

Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: 202-482-3208.

**SUPPLEMENTARY INFORMATION:**

**BACKGROUND**

Following publication of the *Final Results*, Ta Chen filed a lawsuit with the CIT challenging the Department's findings. In *Alloy Piping v. United States*, Slip Op. 04-46 (CIT 2004) ("*Alloy Piping I*"), the CIT remanded the Department's final results to permit it: (1) to reconsider the factual and legal basis for its determination concerning the alleged reimbursement agreement; (2) to reconsider its calculation of constructed export price ("CEP") profit; and (3) the opportunity to fully articulate the reasoning underlying its findings, conclusions and determination on the remanded issues.

The Department complied with the CIT's remand instructions and issued its *Remand Results* on August 16, 2004. See *Remand Results*. In the *Remand Results*, the Department reconsidered its decision concerning the reimbursement agreement and determined that the reimbursement agreement, in light of the new information submitted by Ta Chen on May 18, 2004, did not apply for the June 1, 1998, through May 31, 1999, period, but was instead limited to the 1992-1994 period. The Department also reconsidered its CEP profit calculation and determined that the CEP profit equation is symmetric with regard to the imputed interest expenses such that the imputed interest expenses in the "Total U.S. Expenses" numerator are in fact reflected in recognized financial expenses in the "Total Expenses" denominator and the "Total Actual Profit" multiplier. Thus, the Department did not change Ta Chen's CEP profit. As a result of the remand determination, the antidumping duty rate for Ta Chen was decreased from 12.84 to 6.42 percent. The CIT did not receive comments from any interested parties regarding the Department's *Remand Results*.

On April 6, 2006, the CIT affirmed the Department's findings in the *Remand Results*. Specifically, the CIT affirmed the Department's finding that Ta Chen did not reimburse antidumping duties during the POR and the Department's decision not to change Ta Chen's CEP profit calculation. See *Alloy Piping II*. On April 18, 2006, consistent with the decision of the United States Court of Appeals for the Federal Circuit in *Timken Co. v. United States*, 893 F. 2d 337 (Fed. Cir. 1990), the Department notified the public that the CIT's

decision was "not in harmony" with the *Final Results*. See *Certain Stainless Steel Butt-Weld Pipe Fittings from Taiwan: Notice of Court Decision and Suspension of Liquidation*, 71 FR 19873 (April 18, 2006).

On June 5, 2006, Ta Chen appealed the CIT's decision to the CAFC. On September 21, 2006, in *Ta Chen Stainless Steel*, the CAFC dismissed the appeal pursuant to the parties' dismissal agreement. Because *Alloy Piping II* constitutes a final and conclusive court decision in this action, we are amending our final results of review and we will instruct CBP to liquidate entries subject to this review.

**AMENDED FINAL RESULTS**

Because no further appeals have been filed and there is now a final and conclusive decision in the court proceeding, we are amending the final results of administrative review of the antidumping order on certain stainless steel butt-weld pipe fittings from Taiwan for the period of June 1, 1998, through May 31, 1999. The revised weight-averaged dumping margin is as follows:

Company	Final Margin	Amended Final Margin
Ta Chen... ..	12.84	6.42

**ASSESSMENT RATES**

The Department will determine, and CBP shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we have calculated importer-specific assessment rates. Where the importer-specific assessment rate is above *de minimis* on an ad valorem basis, calculated by dividing the dumping margins found on examined subject merchandise by the estimated entered value, we will instruct CBP to assess antidumping duties on that importer's entries of subject merchandise. In accordance with 19 CFR 351.106(c)(2), we will instruct CBP to liquidate without regard to antidumping duties any entries for which the importer-specific assessment rate is *de minimis* (i.e., less than 0.5 percent ad valorem). The Department will issue appropriate assessment instructions directly to CBP 15 days after publication of these amended final results of review.

This notice is issued and published in accordance with section 751(a)(1) of the Tariff Act of 1930, as amended.

Dated: April 18, 2008.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**Implementation of Grants to Manufacturers of Certain Worsted Wool Fabrics Established Under Title IV of the Miscellaneous Trade and Technical Corrections Act of 2004**

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

**ACTION:** Notice Announcing the Availability of Grant Funds.

**SUMMARY:** This Notice announces the availability of grant funds in calendar year 2008 for U.S. manufacturers of certain worsted wool fabrics. The purpose of this notice is to provide the general public with a single source of program and application information related to the worsted wool grant offerings and it contains the information about the program required to be published in the **Federal Register**.

**DATES:** Applications by eligible U.S. producers of certain worsted wool fabrics must be received or postmarked by 5:00 p.m. Eastern Daylight Standard Time on May 27, 2008. Applications received after the closing date and time will not be considered.

**ADDRESSES:** Applications must be submitted to the Eastern Hemisphere, Office of Textiles and Apparel, Room 3001, U.S. Department of Commerce, Washington, DC 20230, (202) 482-4058.

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

**SUPPLEMENTARY INFORMATION:**

*Electronic Access:* The full funding opportunity announcement for the worsted wool fabrics program is available through FedGrants at <http://www.grants.gov>. The Catalog of Federal Domestic Assistance (CFDA) Number is 11.113, Special Projects.

*Statutory Authority:* Section 4002(c)(6) of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108-429, 118 Stat. 2603) (the "Act"). The Act was amended pursuant to Section 1633 of the Pension Protection Act of 2006 (Public Law 109-280), which extended the availability of grant funds through 2009 and modified the eligibility criteria.

*Program Description:* Section 4002(c)(6)(A) of the Act authorizes the Secretary of Commerce to provide grants to persons (including firms, corporations, or other legal entities) who were, during calendar years 1999, 2000, and 2001, manufacturers of two categories of worsted wool fabrics. The first category are manufacturers of worsted wool fabrics, containing 85 percent or more by weight of wool, with average fiber diameters greater than 18.5 micron (Harmonized Tariff Schedule of the United States (HTS) heading 9902.51.11); the total amount of available funds is \$2,666,000, to be allocated among such manufacturers on the basis of the percentage of each manufacturers' production of worsted wool fabric included in HTS 9902.51.11. The second category are manufacturers of worsted wool fabrics, containing 85 percent or more by weight of wool, with average fiber diameters of 18.5 micron or less (HTS heading 9902.51.15, previously HTS heading 9902.51.12); the total amount of available funds is \$2,666,000, to be allocated among such manufacturers on the basis of the percentage of each manufacturers' production of worsted wool fabric included in HTS 9902.51.15.

*Funding Availability:* The Secretary of Commerce is authorized under section 4002(c)(6)(A) of the Act to provide grants to manufacturers of certain worsted wool fabrics. Funding for the worsted wool fabrics grant program will be provided by the Department of the Treasury from amounts in the Wool Apparel Manufacturers Trust Fund (the "Trust Fund"). The total amount of grants to manufacturers of worsted wool fabrics described in HTS 9902.51.11 shall be \$2,666,000 in calendar year 2008. The total amount of grants to manufacturers of worsted wool fabrics described in HTS 9902.51.15 shall also be \$2,666,000 in calendar year 2008.

*Eligibility Criteria:* Eligible applicants for the worsted wool fabric program include persons (including firms, corporations, or other legal entities) who were, during calendar years 1999, 2000 and 2001, manufacturers of worsted wool fabric in the United States of the kind described in HTS 9902.51.11 or 9902.51.15. Section 1633(b)(1)(C) of the Pension Protection Act of 2006 provides that only manufacturers who weave worsted wool fabric in the United States as of the date of application shall be eligible for grant funds. Any manufacturer who becomes a successor-of-interest to a manufacturer of the worsted wool fabrics described in HTS 9902.51.11 or HTS 9902.51.15 during 1999, 2000 or 2001 because of

reorganization or otherwise, shall be eligible to apply for such grants.

*Applications to Receive Allocations:* Applicants must provide: (1) Company name, address, contact and phone number; (2) Federal tax identification number; (3) the name and address of each plant or location in the United States where worsted wool fabrics of the kind described in HTS 9902.51.11 or HTS 9902.51.15 was woven by the applicant in 1999, 2000 and 2001; (4) the name and address of each plant or location in the United States where the applicant is weaving worsted wool fabrics of the kind described in HTS 9902.51.11 and or HTS 9902.51.15 as of the date of application; (5) the quantity, in linear yards, of worsted wool fabric production described in HTS 9902.51.11 or 9902.51.15, as appropriate, woven in the United States in each of calendar years 1999, 2000 and 2001; and (6) the value of worsted wool fabric production described in HTS 9902.51.11 or 9902.51.15, as appropriate, woven in the United States in each of calendar years 1999, 2000 and 2001. This data must indicate actual production (not estimates) of worsted wool fabric of the kind described in HTS 9902.51.11 or 9902.51.15.

At the conclusion of the application, the applicant must attest that "all information contained in the application is complete and correct and no false claims, statements, or representations have been made." Applicants should be aware that, generally, pursuant to 31 U.S.C. 3729, persons providing a false or fraudulent claim, and, pursuant to 18 U.S.C. 1001, persons making materially false statements or representations, are subject to civil or criminal penalties, respectively.

Information that is marked "business confidential" will be protected from disclosure to the full extent permitted by law.

*Other Application Requirements:* Complete applications must include the following forms and documents: CD-346, Applicant for Funding Assistance; CD-511, Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying; SF-424, Application for Federal Assistance; and SF-424B, Assurances - Non-Construction Programs. The CD forms are available via web site: <http://www.osec.doc.gov/forms/direct.htm>. The SF forms are available via web site: [http://www.whitehouse.gov/omb/grants/grants\\_forms.html](http://www.whitehouse.gov/omb/grants/grants_forms.html).

This document contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA). The

use of Standard Forms 269, 424, 424A, 424B, SF-LLL, and CD-346 has been approved by the Office of Management and Budget (OMB) under the respective control numbers 0348-0039, 0348-0043, 0348-0044, 0348-0040, 0348-0046, and 0605-0001. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

*Allocation Procedures:* Section 4002(c)(6)(A) of the Act requires that each grant be allocated among eligible applicants on the basis of the percentage of each manufacturers' production of the fabric described in HTS 9902.51.11 or HTS 9902.51.15 for calendar years 1999, 2000, and 2001, compared to the production of such fabric by all manufacturers who qualify for such grants. Following the closing date of the receipt of applications, the Department shall calculate the appropriate allocation of the allotted funds among eligible applicants in accordance with the statutory procedures. Award decisions shall be final and not subject to appeal or protest.

*Intergovernmental Review:* Applications under this program are not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs".

*Administrative and National Policy Requirements:* Department of Commerce Pre-Award Notifications for Grants and Cooperative Agreements, which are contained in the **Federal Register** Notice of December 30, 2004 (69 FR 78389), are applicable to this solicitation.

It has been determined that this notice is not significant for purposes of E.O. 12866.

*Administrative Procedure/Regulatory Flexibility:* Prior notice and an opportunity for public comment are not required by the Administrative Procedure Act for rules concerning public property, loans, grants, benefits, and contracts (5 USC 553(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 USC 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 USC 601 et seq.) are inapplicable. Therefore, a regulatory flexibility analysis is not required and has not been prepared.

Dated: April 21, 2008.

**R. Matthew Priest,**  
Deputy Assistant Secretary for Textiles and Apparel.

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