

Dated: February 8, 2005.

**Barbara E. Tillman,**

*Acting Deputy Assistant Secretary for Import Administration.*

[FR Doc. E5-630 Filed 2-14-05; 8:45 am]

BILLING CODE 3510-DS-S

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

**SUMMARY:** On August 9, 2004, 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 13 manufacturers/exporters. The period of review (POR) is July 1, 2002, through June 30, 2003.

We provided interested parties with an opportunity to comment on the preliminary results of review. After analyzing the comments received, we made changes to the margin calculations for two respondents, Chia Far Industry Factory Co., Ltd. (Chia Far) and Yieh United Steel Corporation (YUSCO). 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 the Review."

**EFFECTIVE DATE:** February 15, 2005.

**FOR FURTHER INFORMATION CONTACT:** Melissa Blackledge; or Karine Gziryan, 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) 482-4081, 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 Partial Rescission of Antidumping Duty Administrative Review*, 69 FR 48212 (August 9, 2004)

(*Preliminary Results*). On November 8, 2004, the Department extended the time limit for completing the final results of review until February 5, 2004. See *Stainless Steel Sheet and Strip in Coils From Taiwan: Extension of Time Limit for Final Results of Antidumping Duty Administrative Review*, 69 FR 67312 (November 17, 2004). During September and December 2004, the Department received timely responses to several supplemental questionnaires (see Chia Far's September 2004 supplemental questionnaire response and Ta Chen Stainless Pipe Co., Ltd.'s (Ta Chen) September and December 2004 supplemental questionnaire response). During the period August 2004 through November 2004, the petitioners<sup>1</sup> and Ta Chen submitted comments to the Department regarding Ta Chen's claim that it did not export subject merchandise to the United States during the POR. On October 27, 2004, the Department placed on the record documents obtained from U.S. Customs and Border Protection (CBP) regarding certain U.S. entries of merchandise sold by Yieh Mau Corporation (Yieh Mau) during the POR. During October and November 2004, we conducted verifications of the sales and cost information provided by Chia Far and YUSCO. In response to the Department's invitation to comment on the *Preliminary Results*, the petitioners and Chia Far filed case briefs on December 16, 2004. The petitioners, Chia Far, YUSCO, and Ta Chen filed rebuttal briefs on December 21, 2004.

##### Period of Review

The POR is July 1, 2002, through June 30, 2003.

##### Scope of the Review

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, 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).

<sup>1</sup> Allegheny Ludlum, AK Steel Corporation (formerly Armco, Inc.), J&L Specialty Steel, Inc., North American Stainless, Butler-Armco Independent Union, Zanesville Armco Independent Union, and the United Steelworkers of America, AFL-CIO/CLC.

<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.

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>

<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.

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>

#### Verification

As provided in section 782(I) of the Tariff Act of 1930, as amended (the Act), the Department conducted a verification of the sales and cost information provided by Chia Far and YUSCO. The Department conducted this verification using standard verification procedures including: on–site inspection of the manufacturers’ facilities, examination of relevant sales, cost, production and financial records, and selection of relevant source documentation as exhibits. The Department’s verification findings are identified in the sales and cost verification memoranda dated December 8, 2004, the public versions of which are on file in the Central Records Unit (CRU), room B099 of the main Commerce building.

<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.

### Partial Rescission of Review

We preliminarily rescinded the instant review with respect to Ta Chen, Chain Chon, Tung Mung, and China Steel because they reported that they made no shipments of subject merchandise during the POR. The Department reviewed CBP data, which supports the claims that these companies did not export subject merchandise during the POR. Moreover, documentation submitted by Ta Chen also demonstrates that it did not export subject merchandise during the POR (see Comment 1 of the accompanying *Issues and Decision Memorandum for the Final Results of the Fourth Antidumping Administrative Review of Stainless Steel Sheet and Strip in Coils from Taiwan (Issues and Decision Memorandum)* dated concurrently with this notice).

In the *Preliminary Results*, the Department assigned total adverse facts available to Yieh Mau because CBP data called into question the “no shipment” claim of Yieh Mau and the company failed to demonstrate that it did not sell subject merchandise to the United States during the POR. However, on August 2, 2004, after issuing the *Preliminary Results*, the Department received and examined entry packages from CBP, for the entries at issue. The entry documents support Yieh Mau’s claim that it did not export subject merchandise to the United States during the POR. See Memorandum To The File, “Import Documentation Obtained from U.S. Customs and Border Patrol for Entries of Merchandise Sold by Yieh Mau Corporation during the Period of Review,” October 27, 2004, on file in room B-099 of the main Commerce building.

Therefore, in accordance with 19 CFR § 351.213(d)(3) and consistent with the Department’s practice, we are rescinding this administrative review with respect to Yieh Mau, Ta Chen, Chain Chon, Tung Mung, and China Steel.

### Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the *Issues and Decision Memorandum* from Barbara E. Tillman, Acting Deputy Assistant Secretary for Import Administration, to Joseph A. Spetrini, Acting Assistant Secretary for Import Administration, dated February 7, 2005, 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 this public 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/>. The paper copy and electronic version of the *Issues and Decision Memorandum* are identical in content.

### Sales Below Cost

We disregarded sales below cost for both YUSCO and Chia Far during the course of this administrative review.

### Duty Absorption

In the *Preliminary Results*, the Department found that Chia Far absorbed antidumping duties on all U.S. sales made through its affiliated importer. Chia Far has failed to provide evidence that the unaffiliated customers in the United States will pay the full duty ultimately assessed on the subject merchandise. See Comment 8 of the *Issues and Decision Memorandum*. Thus, for the final results of this review, we continue to find that Chia Far absorbed antidumping duties.

### Changes Since the Preliminary Results

Based on our analysis of comments received, we made changes to the margin calculations for Chia Far and YUSCO. The changes to the margin calculations are listed below:

- We used the borrowing cost of Chia Far’s U.S. affiliated reseller to calculate U.S. credit expenses for all constructed export price sales (see *Issues and Decision Memorandum*, dated February 7, 2005, at Comment 6, and the 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, 2002 through June 30, 2003 (Chia Far’s Final Analysis Memorandum), dated February 7, 2005).
- We revised the gauge code that was reported by Chia Far for one U.S. sale.
- We corrected the mis-allocated U.S. insurance, banking charges, and U.S. brokerage and handling fees that were reported by Chia Far for one U.S. sale. For additional changes and corrections, see Chia Far’s Final Analysis Memorandum and the Analysis Memorandum for Yieh United Steel Company 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, 2002 through June 30, 2003, dated February 7, 2005.

### Final Results of Review

We determine that the following weighted-average percentage margins exist for the period July 1, 2002, through June 30, 2003:

Manufacturer/Exporter/Reseller	Weighted-Average Margin (percentage)
Yieh United Steel Corporation (YUSCO) .....	1.92
Chia Far Industrial Factory Co., Ltd. (Chia Far) .....	1.10

### Assessment

The Department will determine, and CBP shall assess, antidumping duties on all appropriate entries. In accordance with section 351.212(b)(1) of the Department’s regulations, we have calculated an exporter/importer (or customer)-specific assessment rate for merchandise subject to this review. The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of these final results of review. We will direct CBP to assess the resulting assessment rates against the reported entered customs’ values for the subject merchandise on each of the importer’s/customer’s entries during the review period. For duty-assessment purposes, we have calculated importer/customer-specific assessment rates by dividing the dumping margins calculated for each importer/customer by the total entered value (or quantity if we do not have entered value) of sales for each importer/customer during the POR.

### 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 rates for Chia Far and YUSCO will be the rates shown above; (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 or countervailing 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 or countervailing duties occurred and the subsequent assessment of double antidumping duties or countervailing 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 this determination and notice in accordance with sections 751(a)(1) and 771(I) of the Act.

Dated: February 7, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

#### APPENDIX I -- ISSUES IN THE ISSUES AND DECISION MEMORANDUM

##### A. Issue with Respect to Ta Chen

*Comment 1:* Whether Ta Chen Exported Subject Merchandise During the POR

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

*Comment 2:* Whether the Gauge for a U.S. Sale was Coded Correctly

*Comment 3:* Whether the Department Should Grant a CEP Offset

*Comment 4:* Whether Export Sales were Improperly Classified as Home Market Sales

*Comment 5:* Whether Order Confirmation Date is the Most Appropriate Date of Sale

*Comment 6:* Whether the Department Should Continue to Apply the Interest Rate Used for the Preliminary Results in Calculating Credit Expense on CEP sales

*Comment 7:* Whether the Department Should Make Changes to Certain U.S. Selling Expenses

*Comment 8:* Whether Chia Far Absorbed Antidumping Duties on All U.S. Sales Through Lucky Medsup

#### C. Issue with Respect to YUSCO

*Comment 9:* Whether the Department Should Reject YUSCO's Sales Data and Resort to Total Adverse Facts Available

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#### DEPARTMENT OF COMMERCE

##### International Trade Administration

[A-570-868]

#### Folding Metal Tables and Chairs From the People's Republic of China: Notice of Extension of Time Limit for Preliminary Results in the Second Antidumping Duty Administrative Review

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

**DATES:** *Effective Date:* February 15, 2005.

**FOR FURTHER INFORMATION CONTACT:** Stephen Berlinguette at (202) 482-3740, or Amber Musser at (202) 482-1777, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

#### Extension of Time Limit

Pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("the Act"), the Department of Commerce ("the Department") shall make a preliminary determination in an administrative review of an antidumping duty order within 245 days after the last day of the anniversary month of the date of publication of the order. The Act further provides, however, that the Department may extend that 245-day period to 365 days if it determines it is not practicable to

complete the review within the foregoing time period. The Department finds that it is not practicable to complete the preliminary results in the administrative review of folding metal tables and chairs from the PRC within this time limit. Specifically, due to resource constraints and the number of issues in this review, we find that additional time is needed in order to complete these preliminary results. Therefore, in accordance with section 751(a)(3)(A) of the Act, the Department is extending the time for completion of the preliminary results of this review until June 30, 2005.

Dated: February 9, 2005.

**Barbara E. Tillman,**

*Acting Deputy Assistant Secretary for Import Administration.*

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

[I.D. 020805A]

#### Receipt of An Application for Direct Take Permit 1520

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, Commerce

**ACTION:** Notice of availability for public comment.

**SUMMARY:** NMFS has received an application from the Confederated Tribes of the Colville Reservation (CCT) for a direct take permit pursuant to the Endangered Species Act of 1973, as amended (ESA). The duration of the proposed Permit is 5 years. NMFS is furnishing this notice in order to allow other agencies and the public an opportunity to review and comment on the document. All comments received will become part of the public record and will be available for review pursuant to the ESA.

**DATES:** Written comments from interested parties on the Permit application must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 pm Pacific standard time on March 17, 2005.

**ADDRESSES:** Written comments on the application should be sent to Kristine Petersen, Salmon Recovery Division, F/ NWR1, 525 NE Oregon Street, Suite 510, Portland, OR 97232 or electronically to [kristine.petersen@noaa.gov](mailto:kristine.petersen@noaa.gov). Comments may also be sent via fax to (503)872-2737. The mailbox address for providing