

## DEPARTMENT OF COMMERCE

## International Trade Administration

A-570-846

**Brake Rotors from the People's Republic of China: Notice of Amended Final Results of Administrative Review Sales at Less Than Fair Value and Antidumping Duty Order Pursuant to Court Decision**

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

**EFFECTIVE DATE:** March 16, 2009.

**FOR FURTHER INFORMATION CONTACT:** Paul Walker, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: 202-482-0413.

**SUPPLEMENTARY INFORMATION:****Background**

This matter arose from a challenge to the *Final Results* issued by the Department of Commerce ("Department") for the period of review ("POR") April 1, 2004,<sup>4</sup> through March 31, 2005.<sup>1</sup> See *Brake Rotors from the People's Republic of China: Final Results and Partial Rescission of the 2004/2005 Administrative Review and Notice of Rescission of 2004/2005 New Shipper Review*, 71 FR 66304 (November 14, 2006) ("*Final Results*"). Following publication of the *Final Results*, the Respondents<sup>2</sup> filed a lawsuit with the Court of International Trade ("CIT") challenging the Department's *Final Results*. The Respondents contested several aspects of the *Final Results*, including the Department's surrogate valuation for steel scrap.

On June 26, 2008, the CIT directed the Department to: 1) explain whether the rejected rotors, casting strands/handles, etc., reintroduced into the production process should be properly accounted for in the factor of production "STLSCRAP"; 2) address the issue of the composition of the predominant scrap used in the production process; 3)

<sup>1</sup> We note that the Court of International Trade cited an incorrect period of review ("POR") of April 1, 2005, through May 31, 2006 in its decision. See *Laizhou Auto Brake Equipment Company, et. al. v. United States*, Court No. 06-00430, Slip Op. 08-120 (CIT November 5, 2008) ("*Laizhou II*"). The CIT corrected this error on February 20, 2009. See *Laizhou II Errata*, dated February 20, 2009.

<sup>2</sup> The Respondents referenced here are Longkou Haimeng Machinery Co., Ltd., Hongfa Machinery (Dalian) Co., Ltd., Laizhou Auto Brake Equipment Co., Ltd., Laizhou City Luqi Machinery Co., Ltd., Laizhou Hongda Auto Replacement Parts Co., Ltd., and Qingdao Gren (Group) Co.

address respondents' argument that the Department should be solely focusing on the type of scrap the Respondents reported in the factor field "STLSCRAP"; and 4) explain whether the Department has in fact reassessed its position in subsequent reviews as to the proper harmonized tariff schedule ("HTS") classification of the Respondents' scrap. See *Laizhou Auto Brake Equipment Company, et. al. v. United States*, Court No. 06-00430, Slip Op. 08-71 (CIT June 26, 2008) ("*Laizhou I*"), at 17-18. Pursuant to the CIT's remand instructions, we reexamined the record and determined that the best available information on the record with which to value steel scrap is HTS 7204.49.00 (other ferrous waste and scrap ("ferrous scrap")), rather than HTS 7204.10.00 (waste and scrap of cast iron ("cast iron scrap")) which was used in the *Final Results*.

The Department released the *Draft Results of Redetermination Pursuant to Court Remand* to interested parties on September 8, 2008. No party submitted comments. On September 24, 2008, the Department filed its final results of redetermination pursuant to *Laizhou I* with the CIT. See *Final Results of Redetermination Pursuant to Court Remand*, Court No. 06-00430 (September 24, 2008) ("*Final Redetermination*"). In responding to the CIT's questions and reassessing the record evidence, we have determined it appropriate to value steel scrap using HTS 7204.49.00 (ferrous scrap), instead of the previously selected value, HTS 7204.10.00 (cast iron scrap). We note that respondents reported purchasing steel scrap that is captured under HTS 7204.49.00, and there is no record evidence which contradicts this assertion. The Department valued HTS 7204.49.00 using publicly available Indian import statistics for the POR from the *World Trade Atlas* ("*WTA*").<sup>3</sup> Thus, the Department revised, as appropriate, the remanded steel scrap surrogate value selection components of the margin calculations of Longkou Haimeng Machinery Co., Ltd. and Hongfa Machinery (Dalian) Co., Ltd. The Department also revised the "sample rate" applicable to the non-mandatory respondents separate from the PRC-wide entity who are parties to this litigation: Laizhou Auto Brake Equipment Co., Ltd.; Laizhou City Luqi Machinery Co., Ltd.; Laizhou Hongda Auto Replacement Parts Co., Ltd.; and

<sup>3</sup> *WTA* is published by Global Trade Information Services, Inc., which is a secondary electronic source based upon the publication, *Monthly Statistics of the Foreign Trade of India, Volume II: Imports*. See <http://www.gtis.com/wta.htm>.

Qingdao Gren (Group) Co.<sup>4</sup> On November 5, 2008, the CIT sustained all aspects of the remand redetermination made by the Department pursuant to the CIT's remand of the *Final Results*. See *Laizhou II*.

On November 21, 2008, consistent with the decision in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990), the Department notified the public that the Court's decision was not in harmony with the Department's final results. See *Brake Rotors Timken Notice*. See *Brake Rotors from the People's Republic of China: Notice of Court Decision Not In Harmony With Final Results of Administrative Review*, 73 FR 70618 (November 21, 2008) *Brake Rotors from the People's Republic of China: Notice of Court Decision Not In Harmony With Final Results of Administrative Review*, 73 FR 70618 (November 21, 2008). No party appealed the CIT's decision. As there is now a final and conclusive court decision in this case, we are amending our *Final Results*.

**Amended Final Results**

As the litigation in this case has concluded, the Department is amending the *Final Results* to reflect the results of our remand determination. The revised dumping margins for the order on brake rotors in the amended final results are as follows:

Exporter	Margin
Hongfa Machinery (Dalian) Co. ....	0.01% ( <i>de minimis</i> )
Laizhou Auto Brake Equipment Company	6.20%
Laizhou Luqi Machinery Co., Ltd. ....	6.20%
Laizhou Hongda Auto Replacement Parts Co., Ltd. ....	6.20%
Longkou Haimeng Machinery Co., Ltd. ....	0.01% ( <i>de minimis</i> )
Qingdao Gren (Group) Co. ....	6.20%

The Department intends to issue instructions to U.S. Customs and Border Protection ("CBP") fifteen days after publication of this notice, to revise the cash deposit rates for the companies listed above, effective as of the publication date of this notice. In addition, we will also instruct CBP to

<sup>4</sup> For the sample rate calculation which includes other mandatory respondents, please see Memo to the File, through Scot T. Fullerton, Program Manager, Office 9, from Toni Dach, International Trade Compliance Analyst, Office 9, Regarding "Calculation of the 'Sample Rate' for the Draft Redetermination of the 2004/2005 Administrative Review of Brake Rotors from the People's Republic of China," dated September 8, 2008.

liquidate all entries at the appropriate rates.

This notice is published in accordance with sections 751(a)(1) and 777(i) of the Tariff Act of 1930, as amended.

Dated: March 4, 2009.

**Ronald K. Lorentzen,**

Acting Assistant Secretary for Import Administration.

[FR Doc. E9-5665 Filed 3-13-09; 8:45 am]

BILLING CODE 3510-DS-S

## DEPARTMENT OF COMMERCE

### International Trade Administration

(A-580-816)

#### Certain Corrosion-Resistant Carbon Steel Flat Products from the Republic of Korea: Notice of Final Results of the Fourteenth Administrative Review and Partial Rescission

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

**SUMMARY:** On September 9, 2008, the Department of Commerce (the Department) published the preliminary results of the antidumping duty administrative review for certain corrosion-resistant carbon steel flat products (CORE) from the Republic of Korea (Korea). See *Certain Corrosion-Resistant Carbon Steel Flat Products from the Republic of Korea: Notice of Preliminary Results of the Antidumping Duty Administrative Review*, 73 FR 52267 (September 9, 2008) (*Preliminary Results*). This review covers seven manufacturers and exporters (collectively, the respondents) of the subject merchandise: LG Chem., Ltd. (LG), Haewon MSC Co. Ltd. (Haewon), Dongkuk Industries Co., Ltd. (Dongkuk), Dongbu Steel Co., Ltd., (Dongbu), Hyundai HYSCO (HYSCO), Pohang Iron & Steel Co., Ltd. (POSCO) and Pohang Coated Steel Co., Ltd. (POCOS) (collectively, the POSCO Group), and Union Steel Manufacturing Co., Ltd. (Union) (collectively, respondents).<sup>1</sup> The period of review (POR) is August 1, 2006, through July 31, 2007.

As a result of our analysis of the comments received, these final results

differ from the *Preliminary Results*. For our final results, we find that Dongbu, HYSCO, the POSCO Group, and Union, made sales of subject merchandise at less than normal value (NV). In addition, based on the final results for the respondents selected for individual review, we have determined a weighted-average margin for those companies that were not selected for individual review. Further, we find that the single sale made by Haewon during the POR was covered by the new shipper review published in the **Federal Register** on June 23, 2008,<sup>2</sup> and thus, Haewon should be rescinded from the instant review.

**EFFECTIVE DATE:** March 16, 2009.

**FOR FURTHER INFORMATION CONTACT:**

Jolanta Lawska (Union), Cindy Robinson (Dongbu), Christopher Hargett (HYSCO) and Victoria Cho (the POSCO Group, and non-selected companies), 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) 482-8362, (202) 482-3797, (202) 482-4161, and (202) 482-5075, respectively.

**SUPPLEMENTARY INFORMATION:**

#### Background

On September 9, 2008, the Department published the *Preliminary Results*. In the *Preliminary Results*, the Department determined that during the POR, Dongbu, HYSCO, the POSCO Group, and Union, made sales of subject merchandise at less than normal value (NV). In addition, based on the preliminary results for the respondents selected for individual review, the Department calculated a weighted-average margin for those companies that were not selected for individual review. On November 12, 2008, the Department extended the time limits for the final results of this review until no later than March 9, 2009. See *Corrosion-Resistant Carbon Steel Flat Products from the Republic of Korea: Extension of Time Limits for the Final Results of Antidumping Duty Administrative Review*, 73 FR 66841 (November 12, 2008).

#### Comments from Interested Parties

We invited parties to comment on our *Preliminary Results*. On October 9, 2008, ArcelorMittal Steel Inc. (Mittal), United States Steel Corporation (US Steel), and Nucor Corporation (Nucor)

filed case briefs concerning all four mandatory respondents. On the same day, the four mandatory respondents and Haewon filed case briefs. On October 17, 2008, Mittal, US Steel, and Nucor filed rebuttal briefs concerning all of the mandatory respondents. The four mandatory respondents filed rebuttal briefs on the same day.

#### Scope of the Order

This order covers cold-rolled (cold-reduced) carbon steel flat-rolled carbon steel products, of rectangular shape, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel- or iron-based alloys, whether or not corrugated or painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating, in coils (whether or not in successively superimposed layers) and of a width of 0.5 inch or greater, or in straight lengths which, if of a thickness less than 4.75 millimeters, are of a width of 0.5 inch or greater and which measures at least 10 times the thickness or if of a thickness of 4.75 millimeters or more are of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers 7210.30.0030, 7210.30.0060, 7210.41.0000, 7210.49.0030, 7210.49.0090, 7210.61.0000, 7210.69.0000, 7210.70.6030, 7210.70.6060, 7210.70.6090, 7210.90.1000, 7210.90.6000, 7210.90.9000, 7212.20.0000, 7212.30.1030, 7212.30.1090, 7212.30.3000, 7212.30.5000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7212.60.0000, 7215.90.1000, 7215.90.3000, 7215.90.5000, 7217.20.1500, 7217.30.1530, 7217.30.1560, 7217.90.1000, 7217.90.5030, 7217.90.5060, 7217.90.5090. Included in this order are corrosion-resistant flat-rolled products of non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process (*i.e.*, products which have been "worked after rolling") – for example, products which have been beveled or rounded at the edges. Excluded from this order are flat-rolled steel products either plated or coated with tin, lead, chromium, chromium oxides, both tin and lead (terne plate), or both chromium and chromium oxides (tin-free steel), whether or not painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating. Also excluded from this order are clad products in straight

<sup>1</sup> As noted in the *Preliminary Results*, on December 6, 2007, the Department selected Dongbu, HYSCO, the POSCO Group and Union as mandatory respondents in this review. See Memorandum from Christopher Hargett, International Trade Compliance Analyst, through James Terpstra, Program Manager, to Melissa Skinner, Director, Office 3, entitled "2006-2007 Antidumping Duty Administrative Review of Corrosion-Resistant Carbon Steel Flat Products from the Republic of Korea: Selection of Respondents for Individual Review," dated December 6, 2007.

<sup>2</sup> See *Certain Corrosion-Resistant Carbon Steel Flat Products from the Republic of Korea: Notice of Final Results of Antidumping Duty New Shipper Review*, 73 FR 35366 (June 23, 2008).