

DEPARTMENT OF COMMERCE**International Trade Administration**

A-533-809

Certain Forged Stainless Steel Flanges from India; Preliminary Intent to Rescind New Shipper Review

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

SUMMARY: The Department of Commerce (the Department) is conducting a new shipper review of the antidumping duty order on certain forged stainless steel flanges (stainless steel flanges) from India manufactured by Hotmetal Forge (India) Pvt., Ltd. (Hotmetal). The period of review (POR) is February 1, 2007, through July 31, 2007. We preliminarily determine that Hotmetal had no bona fide U.S. sales during the period of review (POR), and therefore intend to rescind the review.

We invite interested parties to comment on this preliminary intent to rescind. Parties who submit argument in these proceedings are requested to submit with the argument: (1) a statement of the issues; and (2) a brief summary of the argument.

EFFECTIVE DATE: June 6, 2008.

FOR FURTHER INFORMATION CONTACT: Fred Baker or Robert James, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-2924 or (202) 482-0649, respectively.

SUPPLEMENTARY INFORMATION:**Background**

On February 9, 1994, the Department published the antidumping duty order on stainless steel flanges from India. See *Amended Final Determination and Antidumping Duty Order; Certain Forged Stainless Steel Flanges from India*, 59 FR 5994 (February 9, 1994) (*Amended Final Determination*). On August 31, 2007, we received a request for a new shipper review from Hotmetal for the period February 1, 2007 through July 31, 2007. On October 4, 2007, we initiated the new shipper review. See *Forged Stainless Steel Flanges from India: Notice of Initiation of Antidumping Duty New Shipper Review*, 72 FR 56723 (October 4, 2007).¹

On October 4, 2007, the Department issued its questionnaire to Hotmetal.

¹ Based on the spelling Hotmetal's request for new shipper review, we spelled the respondent's name "Hot Metal Forge (India) Pvt. Ltd." in the initiation notice. However, subsequent submissions indicate "Hotmetal" is properly one word.

Hotmetal submitted its section A response on November 2, 2007, and its section B and C responses on November 16, 2007.

Scope of the order

The products covered by this order are certain forged stainless steel flanges, both finished and not finished, generally manufactured to specification ASTM A-182, and made in alloys such as 304, 304L, 316, and 316L. The scope includes five general types of flanges. They are weld-neck, used for butt-weld line connection; threaded, used for threaded line connections; slip-on and lap joint, used with stub-ends/butt-weld line connections; socket weld, used to fit pipe into a machined recession; and blind, used to seal off a line. The sizes of the flanges within the scope range generally from one to six inches; however, all sizes of the above-described merchandise are included in the scope. Specifically excluded from the scope of this order are cast stainless steel flanges. Cast stainless steel flanges generally are manufactured to specification ASTM A-351. The flanges subject to this order are currently classifiable under subheadings 7307.21.1000 and 7307.21.5000 of the Harmonized Tariff Schedule (HTS). Although the HTS subheading is provided for convenience and customs purposes, the written description of the merchandise under review is dispositive of whether or not the merchandise is covered by the scope of the order.

Intent to Rescind

As indicated above, we have preliminarily determined that Hotmetal's sales to the United States during the POR were not *bona fide* sales. We based our determination on the following factors: (1) the U.S. price and expenses associated with the sale were unusually high; (2) the sale involved a method of shipping not standard for the industry; (3) the shipment did not enter U.S. customs territory as a dumping entry; and (4) there were unusual circumstances surrounding the resale of the subject merchandise by Hotmetal's U.S. customer. For further information, see the Memorandum to the File, "Bona Fide Nature of the Sale in the New Shipper Review of Hotmetal Forge (India) Pvt., Ltd.," dated May 29, 2008, for a complete explanation of our analysis. Based on these factors, we preliminarily intend to rescind this new shipper review.

Public Comment

Interested parties are invited to comment on this preliminary intent to

rescind. Pursuant to 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs no later than 30 days after the date of publication of this notice. Pursuant to 19 CFR 351.309(d), rebuttal briefs, limited to issues raised in the case briefs and comments, may be filed no later than 5 days after the time limit for filing the case briefs. Parties who submit argument in these proceedings are requested to submit with the argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. Further, the Department requests parties submitting written comments to provide the Department with an additional copy of the public version of any such comments on diskette.

Assessment Rates

At the completion of this new shipper review, if a final rescission notice is published, a cash deposit rate of 162.14 percent *ad valorem* shall continue to be collected for any entries produced by Hotmetal. Should the Department reach a final result other than a rescission, we will calculate an appropriate antidumping duty rate for both assessment and cash deposit purposes. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of the final rescission or final results of review.

The Department clarified its "automatic assessment" regulation on May 6, 2003. See *Notice of Policy Concerning Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003) (*Assessment Policy Notice*). This clarification will apply to entries of subject merchandise during the POR produced by Hotmetal for which Hotmetal did not know that the merchandise it sold to an intermediary (e.g., a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the 162.14 percent all-others rate established in the original less than fair value (LTFV) investigation if there is no rate for the intermediary involved in the transaction. See *Assessment Policy Notice* for a full discussion of this clarification.

Notification to Interested Parties

This notice also serves as a preliminary 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 this 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.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act and 19 CFR 351.221(b)(4).

Dated: May 29, 2008.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

A-570-890

Wooden Bedroom Furniture from the People's Republic of China: Preliminary Results of January 1, 2007 July 31, 2007 Semi-Annual New Shipper Reviews

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

SUMMARY: On August 31, 2007, the Department of Commerce ("the Department") initiated semi-annual new shipper reviews ("NSRs") of the antidumping duty order on wooden bedroom furniture from the People's Republic of China ("PRC") covering sales of subject merchandise made by Dongguan Mu Si Furniture Co., Ltd. ("Mu Si") and Dongguan Bon Ten Furniture Co., Ltd. ("Bon Ten"). See *Wooden Bedroom Furniture From the People's Republic of China: Initiation of New Shipper Reviews*, 72 FR 52083 (September 12, 2007) ("Initiation of NSRs").

The Department preliminarily determines that Mu Si has made sales at less than normal value ("NV"), and Bon Ten has not made sales in the United States at less than NV. If these preliminary results are adopted in our final results of review, the Department will instruct U.S. Customs and Border Protection ("CBP") to assess antidumping duties on entries of subject merchandise during the period of review ("POR") for which the importer-specific assessment rates are above *de minimis*.

EFFECTIVE DATE: June 6, 2008.

FOR FURTHER INFORMATION CONTACT: Paul Stolz or Hua Lu, 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)

482-4474 and (202) 482-6478, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department published an antidumping duty order on wooden bedroom furniture from the PRC on January 4, 2005. See *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*, 70 FR 329 (January 4, 2005) ("the Order"). On July 27, 2007, Mu Si and Bon Ten requested that the Department conduct NSRs of sales of their subject merchandise during the period of review POR January 1, 2007 through June 30, 2007. On July 31, 2007, Dongguan Sunshine Furniture Co., Ltd. ("Sunshine") requested that the Department conduct an NSR covering its sales of subject merchandise. On August 31, 2007, the Department initiated semi-annual NSRs of Mu Si and Bon Ten. See *Initiation of NSRs*. The Department did not initiate a review of Sunshine's sales because CBP import data did not demonstrate that Sunshine sold subject merchandise to the United States during the POR.

On October 5, 2007, the Department issued antidumping duty questionnaires to Mu Si and Bon Ten. Mu Si and Bon Ten submitted their section A questionnaire responses on November 5, 2007, and submitted their sections C and D questionnaire responses on November 20, 2007. The Department subsequently issued supplemental questionnaires to Bon Ten and to Mu Si on March 21, 2008 and April 2, 2008, respectively, to which they responded on April 14, 2008 and April 25, 2008, respectively.

On February 28, 2008, the Department extended the deadline for the issuance of the preliminary results of these NSRs until May 27, 2008. See *Wooden Bedroom Furniture from the People's Republic of China: Extension of Time Limit for the Preliminary Results of New Shipper Reviews*, 73 FR 11395 (March 3, 2008).

Period of Review

The POR is January 1, 2007, through July 31, 2007.¹

¹ In the Initiation of NSRs the Department stated, "As discussed above, under 19 CFR 351.214 (f)(2)(ii), when the sale of the subject merchandise occurs within the POR, but the entry occurs after the normal POR, the POR may be extended. Therefore, the POR for the new shipper reviews of Bon Ten and Mu Si is January 1 through July 31, 2007."

Scope of the Order

The product covered by the Order is wooden bedroom furniture. Wooden bedroom furniture is generally, but not exclusively, designed, manufactured, and offered for sale in coordinated groups, or bedrooms, in which all of the individual pieces are of approximately the same style and approximately the same material and/or finish. The subject merchandise is made substantially of wood products, including both solid wood and also engineered wood products made from wood particles, fibers, or other wooden materials such as plywood, oriented strand board, particle board, and fiberboard, with or without wood veneers, wood overlays, or laminates, with or without non-wood components or trim such as metal, marble, leather, glass, plastic, or other resins, and whether or not assembled, completed, or finished.

The subject merchandise includes the following items: (1) wooden beds such as loft beds, bunk beds, and other beds; (2) wooden headboards for beds (whether stand-alone or attached to side rails), wooden footboards for beds, wooden side rails for beds, and wooden canopies for beds; (3) night tables, night stands, dressers, commodes, bureaus, mule chests, gentlemen's chests, bachelor's chests, lingerie chests, wardrobes, vanities, chessers, chifforobes, and wardrobe-type cabinets; (4) dressers with framed glass mirrors that are attached to, incorporated in, sit on, or hang over the dresser; (5) chests-on-chests,² highboys,³ lowboys,⁴ chests of drawers,⁵ chests,⁶ door chests,⁷ chiffoniers,⁸

² A chest-on-chest is typically a tall chest-of-drawers in two or more sections (or appearing to be in two or more sections), with one or two sections mounted (or appearing to be mounted) on a slightly larger chest; also known as a tallboy.

³ A highboy is typically a tall chest of drawers usually composed of a base and a top section with drawers, and supported on four legs or a small chest (often 15 inches or more in height).

⁴ A lowboy is typically a short chest of drawers, not more than four feet high, normally set on short legs.

⁵ A chest of drawers is typically a case containing drawers for storing clothing.

⁶ A chest is typically a case piece taller than it is wide featuring a series of drawers and with or without one or more doors for storing clothing. The piece can either include drawers or be designed as a large box incorporating a lid.

⁷ A door chest is typically a chest with hinged doors to store clothing, whether or not containing drawers. The piece may also include shelves for televisions and other entertainment electronics.

⁸ A chiffonier is typically a tall and narrow chest of drawers normally used for storing undergarments and lingerie, often with mirror(s) attached.