

# Notices

Federal Register

Vol. 70, No. 2

Tuesday, January 4, 2005

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Notice of Tri-County Advisory Committee Meeting

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to the authorities in the Federal Advisory Committee Act (Pub. L. 92-463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106-393) the Beaverhead-Deerlodge National Forest's Tri-County Resource Advisory Committee will meet on Thursday, February 3, 2005, from 4 p.m. to 8 p.m. in Deer Lodge, Montana, for a business meeting. The meeting is open to the public.

**DATES:** Thursday, February 3, 2005.

**ADDRESSES:** The meeting will be held at the USDA Service Center, 1002 Hollenback Road, Deer Lodge, Montana.

**FOR FURTHER INFORMATION CONTACT:** Thomas K. Reilly, Designated Forest Official (DFO), Forest Supervisor, Beaverhead-Deerlodge National Forest, at (406) 683-3973.

**SUPPLEMENTARY INFORMATION:** Agenda topics for this meeting includes a review of projects approved and proposed for funding as authorized under Title II of Public Law 106-393, new proposals for funding, information about a community fire plan, and public comment. If the meeting location is changed, notice will be posted in local newspaper, including The Montana Standard.

Dated: December 27, 2004.

**Thomas K. Reilly,**  
Forest Supervisor, Designated Federal Official.

[FR Doc. 05-30 Filed 1-3-05; 8:45 am]

**BILLING CODE 3410-11-M**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-583-008]

#### Correction: Notice of Final Results of Antidumping Duty Administrative Review: Circular Welded Carbon Steel Pipes and Tubes From Taiwan

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

**EFFECTIVE DATE:** September 30, 2004

**FOR FURTHER INFORMATION CONTACT:** Angela Strom at (202) 482-2704, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:** On September 30, 2004, the Department of Commerce published the final results of the administrative review of the antidumping order covering circular welded carbon steel pipes and tubes from Taiwan. *See Circular Welded Carbon Steel Pipes and Tubes From Taiwan: Final Results of Antidumping Duty Administrative Review*, 69 FR 58390 (*Final Results*). The version published in the **Federal Register** contained a typographical error which is being identified and corrected by this Correction notice.

During the publication process, the title of one of the sections- "Assessment" -was transposed into the chart in the previous section that identified the respondent and the final weighted-average margin. The necessary correction is as follows:

#### Final Results of Review

We determine the following dumping margin exists for the period May 1, 2002, to April 30, 2003.

Producer and Exporter	Weighted-Average Margin (percentage)
Yieh Hsing .....	1.61

#### Assessment

The Department shall determine .... (See *Final Results* at 58391 for the balance of this section)."

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

Dated: December 28, 2004.

**Barbara E. Tillman,**

Acting Assistant Secretary for Import Administration.

[FR Doc. E4-3924 Filed 1-3-05; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-588-865]

#### Notice of Final Determination of Sales at Less Than Fair Value: Outboard Engines From Japan

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

**EFFECTIVE DATE:** January 4, 2005.

**FOR FURTHER INFORMATION CONTACT:** James Kemp or Shane Subler at (202) 482-5346 or (202) 482-0189, respectively; AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230.

#### Final Determination

We determine that outboard engines from Japan are being sold, or are likely to be sold, in the United States at less than fair value (LTFV), as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The estimated margins of sales at LTFV are shown in the *Continuation of Suspension of Liquidation* section of this notice.

#### Case History

The preliminary determination in this investigation was published on August 12, 2004. *See Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Outboard Engines from Japan*, 69 FR 49863 (August 12, 2004) (*Preliminary Determination*). Since the publication of the preliminary determination, the following events have occurred:

In September and October 2004, the Department of Commerce (the Department) verified the questionnaire responses submitted by Yamaha Motor Company, Ltd., Yamaha Marine Company, Ltd., and Yamaha Motor Corporation, U.S.A. (collectively Yamaha). The sales and cost verification

reports were issued on November 1, 2004. On November 10, 2004, we received case briefs from (1) the petitioner;<sup>1</sup> (2) BRP U.S. Inc. and Bombardier Recreational Products Inc. (collectively, BRP), a domestic interested party; (3) American Honda Motor Co., Inc., and Honda Motor Co., Ltd., American Suzuki Motor Corporation and Suzuki Motor Corporation, Tohatsu Corporation, Tohatsu Marine Corporation, and Tohatsu America Corporation, Nissan Marine Co., Ltd. (collectively, the Other Japanese Parties); and (4) Yamaha.<sup>2</sup> On November 17, 2004, we received rebuttal briefs from the petitioner, BRP, and Yamaha. Since no request was made for a public hearing, a public hearing was not held.

### Scope of Investigation

For the purpose of this investigation, the products covered are outboard engines (also referred to as outboard motors), whether assembled or unassembled; and powerheads, whether assembled or unassembled. The subject engines are gasoline-powered spark-ignition, internal combustion engines designed and used principally for marine propulsion for all types of light recreational and commercial boats, including, but not limited to, canoes, rafts, inflatable, sail and pontoon boats. Specifically included in this scope are two-stroke, direct injection two-stroke, and four-stroke outboard engines.

Outboard engines are comprised of (1) a powerhead assembly, or an internal combustion engine, (2) a midsection assembly, by which the outboard engine is attached to the vehicle it propels, and (3) a gearcase assembly, which typically includes a transmission and propeller shaft, and may or may not include a propeller. To the extent that these components are imported together, but unassembled, they collectively are covered within the scope of this investigation. An "unassembled" outboard engine consists of a powerhead as defined below, and any other parts imported with the powerhead that may be used in the assembly of an outboard engine.

Powerheads are comprised of, at a minimum, (1) a cylinder block, (2) pistons, (3) connecting rods, and (4) a crankshaft. Importation of these four components together, whether

assembled or unassembled, and whether or not accompanied by additional components, constitute a powerhead for purposes of this investigation. An "unassembled" powerhead consists of, at a minimum, the four powerhead components listed above, and any other parts imported with it that may be used in the assembly of a powerhead.

The scope does not include parts or components (other than powerheads) imported separately.

The outboard engines and powerheads subject to this investigation are currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) at subheadings 8407.21.0040 and 8407.21.0080. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

Excluded from the scope of the investigation are five specific models of powerheads.

The specific characteristics for each excluded powerhead are described below.

1. 75 Horsepower Carbureted Powerhead: the engine type is four-stroke inline four cylinder internal combustion engine; the valve train consists of sixteen valves and twin cam with timing belt and tensioner; the crankcase is of high-pressure die-cast aluminum; the block is of high-pressure die-cast aluminum with iron cylinder liners; displacement 1.596 liters; bore and stroke 79 mm x 81.4 mm; compression ratio 9.6: 1; fuel supplied by four individual carburetors fitted to left side (as viewed from rear) of engine; power output 55.9 kW at 5000 RPM; fuel consumption 28.0 L/H Max at 6000 RPM; maximum height 539 mm; maximum width 435 mm; maximum length 646 mm; and weight (dry) 180.5 lbs./81.6 kg.

2. 90 Horsepower Carbureted Powerhead: the engine type is four-stroke inline four cylinder internal combustion engine; the valve train consists of sixteen valves and twin cam with timing belt and tensioner; the crankcase is of high-pressure die-cast aluminum; the block is of high-pressure die-cast aluminum with iron cylinder liners; displacement 1.596 liters; bore and stroke 79 mm x 81.4 mm; compression ratio 9.6: 1; fuel supplied by four individual carburetors fitted to left side (as viewed from rear) of engine; power output 67.1 kW at 5500 RPM; fuel consumption 31.5 L/H Max at 6000 RPM; maximum height 539 mm; maximum width 435 mm; maximum length 646 mm; and weight (dry) 180.5 lbs./81.6 kg.

3. 75 Horsepower Electronic Fuel Injection Powerhead: the engine type is four-stroke inline four cylinder internal combustion engine; the valve train consists of sixteen valves and twin cam with timing belt and tensioner; the crankcase is of high-pressure die-cast aluminum; the block is of high-pressure die-cast aluminum with iron cylinder liners; displacement 1.596 liters; bore and stroke 79 mm x 81.4 mm; compression ratio 9.6: 1; fuel supplied by single throttle body multi-point electronic fuel injection; power output 55.9 kW at 5000 RPM; fuel consumption 29.0 L/H Max at 6000 RPM; maximum height 539 mm; maximum width 435 mm; maximum length 646 mm; and weight (dry) 183.0 lbs./83.0 kg.

4. 90 Horsepower Electronic Fuel Injection Powerhead: the engine type is four-stroke inline four cylinder internal combustion engine; the valve train consists of sixteen valves and twin cam with timing belt and tensioner; the crankcase is of high-pressure die-cast aluminum; the block is of high-pressure die-cast aluminum with iron cylinder liners; displacement 1.596 liters; bore and stroke 79 mm x 81.4 mm; compression ratio 9.6: 1; fuel supplied by single throttle body multi-point electronic fuel injection; power output 67.1 kW at 5500 RPM; fuel consumption 33.0 L/H Max at 6000 RPM; maximum height 539 mm; maximum width 435 mm; maximum length 646 mm; and weight (dry) 183.0 lbs./83.0 kg.

5. 115 Horsepower Electronic Fuel Injection Powerhead: the engine type is four-stroke inline four cylinder internal combustion engine; the valve train consists of sixteen valves and twin cam with timing belt and tensioner; the crankcase is of high-pressure die-cast aluminum; the block is of high-pressure die-cast aluminum with iron cylinder liners; displacement 1.741 liters; bore and stroke 79 mm x 89 mm; compression ratio 9.7: 1; fuel supplied by multi-point electronic fuel injection with four individual throttle bodies; power output 85.8 kW at 5500 RPM; fuel consumption 38.0 L/H Max at 5500 RPM; maximum height 539 mm; maximum width 444 mm; maximum length 637 mm; and weight (dry) 189.0 lbs./85.7 kg.

### Period of Investigation

The period of investigation (POI) is January 1, 2003, through December 31, 2003. This period corresponds to the four most recent fiscal quarters prior to the month of filing of the petition (*i.e.*, January 2004) involving imports from a market economy, and is in accordance with our regulations. See 19 CFR 351.204(b)(1).

<sup>1</sup> The petitioner in this investigation is Mercury Marine, a division of Brunswick Corporation.

<sup>2</sup> On December 6, 2004, we rejected the case briefs submitted by Yamaha and the Other Japanese Parties because they contained new factual information. After making the revisions requested by the Department, Yamaha and the Other Japanese Parties resubmitted the briefs on December 7, 2004.

## Scope Issues

### *Outboard Engines Under 25 Horsepower*

In the preliminary determination, we analyzed parties' comments regarding the appropriateness of including engines of 25 horsepower or less in the scope of investigation and determined that the engines were within the scope. See *Preliminary Determination* at 49864. For the final determination, we affirm our decision in the preliminary determination and continue to find that these engines are included in the scope of the investigation. No parties commented on this issue for the final determination.

### *Powerheads Imported as Replacement Parts*

In the preliminary determination, we found that engines imported for the purpose of repairing outboard engines previously sold are properly included in the scope of the investigation. See *Preliminary Determination* at 49865. The Other Japanese Parties submitted a case brief arguing that the Department should exclude these engines from the scope for the final determination. The petitioner and BRP submitted rebuttal briefs on this issue. After analyzing the parties' arguments, we continue to find that engines imported for the purpose of repair are properly included in the scope of the investigation for the reasons outlined at Comment 2 of the *Memorandum from Barbara E. Tillman, Acting Deputy Assistant Secretary, to James J. Jochum, Assistant Secretary for Import Administration, RE: Issues and Decision Memorandum for the Final Determination of the Investigation of Outboard Engines from Japan (Decision Memorandum)*, dated December 27, 2004.

### *Treatment of Powerheads as a Separate Class or Kind*

In the preliminary determination, we found that completed engines and powerheads constituted the same class or kind of merchandise. See *Preliminary Determination* at 49865. Yamaha and the Other Japanese Parties submitted case briefs arguing that the Department should find that powerheads are a separate class or kind from completed outboard engines. The petitioner and BRP submitted a rebuttal brief on this issue. After analyzing the parties' arguments, we continue to find that completed engines and powerheads constitute the same class or kind of merchandise for the reasons outlined at Comment 1 of the *Decision Memorandum*.

### *Amendment to the Scope of Investigation*

In a separate November 17, 2004, submission, the petitioner requested that the Department exclude certain models of powerheads from the scope of the investigation. On November 23, 2004, Yamaha submitted comments on the petitioner's request.<sup>3</sup> The petitioner submitted a response to these comments on November 30, 2004. After analyzing the parties' arguments, we accepted the petitioner's proposed scope amendment to exclude certain powerhead models for the reasons outlined at Comment 17 of the *Decision Memorandum*. For a description of the excluded powerheads, see the *Scope of Investigation* section of this notice.

## Verification

As provided in section 782(i) of the Act, we conducted verification of the cost and sales information submitted by Yamaha. We used standard verification procedures including examination of relevant accounting and production records, and original source documents provided by the respondent.

## Analysis of Comments Received

All issues raised in the case and rebuttal briefs submitted by parties to this proceeding are listed in the appendix to this notice and addressed in the *Decision Memorandum* hereby adopted by this notice. The *Decision Memorandum* is on file in room B-099 of the main Department building. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the World Wide Web at <http://www.ita.doc.gov/frn>. The paper and electronic versions of the *Decision Memorandum* are identical in content.

## Changes Since the Preliminary Determination

Based on our findings at verification and our analysis of comments received, we have made adjustments to the preliminary determination calculation methodologies in calculating the final dumping margin for Yamaha. These adjustments are discussed in the *Decision Memorandum and the Memorandum from James Kemp and Shane Subler, International Trade Compliance Analysts, through Constance Handley, Program Manager, RE: Final Determination Analysis Memorandum for Yamaha Motor Company, Ltd., Yamaha Marine*

<sup>3</sup> On December 6, 2004, we rejected Yamaha's comments because they contained new factual information submitted after the Department's regulatory deadline. The date of Yamaha's revised submission is December 7, 2004.

*Company, Ltd., and Yamaha Motor Corporation, USA*, dated December 27, 2004.

## Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we are directing U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all entries of outboard engines exported from Japan, that are entered, or withdrawn from warehouse, for consumption on or after the date of the preliminary determination. CBP shall continue to require a cash deposit or the posting of a bond based on the estimated weighted-average dumping margins shown below. The suspension of liquidation instructions will remain in effect until further notice.

We determine that the following weighted-average dumping margin exists for Japan:

Manufacturer/exporter	Margin (percent)
Yamaha .....	18.98
All others .....	18.98

## International Trade Commission Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our determination. The ITC will determine, within 45 days, whether imports of subject merchandise from Japan are causing material injury, or threaten material injury, to an industry in the United States. If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing CBP officials to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse for consumption on or after the effective date of the suspension of liquidation.

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. Timely notification of 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 determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: December 27, 2004.

**Joseph A. Spetrini,**  
Acting Assistant Secretary for Import  
Administration.

## Appendix

### Issues Covered in Decision Memorandum

1. Class or Kind.
2. Powerheads Imported for Repair Purposes.
3. Treatment of Non-Dumped Sales.
4. Level of Trade (LOT) Adjustment for Yamaha's Sales to Original Equipment Manufacturer (OEM) Customers.
5. Surrogate Prices for Yamaha's CEP Sales to Its Affiliated Boat Builders.
6. Per-Unit Cap on the CEP Offset.
7. Home Market Levels of Trade.
8. Adjustments to U.S. Price.
9. Reported Home Market Payment Dates.
10. Certain Home Market Sales within the Ordinary Course of Trade.
11. Credit Expenses for Export Price Sales.
12. Reporting of the REBATE4U Field.
13. Minor Corrections Submitted at Verification.
14. Application of LOT Adjustment.
15. Home Market Consignment Sales.
16. Packing Costs.
17. Amendment to Scope.
18. Yamaha's Standard Cost System.
19. Certain Excluded Costs.
20. Parent Company G&A Expenses.
21. Affiliated Supplier Inputs.

[FR Doc. E4-3925 Filed 1-3-05; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-890]

### Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Wooden Bedroom Furniture From the People's Republic of China

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

**EFFECTIVE DATE:** January 4, 2005.

**FOR FURTHER INFORMATION CONTACT:**  
Aishe Allen, Import Administration,  
International Trade Administration,  
U.S. Department of Commerce, 14th  
Street and Constitution Avenue NW.,  
Washington, DC 20230; telephone: (202)  
482-0172.

### Amendment to Final Determination

In accordance with sections 735(d) and 777(i)(1) of the Tariff Act of 1930, as amended, ("the Act"), on November 17, 2004, the Department of Commerce ("the Department") published the

*Notice of Final Determination of Sales at Less Than Fair Value in the investigation of wooden bedroom furniture from the People's Republic of China ("PRC") ("Final Determination"). See Final Determination and corresponding "Issues and Decision Memorandum" dated November 8, 2004. Between November 12, 2004, and November 22, 2004, the following parties filed timely allegations that the Department made various ministerial errors in the Final Determination: Superwood Company Limited; Shanghai SMEC Corporation; follows: Dongguan Chunsan Wood Products Co., Ltd.; Trendex Industries Limited; the American Furniture Manufacturers Committee for Legal Trade and its individual members and the Cabinet Makers, Millmen, and Industrial Carpenters Local 721, UBC Southern Council of Industrial Worker's Local Union 2305, United Steel Workers of America Local 193U, Carpenters Industrial Union Local 2093, and Teamsters, Chauffeurs, Warehousemen and Helper Local 991 (collectively "Petitioners"); Rui Feng Woodwork Co., Ltd., Rui Feng Lumber Development Co., Ltd., and Dorbest Limited ("Dorbest"); Lacquer Craft Mfg. Co., Ltd. ("Lacquer Craft"); Dongguan Lung Dong Furniture Co., Ltd., and Dongguan Dong He Furniture Co., Ltd., ("Lung Dong"); and Shing Mark Enterprise Co., Ltd., Carven Industries Limited (BVI), Carven Industries Limited (HK), Dongguan Zhenxin Furniture Co., Ltd., and Dongguan Yongpeng Furniture Co., Ltd. ("Shing Mark"); Hongyu Furniture (Shenzhen) Limited ("Hongyu"); American Signature, Inc., and Value City Furniture ("ASI/VCF") and Pulaski Furniture Corp. ("Pulaski") with respect to ministerial errors in the calculation of the margin for their supplier, Dorbest.*

On November 29, 2004, Petitioners filed comments rebutting the interested parties' ministerial-error allegations. On the same day, Lacquer Craft, Lung Dong, Shing Mark, and Starcorp Furniture (Shanghai) Co., Ltd., Orin Furniture (Shanghai) Co., Ltd., and Shanghai Starcorp Furniture Co., Ltd. ("Starcorp"), filed comments rebutting the Petitioners ministerial-error allegations. Further, on November 29, 2004, Petitioners submitted a letter requesting the Department to strike from the record Exhibit 12 and any references to this Exhibit in Shing Mark's November 22, 2004, ministerial-error submission because it contains new untimely factual information. On November 30, 2004, Shing Mark filed a letter stating the Department should reject Petitioners' request to strike

certain information because the information is not new or untimely. Also, on November 30, 2004, Petitioners filed a letter requesting the Department to strike from the record Starcorp's November 29, 2004, submission as untimely filed ministerial-error comments. On December 1, 2004, Starcorp filed a letter stating that its letter was both timely and appropriate. On December 6, 2004, Petitioners filed a letter requesting the Department to strike from the record portions of Lung Dong's November 29, 2004, rebuttal comments because it allegedly contained untimely raised ministerial-error allegations. On December 10, 2004, we returned Lung Dong's and Starcorp's November 29, 2004, submissions because they contained untimely ministerial-error allegations. Lung Dong submitted an amended version of its November 29, 2004, submission on December 14, 2004.

After analyzing all interested parties comments and rebuttal comments, we have determined, in accordance with 19 CFR 351.224(e), that we made ministerial errors in the calculations we performed for the final determination. For a detailed discussion of these ministerial errors, and our analysis, see the "Amended Issues and Decision Memorandum" dated December 27, 2004, and the company specific amended final determination analysis memoranda dated December 27, 2004.

Additionally, in the *Final Determination*, we determined that several companies qualified for separate-rate status. The margin we calculated in the *Final Determination* for these companies was 8.64 percent. Because the rates of the selected mandatory respondents have changed since the *Final Determination*, we have recalculated the rate for the non-mandatory respondents which the Department determined to be entitled to separate rate. The rate for Section A respondents is now 6.65%. See Memorandum to the File from Eugene Degnan, *Amended Calculation of Section A Rate*, dated December 27, 2004.

Therefore, in accordance with 19 CFR 351.224(e), we are amending the final determination of sales at LTFV in the antidumping duty investigation of wooden bedroom furniture from the PRC. The revised weighted-average dumping margins are in the "Antidumping Duty Order" section, below.

### Antidumping Duty Order

On December 23, 2004, in accordance with section 735(d) of the Act, the International Trade Commission ("ITC")