

751(a)(3)(A) of the Act allows the Department to extend the time limit for the preliminary results to a maximum of 365 days after the last day of the anniversary month of an order for which a review is requested.

The Department finds it is not practicable to complete the preliminary results of this review within the original time frame because we require additional time to analyze Tuberia Nacional, S.A. de C.V.'s (TUNA's) claim that it did not have exports, sales or entries of subject merchandise to the United States during the period of review. See TUNA's "no shipment" letter to the Department, dated January 23, 2009. In light of our ongoing changed circumstances review, more time is also necessary to consider the relationship between Ternium Mexico, S.A. de C.V. and Hylsa, S.A. de C.V., a mandatory respondent in the instant review. See *Preliminary Results of Antidumping Duty Changed Circumstances Review: Certain Circular Welded Non-Alloy Steel Pipe and Tube from Mexico*, 74 FR 28883 (June 18, 2009). Accordingly, the Department is extending the time limit for completion of the preliminary results of this administrative review until no later than November 30, 2009, which is 365 days from the last day of the anniversary month. We intend to issue the final results no later than 120 days after publication of the preliminary results notice.

This extension is issued and published in accordance with sections 751(a)(3)(A) and 777(i) of the Act.

Dated: July 15, 2009.

**John M. Andersen,**

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

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-580-835]

#### **Stainless Steel Sheet and Strip in Coils from the Republic of Korea: Rescission of Countervailing Duty Changed Circumstances Review**

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

**EFFECTIVE DATE:** July 21, 2009.

**SUMMARY:** The Department of Commerce (the "Department") is rescinding the countervailing duty ("CVD") changed circumstances review of stainless steel

sheet and strip in coils ("S4") from the Republic of Korea ("Korea"), as INI Steel Company ("INI") was found to be the successor-in-interest to Incheon Iron and Steel Co., Ltd. ("Inchon") in other segments of this proceeding.

**FOR FURTHER INFORMATION CONTACT:** Magd Zalok or Howard Smith, AD/CVD Enforcement Office IV, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-4162 and (202) 482-5193.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On September 21, 2001, the Department initiated the instant changed circumstances review to examine whether INI was the successor-in-interest to Incheon. See *Stainless Steel Sheet and Strip in Coils from the Republic of Korea: Notice of Initiation of Changed Circumstances Countervailing Duty Administrative Review*, 66 FR 49639 (September 28, 2001). The Department published its preliminary results in this changed circumstances review on June 3, 2002, and preliminarily determined that Incheon was the successor-in-interest to INI. See *Stainless Steel Sheet and Strip in Coils from the Republic of Korea: Notice of Preliminary Results of Changed Circumstances Countervailing Duty Administrative Review*, 67 FR 38257 (June 3, 2002) ("*Preliminary Results*"). We gave interested parties 10 days to comment on the *Preliminary Results*. The Department received no comments.

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

The products subject to 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), provided that it maintains the specific dimensions of sheet and strip following such processing.

The merchandise subject to the order is currently classifiable in the Harmonized Tariff Schedule of the United States ("HTSUS") at subheadings: 7219.13.00.30, 7219.13.00.50, 7219.13.00.70,

7219.13.00.80, 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 HTSUS subheadings are provided for convenience and customs purposes, the Department's written description of the merchandise 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 HTSUS, "Additional U.S. Note"1(d).

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 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 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>1</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>2</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 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>3</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>4</sup> This steel is similar to AISI grade 420 but containing, by weight, 0.5 to 0.7 percent of molybdenum. 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. This steel is sold under proprietary names such as "GIN4 HI-C." 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."

#### Rescission of Changed Circumstances Review

Since the publication of the *Preliminary Results*, the Department has completed a number of administrative reviews of the order. See, e.g., *Final Results and Partial Rescission of Countervailing Duty Administrative Review: Stainless Steel Sheet and Strip From the Republic of Korea*, 68 FR 13267 (March 19, 2003) ("Second Review"); *Final Results of Countervailing Duty Administrative Review: Stainless Steel Sheet and Strip in Coils from the Republic of Korea*, 69 FR 2113 (January 14, 2004) ("Third Review"), covering calendar years 2000 and 2001, respectively.

In both of these segments of the proceeding, the Department's determination reflected INI's status as the successor-in-interest to Inchon. Specifically, in the *Second Review*, 68 FR at 13269, which examined Inchon, the Department stated in the "Final Results of Review" section of the notice: "As of April 1, 2001, Inchon, changed its name to INI. Thus, for all of Inchon's shipments of the subject merchandise from the producers/exporters under review, entered, or withdrawn from warehouse, for consumption on or after April 1, 2001, we will instruct customs to assign Inchon's cash deposit to INI." In the *Third Review*, the Department stated "{ }or the period January 1, 2001

<sup>1</sup> "Arnokrome III" is a trademark of the Arnold Engineering Company.

<sup>2</sup> "Gilphy 36" is a trademark of Imphy, S.A.

<sup>3</sup> "Durphynox 17" is a trademark of Imphy, S.A.

<sup>4</sup> This list of uses is illustrative and provided for descriptive purposes only.

through December 31, 2001, {which covers the time period when the name change took place} we determine the net subsidy for INI/Sammi to be 0.55 percent *ad valorem*. This rate will also apply to shipments by Inchon entered or withdrawn from warehouse for the period January 1, 2001 through December 31, 2001.” See *Third Review*, 69 FR at 2115 (unchanged in *Amended Final Results of Countervailing Duty Administrative Review: Stainless Steel Sheet and Strip in Coils from the Republic of Korea*, 69 FR 7419 (February 17, 2004)). Since the Department’s decisions in these administrative reviews reflect INI’s status as the successor-in-interest to Inchon, there is no need for the Department to make a determination on this issue in the context of a CVD changed circumstances review. The Department noted this fact in the changed circumstances review of the CVD order on S4 from Korea that was initiated on June 30, 2006, to examine whether Hyundai Steel Company was the successor-in-interest to INI. See *Stainless Steel Sheet and Strip in Coils From the Republic of Korea: Initiation of Countervailing Duty Changed Circumstances Review*, 71 FR 37541 (June 30, 2006) (“In September 2001 and June 2002, respectively, the Department initiated and issued the preliminary results of a changed circumstances review to determine whether INI was entitled to Inchon’s cash deposit rate.<sup>5</sup> In the *Second Review* the Department determined to assign Inchon’s cash deposit rate to INI, thereby eliminating the need to complete the changed circumstances review.<sup>6</sup>”). Therefore, we are rescinding the instant CVD changed circumstances review.

#### Administrative Protective Orders

This notice also serves as a final reminder to parties subject to administrative protective order (“APO”) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 C.F.R. § 351.305(a)(3). Failure to timely notify the Department in writing of the return/destruction of APO material is a sanctionable violation.

This notice is in accordance with sections 751(b)(1) and 777(i)(1) of the

<sup>5</sup> See *Stainless Steel Sheet and Strip in Coils from the Republic of Korea; Notice of Initiation of Changed Circumstances Countervailing Duty Administrative Review*, 66 FR 49639 (September 28, 2001), and *Stainless Steel Sheet and Strip in Coils from the Republic of Korea; Notice of Preliminary Results of Changed Circumstances Countervailing Duty Administrative Review*, 67 FR 38257 (June 3, 2002).

<sup>6</sup> See *Second Review Decision Memorandum* at section “C: Name Changes.”

Tariff Act of 1930, as amended, and 19 C.F.R. § 351.221(c)(3) and 19 CFR § 351.216.

Dated: July 13, 2009.

Ronald K. Lorentzen ,

Acting Assistant Secretary for Import Administration.

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### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

#### Request for Public Comment on a Commercial Availability Request under the U.S.-Bahrain Free Trade Agreement

July 15, 2009.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Request for public comments concerning a request for modification of the U.S.-Bahrain Free Trade Agreement (USBFTA) rules of origin for certain compacted, single, ring spun cotton yarns.

**SUMMARY:** On April 1, 2009, the Government of the United States received a request from the Government of Bahrain for consultations under Article 3.2.3 of the USBFTA. Bahrain is seeking agreement to revise the rules of origin for certain bedding, curtains, bed covers, and pillow covers to address availability of supply of certain compacted ring spun cotton yarns in the territories of the Parties. On July 7, 2009, the United States received additional information from Bahrain to address certain issues with respect to the April 1 request, including identification that the subject request is for certain compacted, single, ring spun cotton yarns classified in subheadings 5205.27.0020 and 5205.28.0020 of the Harmonized Tariff Schedule of the United States (HTSUS). The President may proclaim a modification to the USBFTA rules of origin for textile and apparel products after reaching an agreement with the Government of Bahrain on the modification. CITA hereby solicits public comments on this request, in particular with regard to whether certain compacted, single, ring spun cotton yarns of HTSUS 5205.27.0020 and 5205.28.0020 can be supplied by the domestic industry in commercial quantities in a timely manner. Comments must be submitted by August 20, 2009 to the Chairman, Committee for the Implementation of Textile Agreements, Room 3001, United States Department of Commerce, Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** Jim Bennett, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4058.

#### SUPPLEMENTARY INFORMATION:

**Authority:** Section 202 (j)(2)(B)(i) of the United States - Bahrain Free Trade Agreement Implementation Act (19 U.S.C. 3805 note) (USBFTA Implementation Act); Executive Order 11651 of March 3, 1972, as amended.

#### Background

Under the USBFTA, the parties are required to progressively eliminate customs duties on originating goods. See Article 2.3.2. The USBFTA provides that, after consultations, the parties may agree to revise the rules of origin for textile and apparel products to address issues of availability of supply of fibers, yarns, or fabrics in the free trade area. See Article 3.2.3 of the USBFTA. In the consultations, each party must consider data presented by the other party showing substantial production of the good. Substantial production has been shown if domestic producers are capable of supplying commercial quantities of the good in a timely manner. See Article 3.2.4 of the USBFTA.

The USBFTA Implementation Act provides the President with the authority to proclaim modifications to the USBFTA rules of origin as are necessary to implement the agreement after complying with the consultation and layover requirements of Section 104 of the USBFTA Implementation Act. See Section 202(j)(2)(B)(i) of the USBFTA Implementation Act. Executive Order 11651 established CITA to supervise the implementation of textile trade agreements and authorizes the Chairman of CITA to take actions or recommend that the United States take actions necessary to implement textile trade agreements. 37 FR 4699 (March 4, 1972).

On April 1, 2009, the Government of the United States received a request from the Government of Bahrain, alleging that certain compacted ring spun cotton yarns cannot be supplied by the domestic or Bahraini industry in commercial quantities in a timely manner and requesting that the United States consider whether the USBFTA rule of origin for certain bedding, curtains, bed covers, and pillow covers, classified under HTSUS subheadings 6302.21.9010, 6302.21.9020, 6302.31.5010, 6302.31.5020, 6302.31.9010, 6302.31.9020, 6303.91.0020, 6304.92.0000, 6307.90.8945, 6307.90.8985, and 6307.90.8995, should be modified to allow the use of non-U.S. and non-