

Dated: October 21, 2008.

Stephen J. Claeys,

Acting Assistant Secretary for Import
Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

A-533-809

Certain Forged Stainless Steel Flanges from India; Rescission of Administrative Review

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

SUMMARY: On August 1, 2008, the Department of Commerce (the Department) published the preliminary intent to rescind and rescission in part for the administrative review of the antidumping duty order on certain forged stainless steel flanges (stainless steel flanges) from India manufactured by Pradeep Metals Limited (Pradeep) and covering the period February 1, 2007, through January 31, 2008. *See Certain Forged Stainless Steel Flanges from India; Preliminary Intent to Rescind Administrative Review and Rescission in Part*, 73 FR 44969 (August 1, 2008) (*Preliminary Intent*). We are rescinding the review for Pradeep because we have determined that it had no *bona fide* U.S. sales during the period of review.

EFFECTIVE DATE: October 27, 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 August 1, 2008, the Department published the *Preliminary Intent*. In response to the Department's invitation to comment on the *Preliminary Intent*, Pradeep submitted comments on August 27, 2008. However, these comments included new, unsolicited information after the regulatory deadline for such information. Therefore, we returned the submission to Pradeep, and requested that it remove the new information. *See* the Department's letter to Pradeep dated September 8, 2008. Pradeep resubmitted its comments on September 17, 2008. However, Pradeep had not removed the

new, unsolicited information. Therefore, we returned Pradeep's comments, and have not considered them in these final results of review. *See* the Department's letter to Pradeep dated September 23, 2008.

We also received comments from Rosemount, Inc. (Rosemount), the customer for Pradeep's U.S. sale, on September 2, 2008. However, this submission likewise contained new, unsolicited information after the deadline for such information. Therefore, we returned the submission to Rosemount with instructions to remove the new information. *See* the Department's letter to Rosemount dated September 8, 2008. We received Rosemount's revised comments on September 15, 2008. However, this version had filing deficiencies for which we returned the submission to Rosemount. *See* the Department's letter to Rosemount dated September 23, 2008. Rosemount submitted a revised version on September 26, 2008.

Period of Review

The period of review is February 1, 2007, to January 31, 2008.

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 weldneck, 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 subheadings are 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.

Final Rescission of Review

In the *Preliminary Intent*, we stated that we intended to rescind the review

with respect to Pradeep because we had determined, based on the totality of the circumstances, that Pradeep's U.S. sale was not *bona fide*. *See Preliminary Intent* at 44970. We received comments from Rosemount which, as explained below, we have addressed in the issues and decision memorandum accompanying this notice. Rosemount's comments did not change our preliminary ruling announced in the *Preliminary Intent*. Therefore, we are rescinding this review with respect to Pradeep.

Analysis of Comments Received

All issues raised in our *Preliminary Intent* are addressed in the "Issues and Decision Memorandum" from Richard Weible, Director, Office 7, Import Administration, to Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, dated concurrently with this notice (Decision Memorandum), which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memorandum, is attached to this notice as an appendix. 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, room 1117 of the main Department of 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/release/release.html>. The paper copy and electronic version of the decision memorandum are identical in content.

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. For Pradeep, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of this notice.

Notification to Interested Parties

This notice also 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 during this review period. Failure to comply with

this requirement could result in the Department'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 of 1930, as amended.

Dated: October 20, 2008.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

Appendix - Issues Raised in Decision Memorandum

Comment: *Bona Fide Sale*

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DEPARTMENT OF COMMERCE

International Trade Administration

(A-570-932)

Certain Steel Threaded Rod from the People's Republic of China: Amended Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination

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

EFFECTIVE DATE: October 27, 2008.

SUMMARY: On October 8, 2008, the Department of Commerce ("Department") published the preliminary determination of sales at less than fair value ("LTFV") in the antidumping investigation of certain steel threaded rod from the People's Republic of China ("PRC"). See *Certain Steel Threaded Rod from the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value*, 73 FR 58931 (October 8, 2008) ("Preliminary Determination"). We are amending our *Preliminary Determination* to correct certain ministerial errors with respect to the antidumping duty margin calculation for RMB Fasteners Ltd. and IFI and Morgan Ltd. (collectively, "RMB & IFI Group"). The corrections to the RMB & IFI Group margin also affect the margin assigned to the companies receiving a separate rate.

FOR FURTHER INFORMATION CONTACT: Bobby Wong, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC, 20230; telephone: (202) 482-0409.

SUPPLEMENTARY INFORMATION: On October 8, 2008, the Department published in the **Federal Register** the preliminary determination that certain steel threaded rod from the PRC are being, or are likely to be, sold in the United States at LTFV, as provided in section 733 of the Tariff Act of 1930, as amended ("Act"). See *Preliminary Determination*.

On October 8, 2008, the RMB & IFI Group filed timely allegations of ministerial errors contained in the Department's *Preliminary Determination*. After reviewing the allegations, we have determined that the *Preliminary Determination* included significant ministerial errors. Therefore, in accordance with section 351.224(e) of the Department's regulations, we have made changes, as described below, to the *Preliminary Determination*.

Period of Investigation

The period of investigation is July 1, 2007, through December 31, 2007. This period corresponds to the two most recent fiscal quarters prior to the month of the filing of the petition, March 5, 2008. See section 351.204(b)(1) of the Department's regulations.

Scope of Investigation

The merchandise covered by this investigation is steel threaded rod. Steel threaded rod is certain threaded rod, bar, or studs, of carbon quality steel, having a solid, circular cross section, of any diameter, in any straight length, that have been forged, turned, cold-drawn, cold-rolled, machine straightened, or otherwise cold-finished, and into which threaded grooves have been applied. In addition, the steel threaded rod, bar, or studs subject to this investigation are non-headed and threaded along greater than 25 percent of their total length. A variety of finishes or coatings, such as plain oil finish as a temporary rust protectant, zinc coating (*i.e.*, galvanized, whether by electroplating or hot-dipping), paint, and other similar finishes and coatings, may be applied to the merchandise.

Included in the scope of this investigation are steel threaded rod, bar, or studs, in which: (1) iron predominates, by weight, over each of the other contained elements; (2) the carbon content is 2 percent or less, by weight; and (3) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

- 1.80 percent of manganese, or
- 1.50 percent of silicon, or
- 1.00 percent of copper, or
- 0.50 percent of aluminum, or
- 1.25 percent of chromium, or
- 0.30 percent of cobalt, or

- 0.40 percent of lead, or
- 1.25 percent of nickel, or
- 0.30 percent of tungsten, or
- 0.012 percent of boron, or
- 0.10 percent of molybdenum, or
- 0.10 percent of niobium, or
- 0.41 percent of titanium, or
- 0.15 percent of vanadium, or
- 0.15 percent of zirconium.

Steel threaded rod is currently classifiable under subheading 7318.15.5060 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Excluded from the scope of the investigation are: (a) threaded rod, bar, or studs which are threaded only on one or both ends and the threading covers 25 percent or less of the total length; and (b) threaded rod, bar, or studs made to American Society for Testing and Materials ("ASTM") A193 Grade B7, ASTM A193 Grade B7M, ASTM A193 Grade B16, or ASTM A320 Grade L7.

Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Significant Ministerial Error

Ministerial errors are defined in section 735(e) of the Act as "errors in addition, subtraction, or other arithmetic function, clerical errors resulting from inaccurate copying, duplication, or the like, and any other type of unintentional error which the administering authority considers ministerial." Section 351.224(e) of the Department's regulations provides that the Department "will analyze any comments received and, if appropriate, correct any significant ministerial error by amending the preliminary determination." A significant ministerial error is defined as a ministerial error, the correction of which, singly or in combination with other errors, would result in (1) a change of at least five absolute percentage points in, but not less than 25 percent of, the weighted-average dumping margin calculated in the original (erroneous) preliminary determination, or (2) a difference between a weighted-average dumping margin of zero or *de minimis* and a weighted-average dumping margin of greater than *de minimis* or vice versa. See section 351.224(g) of the Department's regulations.