

information provided by the petitioners, we believe that the petitioners' FOP methodology represents information reasonably available to the petitioners and is appropriate for purposes of initiating this investigation.

In accordance with section 773(c)(4) of the Act, the petitioners valued FOP, where possible, on reasonably available, public surrogate data from India. The petitioners valued all direct materials (with the exception of ball bearings and tires), packing materials, and scrap based on Indian import values, as published in the 2002 *Monthly Statistics of Foreign Trade of India*. These values were inflated to the current POI using the Indian wholesale price index ("WPI") as reported in the International Monetary Fund's *International Financial Statistics* ("IFS"), and converted to U.S. dollars using the U.S. Federal Reserve exchange rates for India.

Concerning ball bearings and tires for the hand truck, the petitioners valued these inputs using price quotes they obtained from India for ball bearings and tires as surrogate values for the ball bearings and tires for the hand truck. The Department accepted these values as being representative of hand truck ball bearings and tires.

The petitioners valued direct and packing labor using the regression-based wage rate for the PRC provided by the Department, in accordance with section 351.408(c)(3) of the Department's regulations. The petitioners based the amount of energy used on its own experience. Electricity was valued using the Indian Tata Energy Research Institute *Energy Data Directory and Yearbook (2000/2001)*, and adjusted for inflation to reflect a POI value using the Reserve Bank of India *RBI Bulletin*. Natural gas was valued from an article at [www.indiaonline.com](http://www.indiaonline.com), and adjusted for inflation based on the Indian WPI.

The petitioners calculated financial ratios using four public financial statements of Indian producers of hand trucks. The Department did not find adequate evidence that one of the Indian firms, Excellent Engineering & Allied Services Private Limited, is a producer of hand trucks because: (1) it is not included in the list of producers of hand trucks submitted by the Indian researcher; (2) its financial statements do not indicate that it is a manufacturer of hand trucks; (3) its direct material costs are lower than the other companies; and (4) its financial statements refer to raw materials as "trading materials." Therefore, we have removed this company's financial ratios from the calculation of normal value. Based on the information provided by

the petitioners, we believe that the surrogate values represent information readily available to the petitioners and are acceptable for purposes of initiating this investigation.

#### Fair Value Comparisons

Based on the data provided by the petitioners, there is reason to believe that imports of hand trucks from the PRC are being, or are likely to be, sold at less than fair value. As a result of a comparison of EP to NV, based on our recalculations described above, the estimated dumping margins range from 314.97 percent to 401.21 percent.

#### Allegations and Evidence of Material Injury and Causation

The petitioners allege that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of imports of the subject merchandise sold at less than fair value.

The petitioners contend that the industry's injured condition is evidenced by the loss of sale opportunities, depressed and/or suppressed domestic prices, reduced market share, and reduced profitability. The allegations of injury and causation are supported by relevant evidence including affidavits of company officials, U.S. Census Bureau import statistics, lost sales, and pricing information. We have assessed the allegations and supporting evidence regarding material injury and causation, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation. See *Initiation Checklist*.

#### Initiation of Antidumping Investigation

Based upon our examination of the petition on hand trucks, we have found that it meets the requirements of section 732 of the Act. Therefore, we are initiating an antidumping duty investigation to determine whether imports of hand trucks from the PRC are being, or are likely to be, sold in the United States at less than fair value. Unless this deadline is extended pursuant to section 733(b)(1)(A) of the Act, we will make our preliminary determination no later than 140 days after the date of this initiation.

#### Distribution of Copies of the Petition

In accordance with section 732(b)(3)(A) of the Act, a copy of the public version of the petition has been provided to the representatives of the government of the PRC.

#### ITC Notification

We have notified the ITC of our initiation as required by section 732(d) of the Act.

#### Preliminary Determination by the ITC

The ITC will preliminarily determine no later than December 29, 2003, whether there is a reasonable indication that imports of hand trucks from the PRC are causing material injury, or threatening to cause material injury, to a U.S. industry. A negative ITC determination will result in the investigation being terminated; otherwise, this investigation will proceed according to statutory and regulatory time limits.

This notice is issued and published pursuant to section 777(i) of the Act.

Dated: December 3, 2003.

**James J. Jochum,**  
*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-412-803]

#### Notice of Final Results of Antidumping Duty Changed Circumstances Review: Industrial Nitrocellulose from the United Kingdom

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

**ACTION:** Notice of Final Results of Antidumping Duty Changed Circumstances Review.

**SUMMARY:** On October 16, 2003, the Department of Commerce (the Department) published a notice of preliminary results of its changed circumstances review of the antidumping duty order on industrial nitrocellulose (INC) from the United Kingdom in which we preliminarily determined that Troon Investments Limited (TIL) is the successor-in-interest to Imperial Chemical Industries, PLC (ICI).<sup>1</sup> See *Notice of Preliminary Results of Antidumping Duty Changed Circumstances Review: Industrial Nitrocellulose from the United Kingdom*, 68 FR 59584, 59585 (October 16, 2003) (*Preliminary Results*). We gave interested parties, TIL and Green Tree Chemical Technologies, Inc. (Green Tree), the sole U.S. producer of INC and the petitioner in this proceeding, the

<sup>1</sup> Note: TIL purchased ICI's INC business on December 31, 2002.

opportunity to comment on the *Preliminary Results*. We received no comments from either Green Tree or TIL on the Department's *Preliminary Results*. Therefore, the Department is adopting its preliminary finding that TIL is the successor-in-interest to ICI in these final results.

**EFFECTIVE DATE:** December 9, 2003.

**FOR FURTHER INFORMATION CONTACT:**

Michele Mire or Howard Smith, AD/CVD Enforcement, Office 4, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-4711 and (202) 482-5193, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On July 10, 1990, the Department published in the **Federal Register** (55 FR 28270) the antidumping duty order on INC from the United Kingdom. On March 28, 2003, TIL requested that the Department conduct a changed circumstances review of the antidumping duty order on INC from the United Kingdom, claiming that it is the successor-in-interest to ICI, and, as such, it is entitled to receive the same antidumping treatment accorded to ICI. On April 11, 2003, Green Tree notified the Department that it opposed TIL's request to be considered the successor-in-interest to ICI. On July 18, 2003, and August 14, 2003, at the request of the Department, TIL submitted additional information and documentation pertaining to its changed circumstances request. Notwithstanding Green Tree's objection to finding TIL to be the successor-in-interest to ICI, record evidence indicates that, with the exception of the managing director of the INC business, TIL has made no material changes to the management, production facilities, suppliers of raw materials, or customers of ICI's former INC business. Further, while Green Tree expressed concern over a possible difference between the cost of capital for TIL and ICI, the record indicates that many of the significant factors that affect costs have not changed. Finally, although there has been a change in the legal entity performing U.S. selling functions under TIL, the record indicates that there have been no significant changes in the sales process or pricing of INC. See *Preliminary Results* at 59585. On October 16, 2003, the Department published its preliminary results in the **Federal Register**, finding TIL to be the successor-in-interest to ICI for purposes of determining antidumping liability.

See *Preliminary Results*. We invited interested parties to comment on these findings. On October 31, 2003, and November 5, 2003, Green Tree and TIL, respectively, submitted letters in which they notified the Department that they would not file comments on the *Preliminary Results*.

**Scope of Review**

Imports covered by this review are shipments of INC from the United Kingdom. INC is a dry, white amorphous synthetic chemical with a nitrogen content between 10.8 and 12.2 percent, and is produced from the reaction of cellulose with nitric acid. INC is used as a film-

former in coatings, lacquers, furniture finishes, and printing inks. The scope of this order does not include explosive grade nitrocellulose, which has a nitrogen content of greater than 12.2 percent.

INC is currently classified under Harmonized Tariff Schedule of the United States (HTSUS) item number 3912.20.0000. While the HTSUS classification is provided for convenience and customs purposes, the written description remains dispositive as to the scope of the product coverage.

**Final Results of Changed Circumstances Review**

Because we received no comments from interested parties on the *Preliminary Results*, and for the reasons stated in the *Preliminary Results*, we find the record supports TIL to be the successor-in-interest to ICI for antidumping duty cash deposit purposes. We will instruct Customs and Border Protection to suspend shipments of subject merchandise made by TIL at ICI's cash deposit rate (*i.e.*, 3.06 percent) effective upon publication of this notice. This cash deposit rate shall remain in effect until publication of the next administrative review in which TIL participates.

We are issuing and publishing this determination and notice in accordance with sections 751(b)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and section 351.216 of the Department's regulations.

Dated: December 1, 2003.

**James S. Jochum,**

*Assistant Secretary for Import Administration.*

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**Steel Import Licensing and Surge Monitoring**

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

**ACTION:** Notice of continuation of Steel Import Licensing and Surge Monitoring program.

**SUMMARY:** Pursuant to the Presidential Proclamation to Provide for the Termination of Action Taken with Regard to Imports of Steel Products, issued December 4, 2003, the Department of Commerce will continue the Steel Import Licensing and Surge Monitoring program established effective February 1, 2003 (19 CFR part 360).

**DATES:** This notice is effective December 4, 2003.

**FOR FURTHER INFORMATION CONTACT:** Julie Al-Saadawi: telephone (202) 482-1930; fax (202) 501-1377; e-mail [steel\\_license@ita.doc.gov](mailto:steel_license@ita.doc.gov). The information contained in this notice is also posted on the import licensing Web site (<http://ia.ita.doc.gov/steel/license/>).

**SUPPLEMENTARY INFORMATION:** On March 5, 2002, the President issued Proclamation 7529, implementing safeguard measures with respect to certain imported steel products pursuant to sections 201 and 203 of the 1974 Trade Act, 19 U.S.C. 2251, 2253 (67 FR 10553). In an accompanying Memorandum, the President instructed the Secretary of the Treasury and the Secretary of Commerce to establish a system of import licensing to facilitate the monitoring of imports of these steel products, and directed the Secretary of Commerce to publish regulations in the **Federal Register** establishing such a system of import licensing (67 FR 10593, 10596). Pursuant to this direction, Import Administration published proposed regulations establishing a system of import licensing on July 18, 2002 (67 FR 47338), and promulgated final regulations on December 31, 2002, effective February 1, 2003 (67 FR 79845).

On December 4, 2003, the President issued a proclamation terminating the safeguard measures and directing the Secretary of Commerce to continue the steel import licensing system established effective February 1, 2003, until the earlier of March 21, 2005, or such time as the Secretary of Commerce establishes a replacement program.