

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 doubled antidumping duties.

#### Notification Regarding APOs

This notice also serves as a reminder to parties subject to administrative protective orders ("APOs") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. 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 terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with section 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: December 21, 2005.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-851]

#### Certain Preserved Mushrooms from the People's Republic of China: Notice of Second Amended Final Results of Administrative Review

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

**SUMMARY:** On October 17, 2005, the Department of Commerce (the "Department") published the notice of amended final results of the antidumping duty administrative review: certain preserved mushrooms from the People's Republic of China ("PRC"), covering the period of review (POR) February 1, 2003, through January 31, 2004. *See Notice of Amended Final Results of Antidumping Duty Administrative Review: Certain Preserved Mushrooms from the People's Republic of China*, 70 FR 60280 (October 17, 2005) ("Amended Final Results").<sup>1</sup> We are amending the final

results of certain preserved mushrooms from the PRC to correct ministerial errors made in the calculations of the dumping margins for China Processed Food Import & Export Company and its affiliates (collectively, "COFCO") pursuant to section 751(h) of the Tariff Act of 1930, as amended (the Act). *See Certain Preserved Mushrooms from the People's Republic of China: Final Results and Final Rescission, In Part, of Antidumping Duty Administrative Review*, 70 FR 54361 (September 14, 2005) ("Final Results").

**EFFECTIVE DATE:** December 28, 2005.

#### FOR FURTHER INFORMATION CONTACT:

Joshua Pierce or Christopher Riker, 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) 482-0961 or (202) 482-3441, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Scope of Order

The products covered by this order are certain preserved mushrooms, whether imported whole, sliced, diced, or as stems and pieces. The certain preserved mushrooms covered under this order are the species *Agaricus bisporus* and *Agaricus bitorquis*. "Certain Preserved Mushrooms" refer to mushrooms that have been prepared or preserved by cleaning, blanching, and sometimes slicing or cutting. These mushrooms are then packed and heated in containers including, but not limited to, cans or glass jars in a suitable liquid medium, including, but not limited to, water, brine, butter or butter sauce. Certain preserved mushrooms may be imported whole, sliced, diced, or as stems and pieces. Included within the scope of this order are "brined" mushrooms, which are presalted and packed in a heavy salt solution to provisionally preserve them for further processing.

Excluded from the scope of this order are the following: (1) All other species of mushroom, including straw mushrooms; (2) all fresh and chilled mushrooms, including "refrigerated" or

"quick blanched mushrooms"; (3) dried mushrooms; (4) frozen mushrooms; and (5) "marinated," "acidified," or "pickled" mushrooms, which are prepared or preserved by means of vinegar or acetic acid, but may contain oil or other additives.<sup>2</sup>

The merchandise subject to this order is classifiable under subheadings: 2003.10.0127, 2003.10.0131, 2003.10.0137, 2003.10.0143, 2003.10.0147, 2003.10.0153 and 0711.51.0000 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

#### Background

On September 14, 2005, the Department published the final results of this administrative review in the **Federal Register**. *See Final Results*.

After analyzing all interested parties' comments, we have determined, in accordance with 19 CFR 351.224(e), that ministerial errors existed in the calculations for the *Final Results*, with respect to COFCO. A ministerial error is defined in Section 751(h) of the Act and further clarified in 19 CFR 351.224(f) as "an error in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial." For a detailed discussion of these ministerial errors, as well as the Department's analysis, *see* memorandum from Christopher D. Riker to James C. Doyle, *Analysis of COFCO Ministerial Error Allegations*, dated December 21, 2005, on file in the Central Records Unit, room B-099 in the main Department building.

Therefore, in accordance with Section 751(h) of the Act and 19 CFR 351.224(e), we are amending the *Final Results* of the administrative review of certain preserved mushrooms from the PRC for COFCO. The revised weighted-average dumping margin is detailed in the chart below. For the company-specific calculation *see* memorandum from

<sup>1</sup> The Department did not address comments pertaining to clerical error allegations relating to

COFCO's margin in the *Amended Final Results* because the U.S. Court of International Trade had obtained jurisdiction of those results pursuant to COFCO's complaint. *See China Processed Food Import & Export Company v. United States*, Court No. 05-00515 (Complaint filed September 19, 2005); *see also, Zenith Elecs. Corp. v. United States*, 884 F.2d 556, 561 (Fed. Cir. 1989). However, on December 14, 2005, the Court granted leave to the Department to make the necessary corrections to COFCO's margin. *See China Processed Food Import & Export Company v. United States*, Court No. 05-00515 (Order issued December 14, 2005).

<sup>2</sup> On June 19, 2000, the Department affirmed that "marinated," "acidified," or "pickled" mushrooms containing less than 0.5 percent acetic acid are within the scope of the antidumping duty order. *See "Recommendation Memorandum-Final Ruling of Request by Tak Fat, et al. for Exclusion of Certain Marinated, Acidified Mushrooms from the Scope of the Antidumping Duty Order on Certain Preserved Mushrooms from the People's Republic of China,"* dated June 19, 2000. On February 9, 2005, this decision was upheld by the United States Court of Appeals for the Federal Circuit. *See Tak Fat v. United States*, 396 F.3d 1378 (Fed. Cir. 2005).

Christopher D. Riker to the File, *Analysis for the Second Amended Final Results of Certain Preserved Mushrooms from the People's Republic of China: COFCO*, dated December 21, 2005.

Exporter	Percent
COFCO .....	2.67

The Department shall determine, and U.S. Customs and Border Protection shall assess, antidumping duties on all appropriate entries based on the amended final results. For details on the assessment of antidumping duties on all appropriate entries, *see Final Results*.

These amended final results are published in accordance with sections 751(h) and 777(I)(1) of the Act.

Dated: December 21, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-428-820]

#### **Rescission of Antidumping Duty Administrative Review: Small Diameter Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe from Germany**

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

**SUMMARY:** In response to a request by United States Steel Corporation ("US Steel"), petitioner in this review, the U.S. Department of Commerce ("the Department") initiated an administrative review of the antidumping duty order on small diameter seamless carbon and alloy steel standard, line and pressure pipe ("seamless line and pressure pipe") from Germany with respect to Vallourec & Mannesmann Tubes - V&M Deutschland GmbH ("VMD"), Mannesmann Pipe & Steel Corporation ("Mannesmann"), Benteler Stahl/Rohr GmbH ("Benteler Stahl"), and Benteler Steel and Tube Corporation ("Benteler Tube") (collectively, "respondents"). No other interested party requested a review. The period of review ("POR") is August 1, 2004, through July 31, 2005. On December 13, 2005, US Steel withdrew its request for an administrative review of the four respondents. Accordingly, the Department is now rescinding the

administrative review of these companies.

**EFFECTIVE DATE:** December 28, 2005.

#### **FOR FURTHER INFORMATION CONTACT:**

Angelica Mendoza or Patrick Edwards, AD/CVD Operations, Office 7, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-3019 and (202) 482-8029, respectively.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On August 3, 1995, the Department published an antidumping duty order on seamless line and pressure pipe from Germany. *See Notice of Antidumping Duty Order and Amended Final Determination of Sales at Less than Fair Value: Small Diameter Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe from Germany*, 60 FR 39704 (August 3, 1995).

On August 1, 2005, the Department published in the **Federal Register** a notice of opportunity to request an administrative review of the antidumping duty order covering seamless line and pressure pipe from Germany. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation: Opportunity to Request Administrative Review*, 70 FR 44085 (August 1, 2005). On August 31, 2005, the Department received a timely filed request for an administrative review of the antidumping duty order on seamless line and pressure pipe from Germany with respect to VMD, Mannesmann, Benteler Stahl, and Benteler Tube from US Steel, a domestic producer of the subject merchandise. On September 28, 2005, in accordance with section 751(a) of the Tariff Act of 1930, as amended ("the Act"), the Department published a notice of initiation of the administrative review of VMD, Mannesmann, Benteler Stahl and Benteler Tube, covering the period August 1, 2004, through July 31, 2005. *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 70 FR 56631 (September 28, 2005).

On October 6, 2005, the Department released the antidumping duty questionnaire to VMD, Mannesmann, Benteler Stahl, and Benteler Tube. On December 13, 2005, the petitioner withdrew its request in a timely manner for an administrative review of the four named respondents. No other party requested a review.

##### **Scope of the Order**

The products covered by the order are seamless pipes produced to the ASTM

A-335, ASTM A-106, ASTM A-53 and API 5L specifications and meeting the physical parameters described below, regardless of application. The scope of this order also includes all products used in standard, line, or pressure pipe applications and meeting the physical parameters below, regardless of specification. For purposes of this order, seamless pipes are seamless carbon and alloy (other than stainless) steel pipes, of circular cross-section, not more than 114.3 mm (4.5 inches) in outside diameter, regardless of wall thickness, manufacturing process (hot-finished or cold-drawn), end finish (plain end, beveled end, upset end, threaded, or threaded and coupled), or surface finish. These pipes are commonly known as standard pipe, line pipe or pressure pipe, depending upon the application. They may also be used in structural applications. Pipes produced in non-standard wall thickness are commonly referred to as tubes.

The seamless pipes subject to this antidumping duty order are currently classifiable under subheadings 7304.10.10.20, 7304.10.50.20, 7304.31.60.50, 7304.39.00.16, 7304.39.00.20, 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.51.50.05, 7304.51.50.60, 7304.59.60.00, 7304.59.80.10, 7304.59.80.15, 7304.59.80.20, and 7304.59.80.25 of the Harmonized Tariff Schedule of the United States ("HTSUS"). The following information further defines the scope of this order, which covers pipes meeting the physical parameters described above.

**Specifications, Characteristics and Uses:** Seamless pressure pipes are intended for the conveyance of water, steam, petrochemicals, chemicals, oil products, natural gas, and other liquids and gasses in industrial piping systems. They may carry these substances at elevated pressures and temperatures and may be subject to the application of external heat. Seamless carbon steel pressure pipe meeting the ASTM standard A-106 may be used in temperatures of up to 1000 degrees Fahrenheit, at various American Society of Mechanical Engineers ("ASME") code stress levels. Alloy pipes made to ASTM standard A-335 must be used if temperatures and stress levels exceed those allowed for A-106 and the ASME codes. Seamless pressure pipes sold in the United States are commonly produced to the ASTM A-106 standard. Seamless standard pipes are most commonly produced to the ASTM A-53 specification and generally are not intended for high temperature service. They are intended for the low temperature and pressure conveyance of