. See 19 CFR 351.214(g)(1)(i)(A). 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. Although ABC Tools has provided some of this information in its new shipper request, we will issue a questionnaire to ABC Tools, including a separate-rate section. The review will proceed if the response provides sufficient indication that ABC Tools is not subject to either *de jure* or *de facto* government control with respect to its exports of hand trucks. However, if ABC

Tools 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 and exported by ABC Tools must continue to post cash deposits of estimated antidumping duties on each entry of subject merchandise at the PRC-wide entity rate of 383.6 percent. See *Antidumping Duty Order: Hand Trucks and Certain Parts Thereof From The People's Republic of China*, 69 FR 70122 (December 2, 2004).

Interested parties needing 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: January 22, 2009.

**John M. Andersen,**

*Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Mission Statement; Aerospace Executive Service at Latin America Aero and Defence 2009 April 14-17, 2009

**AGENCY:** Department of Commerce.  
**ACTION:** Notice.

#### Mission Description

The United States Department of Commerce, International Trade Administration, U.S. and Foreign Commercial Service is organizing an Aerospace Executive Service (AES) trade mission to the Latin America Aero and Defence (LAAD) 2009 show, in Rio de Janeiro, Brazil, April 14-17, 2009. LAAD is in its sixth biennial year and

is a certified U.S. Department of Commerce trade show. The AES will include representatives from a variety of U.S. aerospace-industry manufacturers and service providers. The mission participants will benefit from individual, pre-screened appointments at the Riocentro trade show location with potential agents, distributors, and end-users whose capabilities are targeted to each U.S. participant's requirements. Participating companies will also benefit from exhibitor access to the trade show, a product literature display at LAAD, country briefings, and logistical support during the trade mission program.

#### Commercial Setting

LAAD features equipment and services for the internal security and Special Forces, as well as state-of-the-art equipment and services to the conventional armed forces of Latin America. Visitors include military, aerospace, and airline decision makers from throughout Latin America and the world. In 2007, 315 companies from 28 countries exhibited a wide range of commercial and military aerospace and ground support equipment and services, including aerospace materials and interiors, airport ground support equipment, aircraft maintenance services and equipment, avionics and radar systems, simulators and training equipment and unmanned aerial vehicles.

Latin America's defense market represents emerging opportunities for aerospace manufacturers with a growing demand for new and upgraded fighters, surveillance and patrol platforms, air-to-air tankers and counter-insurgency/anti-narcotics equipment. Military expenditures in Latin America are expected to reach \$32.2 billion in 2009. In addition, Latin American governments plan to introduce new and updated systems. Specifically Brazil, Colombia, Mexico, and Chile are planning to procure nuclear-powered submarine capability, technologies for counter-insurgency operations against guerillas and illicit drug crops, counter-narcotics, and tanker aircraft for in-flight refueling.

In Brazil, the armed forces are continuing to modernize its equipment and systems. The Government of Brazil is making financing a priority in order for the Brazilian Air Force to address its most urgent updating requirements. Additionally, Latin American countries are participating in United Nations-sponsored peace keeping and disaster relief missions throughout the world, creating additional procurement requirements.

### Mission Goals

The goal of the AES at Latin America Aerospace and Defence (LAAD) 2009 is to facilitate an effective presence for small- to medium-sized U.S. companies that may not yet be ready to incur the major expenses associated with purchasing and staffing exhibition space. The AES enables U.S. aerospace companies to familiarize themselves with this important trade fair, to conduct market research, and to explore export opportunities through pre-screened meetings with potential partners. With Commercial Service staff on hand to help further company-specific objectives, the AES provides access to Brazil and other international markets and business partners in a manner that cannot be matched by simply attending the show as a visitor.

### Mission Scenario

The AES at LAAD will formally begin on Tuesday, April 14, 2009, with a company briefing and visit to the trade show on the opening day. On Wednesday, April 15, and Thursday, April 16, AES participants will benefit from pre-screened meetings (with up to eight appointments per company) with prospective distributors and end-users arranged by the Commercial Service in Brazil. These meetings will be held in private rooms at the Riocentro Convention Center. No exhibition or larger demonstration items will be permitted, unless the AES participating company separately purchases exhibitor booth space directly from Clarion Expo, the show organizer. On the final day of the show, Friday, April 17, AES participants can visit the show floor at

LAAD and hold their own independently scheduled follow up meetings, with Commercial Service staff available at the show to assist, as needed.

The AES package at LAAD 2009 also includes the following:

- Official show entry (or exhibitor) passes.
- Listing in the LAAD 2009 Exhibitor's Directory.
- Company product literature on display in the U.S. booth.
- Logistical support (interpreter for pre-scheduled meetings, ground transportation to/from the show each day, and coordination of hotel arrangements).

### Proposed Mission Timetable

Monday, April 13, 2009 .....	Companies arrive in Rio de Janeiro.
Tuesday, April 14, 2009 .....	Official trade show briefing and visit to LAAD 2009.
Wednesday, April 15, Thursday, April 16 .....	Pre-screened individual meetings at show location.
Friday, April 17 .....	Companies visit LAAD for individual follow-up. AES concludes.

### Participation Requirements

All parties interested in participating in the AES at LAAD 2009 must complete and submit an application package for consideration by the Department of Commerce. All applicants will be evaluated on their ability to meet certain conditions and best satisfy the selection criteria as outlined below. A minimum of 5 and maximum of 6 companies will be selected to participate in the mission from the applicant pool. U.S. companies already doing business in Latin America as well as U.S. companies seeking to enter Latin American markets for the first time may apply.

#### Fees and Expenses:

After a company has been selected to participate on the mission, a payment to the Department of Commerce in the form of a participation fee is required. The participation fee will be \$4,500 for large firms and \$3,000 for a small or medium-sized enterprise (SME).<sup>\*</sup> The fee for each additional firm representative (large firm or SME) is \$350. Expenses for travel, lodging, most meals, and incidentals will be the

responsibility of each mission participant.

#### Conditions for Participation:

- An applicant must submit a completed and signed mission application and supplemental application materials, including adequate information on the company's products and/or services, primary market objectives, and goals for participation. If the Department of Commerce receives an incomplete application, the Department may reject the application, request additional information, or take the lack of information into account when evaluating the applications.
- Each applicant must also certify that the products and services it seeks to export through the mission are either produced in the United States, or, if not, marketed under the name of a U.S. firm and have at least 51 percent U.S. content of the value of the finished product or service.
- Each applicant's products must meet LAAD 2009 trade fair rules. Regulation information can be found at the show's Web site at <http://www.laadexpo.com/2009/eng/index.asp>.

Selection Criteria: Selection will be based on the following criteria:

- Suitability of the company's products or services to the Latin American market.
- Applicant's potential for business in Latin America, including likelihood of exports resulting from the mission.
- Relevance of the company's business line to the mission's goals.

Referrals from political organizations and any documents containing references to partisan political activities (including political contributions) will be removed from an applicant's submission and not considered during the selection process.

### Timeframe for Recruitment and Applications

Mission recruitment will be conducted in an open and public manner, including publication in the **Federal Register** posting on the Commerce Department trade missions calendar—<http://www.ita.doc.gov/doctm/tncal.html>—and other Internet Web sites, publication in domestic trade publications and association newsletters, mailings from internal mailing lists, faxes to internal database aerospace clients, email to aerospace distribution lists, and announcements at industry meetings, conferences, and trade shows. ITA Aerospace and Defense Technology Team members in U.S. Export Assistance Centers will have the lead in recruiting the AES Program.

Recruitment for the mission will begin immediately and conclude no later than March 1, 2009. Applications will be available online at <http://www.buyusa.gov/connecticut/laad2009.html>. They can also be obtained by contacting the Mission Contacts listed below. The mission will open on a first come first served basis. Applications received after March 1, 2009 will be considered only if space and scheduling constraints permit.

<sup>\*</sup> An SME is defined as a firm with 500 or fewer employees or that otherwise qualifies as a small business under SBA regulations (see [http://www.sba.gov/services/contracting\\_opportunities/sizestandardstopping/index.html](http://www.sba.gov/services/contracting_opportunities/sizestandardstopping/index.html)). Parent companies, affiliates, and subsidiaries will be considered when determining business size. The dual pricing reflects the Commercial Service's user fee schedule that became effective May 1, 2008 (see <http://www.export.gov/newsletter/march2008/initiatives.html> for additional information).

**Contacts:**

Melissa Grosso, U.S. Commercial Service Middletown, Tel: 860-638-6955, [Melissa.Grosso@mail.doc.gov](mailto:Melissa.Grosso@mail.doc.gov).  
 Genard Burity, U.S. Commercial Service, Rio de Janeiro, Tel: 55-21-3823-2401, [Genard.Burity@mail.doc.gov](mailto:Genard.Burity@mail.doc.gov).  
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**Sean Timmins,**

Global Trade Programs, Commercial Service Trade Missions Program.

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**DEPARTMENT OF COMMERCE****International Trade Administration**

[A-580-825]

**Oil Country Tubular Goods, Other Than Drill Pipe, From Korea: Court Decision Not in Harmony With Final Results of Administrative Review**

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

**SUMMARY:** On December 22, 2008, the United States Court of International Trade (CIT) sustained the Department of Commerce's (the Department) results of redetermination pursuant to the CIT's remand and entered final judgment in *Husteel Company, Ltd., and SeAH Corp., Ltd., v. United States*, Consol. Ct. No. 06-00075, Slip Op. 08-139 (CIT December 22, 2008) (*Husteel v. United States II*). See *Results of Redetermination on Remand Pursuant to Husteel Company, Ltd., and SeAH Corp., Ltd., v. United States*, dated August 29, 2008, and *Results of Redetermination on Remand Pursuant to Husteel Company, Ltd., and SeAH Corp., Ltd., v. United States*, dated December 5, 2008 (available at <http://ia.ita.doc.gov/remands>). Consistent with the decision of the United States Court of Appeals for the Federal Circuit (CAFC) in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), the Department is notifying the public that the final judgment in this case is not in harmony with the Department's final results of the administrative review of the antidumping duty order on oil country tubular goods, other than drill pipe, from Korea covering the period of review (POR) of August 1, 2003 through July 31, 2004. See *Oil Country Tubular Goods, Other Than Drill Pipe, from Korea: Final Results of Antidumping Duty Administrative Review*, 71 FR 13091 (March 14, 2006) (*Final Results*).

**DATES:** *Effective Date:* December 22, 2008.

**FOR FURTHER INFORMATION CONTACT:** Scott Lindsay, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-0780.

**SUPPLEMENTARY INFORMATION:****Background**

On March 14, 2006, the Department issued its final results in the antidumping duty administrative review of oil country tubular goods, other than drill pipe, from Korea covering the POR of August 1, 2003 through July 31, 2004. See *Final Results*. In the *Final Results*, the Department found that the use of third country sales to a non-market economy (the People's Republic of China (PRC), in this case) is inappropriate for determining normal value, because these sales are not representative. *Id.* As such, in calculating normal value for SeAH Steel Corp. Ltd. (SeAH), the Department used SeAH's third country sales to Canada, and in calculating normal value for Husteel Co. Ltd. (Husteel), the Department utilized constructed value. Therefore, SeAH was assigned a rate of 6.84 percent, and Husteel was assigned a rate of 12.30 percent. *Id.*

In *Husteel Company, Ltd., and SeAH Corp., Ltd., v. United States*, Consol. Ct. No. 06-00075, Slip Op. 08-62 (CIT June 2, 2008) (*Husteel v. United States I*), the CIT remanded the *Final Results*, holding that the Department's finding that sales into a non-market economy are not representative was not supported by substantial record evidence. The CIT directed the Department to either present persuasive record evidence that SeAH's and Husteel's sales into the PRC were not representative within the meaning of 19 U.S.C. 1677b(a)(1)(B)(ii)(I), or find the sales into the PRC to be representative, and then recalculate and assign SeAH and Husteel new antidumping duty assessment rates. On August 29, 2008, the Department issued its final results of redetermination pursuant to *Husteel v. United States I*. See *Results of Redetermination on Remand Pursuant to Husteel Company, Ltd., and SeAH Corp., Ltd., v. United States* (August 29, 2008) (*Remand Results*). The remand redetermination explained that, in accordance with the CIT's instructions, after finding sales to the PRC to be representative, the Department recalculated the assessment rate for SeAH and Husteel. Specifically, the

Department determined SeAH's new weighted-average margin to be 0.59 percent, and Husteel's new weighted-average margin to be 0.62 percent.

However, in the *Remand Results*, the Department inadvertently treated certain Korean inventory carrying costs as if they were denominated in U.S. dollars when they, in fact, had been denominated in Korean won. Therefore, in *Husteel Company Ltd. and SeAH Corp. Ltd., v. United States*, Consol. Ct. No. 06-000075, Slip Op. 08-127 (CIT November 21, 2008), the CIT upheld the Department's *Remand Results*, with the exception of the calculation of certain inventory carrying costs. The CIT ordered the Department to correct its calculation of Husteel's Korean inventory carrying costs. In accordance with the CIT's order, the Department corrected its calculation with regard to Husteel's Korean inventory carrying costs. See *Results of Redetermination on Remand Pursuant to Husteel Company, Ltd., and SeAH Corp., Ltd., v. United States* (December 5, 2008). As a result, Husteel's new dumping margin is now *de minimis*, and SeAH's margin remains 0.59 percent.

**Timken Notice**

In its decision in *Timken*, 893 F.2d at 341, the CAFC held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of a court decision that is not "in harmony" with a Department determination and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's decision in *Husteel vs. United States II*, on December 22, 2008, constitutes a final decision of that court that is not in harmony with the Department's *Final Results*. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. In the event the CIT's ruling is not appealed or, if appealed, upheld by the CAFC, the Department will instruct U.S. Customs and Border Protection to assess antidumping duties on entries of the subject merchandise during the POR from Husteel and SeAH based on the revised assessment rates calculated by the Department.

This notice is issued and published in accordance with section 516A(c)(1) of the Act.