

*Comment 3: Separate Rates*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-485-805]

#### **Certain Small Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from Romania: Final Results of Antidumping Duty Administrative Review and Final Determination Not to Revoke Order in Part**

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

**SUMMARY:** On May 10, 2005, the Department of Commerce published the preliminary results of the administrative review of the antidumping duty order on certain small diameter carbon and alloy seamless standard, line, and pressure pipe (seamless pipe) from Romania. The period of review is August 1, 2003, through July 31, 2004. We did not receive comments from interested parties, and we did not make any changes to the margin for the final results. The final margin for S.C. Silcotub S.A. is listed below in the section entitled "Final Results of Review."

**EFFECTIVE DATE:** July 18, 2005.

**FOR FURTHER INFORMATION CONTACT:** Janis Kalnins at (202) 482-1392 or John Holman at (202) 482-3683, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On May 10, 2005, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on seamless pipe from Romania. See *Certain Small Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from Romania: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination Not to Revoke in Part*, 70 FR 24520 (May 10, 2005) (*Preliminary Results*). We invited interested parties to comment on the preliminary results. We did not receive comments from interested parties, and we did not make any changes to the margin for the final results. The Department has conducted

this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

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

The products covered by the order are seamless carbon and alloy (other than stainless) steel standard, line, and pressure pipes and redraw hollows produced, or equivalent, to the ASTM A-53, ASTM A-106, ASTM A-333, ASTM A-334, ASTM A-335, ASTM A-589, ASTM A-795, and the API 5L specifications and meeting the physical parameters described below, regardless of application. The scope of the order also includes all products used in standard, line, or pressure pipe applications and meeting the physical parameters described below, regardless of specification. Specifically included within the scope of the order are seamless pipes and redraw hollows, less than or equal to 4.5 inches (114.3 mm) in outside diameter, regardless of wall-thickness, manufacturing process (hot finished or cold-drawn), end finish (plain end, beveled end, upset end, threaded, or threaded and coupled), or surface finish.

The seamless pipes subject to the order are currently classifiable under the subheadings 7304.10.10.20, 7304.10.50.20, 7304.31.30.00, 7304.31.60.50, 7304.39.00.16, 7304.39.00.20, 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.51.50.05, 7304.51.50.60, 7304.59.60.00, 7304.59.80.10, 7304.59.80.15, 7304.59.80.20, and 7304.59.80.25 of the Harmonized Tariff Schedule of the United States (HTSUS).

For a further and more specific description of the scope of the order, please see *Preliminary Results*, 70 FR at 24521.

Although the HTSUS subheadings are provided for convenience and U.S. Customs and Border Protection (CBP) purposes, our written description of the merchandise subject to the scope of this order is dispositive.

##### **Facts Available**

For these final results, the Department continues to find that S.C. Silcotub S.A. did not act to the best of its ability by withdrawing itself from the review, thus withholding information necessary to calculate an accurate dumping margin and which the Department requested. Accordingly, the Department continues to find that the use of adverse facts available is warranted under section 776 of the Act. For a detailed discussion of our application, selection, and corroboration of the rate we selected as adverse facts available, see *Preliminary Results*, 70 FR at 24522, 24523.

##### **No Revocation in Part**

On August 31, 2004, Silcotub submitted a request that the Department revoke the order in part on seamless pipe from Romania with respect to its sales. In the *Preliminary Results* we determined that S.C. Silcotub S.A. did not meet the requirement of selling the subject merchandise at not less than normal value for a period of three consecutive years. See *Preliminary Results*, 70 FR at 24523. Therefore, for these final results, we determine not to revoke the order with respect to sales of seamless pipe made by S.C. Silcotub S.A. to the United States.

##### **Final Results of Review**

As a result of our review, we determine that a weighted-average dumping margin of 15.15 percent exists for S.C. Silcotub S.A. for the period August 1, 2003, through July 31, 2004.

##### **Duty Assessment and Cash-Deposit Requirements**

The Department will determine, and CBP shall assess, antidumping duties on all appropriate entries. Because we are applying adverse facts available to all exports of subject merchandise produced or exported by S.C. Silcotub S.A., we will instruct CBP to assess the final percentage margin against the entered customs values on all applicable entries during the period of review. The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of these final results of review.

The following deposit requirements will be effective upon publication of these final results of this administrative review for all shipments of seamless pipe from Romania entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results, as provided by section 751(a)(2)(C) of the Act: (1) The cash-deposit rate for S.C. Silcotub S.A. is 15.15 percent; (2) for merchandise exported by producers or exporters that were previously reviewed or investigated, the cash deposit will continue to be the most recent rate published in the final determination or final results for which the producer or exporter received an individual rate; (3) if the exporter is not a firm covered in this review, a prior review, or the original 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 subject merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review,

the cash-deposit rate shall be 13.06 percent, the all-others rate established in the prior administrative review. See *Notice of Final Results of Antidumping Duty Administrative Review and Final Determination Not To Revoke Order in Part: Certain Small Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe From Romania*, 70 FR 7237 (February 11, 2005). These cash-deposit requirements shall remain in effect until publication of the final results of the next administrative review.

#### Notification of Interested Parties

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO as explained in the administrative protective order itself. 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 sanctionable violation.

These final results of administrative review and notice are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: July 12, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-122-830]

#### Revocation of Antidumping Duty Order; Certain Stainless Steel Plate in Coils From Canada

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

**SUMMARY:** On May 21, 1999, the Department of Commerce ("the

Department") published an antidumping duty order on certain stainless steel plate in coils from Canada. See *Antidumping Duty Order, Certain Stainless Steel Plate in Coils from Belgium, Canada, Italy, Republic of Korea, South Africa, and Taiwan*, 64 FR 27756 (May 21, 1999). On April 1, 2004, the Department initiated its first sunset review of the order on certain stainless steel plate in coils from Canada. See *Initiation of Five-Year ("Sunset") Reviews*, 69 FR 17129 (April 1, 2004).

("First Sunset Review"). Pursuant to section 751(c) of the Tariff Act from 1930, as amended ("the Act"), the International Trade Commission ("the ITC") determined that revocation of the antidumping duty order on certain stainless steel plate in coils from Canada is not likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. See *Certain Stainless Steel Plate from Belgium, Canada, Italy, Korea, South Africa, and Taiwan*, 70 FR 38710 (July 5, 2005). Therefore, pursuant to section 751(d)(2) of the Act, and section 351.222(i)(1)(iii) of the Department's regulations, the Department is revoking the antidumping duty order on certain stainless steel plate in coils from Canada.

**DATES:** *Effective Date:* May 21, 2004.

#### FOR FURTHER INFORMATION CONTACT:

Martha V. Douthit or Dana Mermelstein, 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) 482-5050 or (202) 482-1391, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Scope of the Order

The product covered by this order is certain stainless steel plate 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 plate products are flat-rolled products, 254 mm or over in width and 4.75 mm or more in thickness, in coils, and annealed or otherwise heat treated and pickled or otherwise descaled. The subject plate may also be further processed (e.g., cold-rolled, polished, etc.) provided that it maintains the specified dimensions of plate following such processing. Excluded from the scope of the order are the following: (1) Plate not in coils, (2) plate that is not annealed or otherwise heat treated and pickled or otherwise descaled, (3) sheet and strip, and (4) flat

bars. The merchandise subject to this order is currently classifiable in the Harmonized Tariff Schedule of the United States ("HTS") at subheadings: 7219.11.00.30, 7219.11.00.60, 7219.12.00.05, 7219.12.00.20, 7219.12.00.25, 7219.12.00.50, 7219.12.00.55, 7219.12.00.65, 7219.12.00.70, 7219.12.00.80, 11521 7219.31.00.10, 7219.90.00.10, 7219.90.00.20, 7219.90.00.25, 7219.90.00.60, 7219.90.00.80, 7220.11.00.00, 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, 7220.90.00.10, 7220.90.00.15, 7220.90.00.60, and 7220.90.00.80. Although the HTS subheadings are provided for convenience and Customs purposes, the written description of the merchandise subject to this order is dispositive.

This scope language reflects the March 11, 2003, amendment of the antidumping and countervailing duty orders and suspension of liquidation which the Department implemented in accordance with the Court of International Trade, decision in *Allegheny Ludlum v. United States*, 2002 Ct. Int. Trade LEXIS 147 (December 12, 2002). See also *Notice of Amended Antidumping Duty Orders; Certain Stainless Steel Plate in Coils from Belgium, Canada, Italy, the Republic of Korea, South Africa, and Taiwan*, 68 FR 11520 (March 11, 2003) and *Notice of Amended Countervailing Duty Orders; Certain Stainless Steel Plate in Coils from Belgium, Italy, and South Africa*, 68 FR 11524 (March 11, 2003).

#### Background

On April 1, 2004, the Department initiated, and the ITC instituted, a sunset review of the antidumping duty order on certain stainless steel plate in coils from Canada. See *Initiation of Five-Year ("Sunset") Reviews*, 69 FR 17129 (April 1, 2004), and *Certain Stainless Steel Plate from Belgium, Canada, Italy, Korea, South Africa, and Taiwan; Initiation of Five-Year Review*, 69 FR 17235 (April 1, 2004). As a result of the review, the Department found that revocation of the antidumping duty order would likely lead to continuation or recurrence of dumping, and notified the ITC of the magnitude of the margin likely to prevail were the order to be revoked. See *Stainless Steel Plate in Coils from Canada, South Africa, and Taiwan; Notice of Expedited Sunset Review: Final Results*, 69 FR 47416 (August 5, 2004).