

Signed at Washington, DC, this 26th day of February 2009.

Ronald K. Lorentzen,
Acting Assistant Secretary of Commerce for
Import Administration, Alternate Chairman,
Foreign-Trade Zones Board.

Attest:
Andrew McGilvray,
Executive Secretary.
[FR Doc. E9-5120 Filed 3-9-09; 8:45 am]
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DEPARTMENT OF COMMERCE

International Trade Administration

[A-274-804]

Carbon and Certain Alloy Steel Wire Rod From Trinidad and Tobago: Amended Final Results Pursuant to a Court Decision

AGENCY: Import Administration, International Trade Administration, Department of Commerce.
SUMMARY: On December 3, 2008, the United States Court of Appeals for the Federal Circuit (“CAFC”) affirmed the Department of Commerce’s (“Department”) final results of redetermination pursuant to the Department’s voluntary remand, wherein the Department calculated credit expenses from the date of invoice, rather than the date of shipment for Mittal Steel Point Lisas Ltd. (“Mittal”).¹ The Court also affirmed the Department’s classification of Mittal’s composite wire rod as non-prime merchandise. The period of review (“POR”) is October 1, 2003, through September 30, 2004. The Department is amending the final results of the second

administrative review of carbon and certain alloy steel wire rod (“wire rod”) from Trinidad and Tobago to reflect the U.S. Court of International Trade’s (“CIT”) decision.

EFFECTIVE DATE: March 10, 2009.
FOR FURTHER INFORMATION CONTACT: Dennis McClure, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-5973.

SUPPLEMENTARY INFORMATION: On November 16, 2005, the Department published its final results in the second administrative review of the antidumping duty order on wire rod from Trinidad and Tobago covering the POR.²

On December 16, 2005, and January 17, 2006, respectively, Mittal filed a summons and complaint with the U.S. Court of International Trade (“CIT”) challenging the Department’s credit expense calculation and treatment of non-prime merchandise. On March 7, 2007, the Department requested a voluntary remand so that we could reevaluate the calculation of credit expenses and inventory carrying costs used to calculate constructed export price. On April 24, 2007, the CIT granted the Department’s voluntary remand motion to reevaluate its calculation of credit expenses and inventory carrying costs and affirmed the Department’s treatment of non-prime merchandise.

On June 21, 2007, the Department filed with the CIT its final results of redetermination, calculating credit expenses from the invoice date, rather

than the shipment date. The Department also changed the inventory carrying costs used in its constructed export price calculation to reflect the date of invoice as the date of sale. On August 8, 2007, the CIT sustained the final results of redetermination on remand. On September 7, 2007, the Department notified the public that the final judgment in this case is not in harmony with the *Final Results*.

On October 5, 2007, and October 9, 2007, respectfully, both Mittal and Gerdau Ameristeel Corp. and Keystone Consolidated Industries, Inc., the petitioners, appealed the CIT’s decision. On December 3, 2008, the CAFC affirmed the CIT’s decision on both issues. The deadline to appeal the redetermination pursuant to remand is March 3, 2009, 90 days after the date the CAFC affirmed the CIT’s decision (*i.e.*, December 3, 2008). However, on January 12, 2009, Mittal filed a motion to lift the injunction on liquidating entries related to this case, in which it informed the CIT that neither it nor petitioners intended to petition the U.S. Supreme Court for *certiorari*. The CIT granted Mittal’s motion on January 13, 2009. Therefore, the Department is amending the Final Results with respect to Mittal.

Amended Final Results of Review

The remand redetermination explained that the Department determined to calculate credit expense from the date of invoice. Based on this reconsideration, we are amending the final results for Mittal. Accordingly, we are applying to Mittal the following dumping margin.

Manufacturer/exporter	Period of review	Weighted-average margin (%)	
		Original:	Revised:
Mittal Steel Point Lisas Ltd. (formerly Caribbean Ispat Limited)	10/1/2003-9/30/2004	4.13	4.08

Assessment

The Department has determined, and U.S. Customs and Border Protection (“CBP”) shall assess, antidumping duties on all appropriate entries covered by these amended final results. The Department intends to issue assessment instructions to CBP 15 days after the publication date of these amended final results

Notification to Interested Parties

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries. Pursuant to 19 CFR 351.402(f)(3), failure to comply with this requirement could result in the Secretary’s presumption

that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a 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 CFR 351.305 and as explained

¹ See *Mittal Steel Point Lisas Ltd. v. United States*, Unites States Court of Appeals 2008-1040, -1054 (Fed. Cir. 2008) (“Mittal v. United States”).

² See *Notice of Final Results of Antidumping Duty Administrative Review: Carbon and Certain Alloy*

Steel Wire Rod from Trinidad and Tobago, 70 FR 69512 (November 16, 2005) (“*Final Results*”).

³ See *Carbon and Certain Alloy Steel Wire Rod from Trinidad & Tobago: Amended Notice of Court Decision Not In Harmony with Final Results of*

Antidumping Duty Administrative Review, 72 FR 51408 (September 7, 2007).

in the APO 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 the terms of an APO is a sanctionable violation.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: March 4, 2009.

Ronald K. Lorentzen,
Acting Assistant Secretary for Import Administration.

[FR Doc. E9-5114 Filed 3-9-09; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-881]

Malleable Cast Iron Pipe Fittings from the People's Republic of China: Final Results of Expedited Sunset Review of Antidumping Duty Order.

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

EFFECTIVE DATE: March 10, 2009

SUMMARY: On November 3, 2008, the Department of Commerce ("Department") initiated a sunset review of the antidumping duty order on malleable cast iron pipe fittings from the People's Republic of China ("PRC"). On the basis of a notice of intent to participate, and an adequate substantive response from domestic interested parties, as well as a lack of response from respondent interested parties, the Department conducted an expedited (120-day) sunset review. As a result of the sunset review, the Department finds that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping. The dumping margins are identified in the Final Results of Review section of this notice.

FOR FURTHER INFORMATION CONTACT: Sergio Balbontin, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; Telephone: (202) 482-6478.

SUPPLEMENTARY INFORMATION:

Background

On November 3, 2008, the Department published the notice of initiation of the sunset review of the antidumping duty order on malleable cast iron pipe fittings ("MCP") from the PRC pursuant to

section 751(c) of the Tariff Act of 1930, as amended ("the Act"). See *Initiation of Five-year ("Sunset") Review*, 73 FR 65292 (November 3, 2008). On November 11, 2008, the Department received a notice of intent to participate from domestic interested parties, Anvil International, Inc. and Ward Manufacturing, Inc. (collectively "domestic interested parties"), within the deadline specified in section 351.218(d)(1)(i) of the Department's regulations. The domestic interested parties claimed interested party status under section 771(9)(C) of the Act as domestic producers of MCP in the United States. On December 2, 2008, the Department received a substantive response from the domestic interested parties within the deadline specified in section 351.218(d)(3)(i) of the Department's regulations. The Department did not receive a response from any respondent interested parties to this proceeding. As a result, pursuant to section 751(c)(3)(B) of the Act and section 351.218(e)(1)(ii)(C)(2) of the Department's regulations, the Department determined to conduct an expedited review of the order. See Memorandum to the File titled, "Adequacy Determination: Sunset Review of the Antidumping Duty Order on Malleable Cast Iron Pipe Fittings from the People's Republic of China," dated January 13, 2009.

Scope of the Order

The products covered by the antidumping duty order are certain malleable iron pipe fittings, cast, other than grooved fittings, from the PRC. The merchandise is classified under item numbers 7307.19.90.30, 7307.19.90.60 and 7307.19.90.80 of the Harmonized Tariff Schedule (HTSUS). Excluded from the scope of the order are metal compression couplings, which are imported under HTSUS number 7307.19.90.80. A metal compression coupling consists of a coupling body, two gaskets, and two compression nuts. These products range in diameter from 1/2 inch to 2 inches and are carried only in galvanized finish. Although HTSUS subheadings are provided for convenience and customs purposes, the Department's written description of the scope of this proceeding is dispositive.

Analysis of Comments Received

All issues raised in this review are addressed in the "Issues and Decision Memorandum" ("Decision Memorandum") from John M. Andersen, Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant

Secretary for Import Administration, dated concurrently with this notice, and is hereby adopted by this notice. The issues discussed in the Decision Memorandum include the likelihood of continuation or recurrence of dumping and the magnitude of the margins likely to prevail if the order were revoked. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit in room 1117 of the main Commerce building.

In addition, a complete version of the Decision Memorandum can be accessed directly on the web at <http://ia.ita.doc.gov/frn>. The paper copy and electronic version of the Decision Memorandum are identical in content.

Final Results of Review

Pursuant to section 752(c) of the Act, we determine that revocation of the antidumping duty order on MCP from the PRC would be likely to lead to continuation or recurrence of dumping at the following weighted-average percentage margins:

Exporter/Manufacturer	Margin(percent)
Beijing Sai Lin Ke Hardware Co. Ltd. ("SLK")	15.92
Langfang Pannext Pipe Fitting Co., Ltd.	7.35
Chengde Malleable Iron General Factory ("Chengde")	11.18
SCE Co., Ltd. ("SCE")	11.18
Jinan Meide Casting Co., Ltd.	11.31
PRC-Wide	111.36

This notice also serves as the only reminder to parties subject to administrative protective orders ("APO") 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. Timely notification of the return or 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 which is subject to sanction.

We are issuing and publishing the results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act.

Dated: March 3, 2009.

Ronald K. Lorentzen,
Acting Assistant Secretary for Import Administration.

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