

*Taiwan, Five-Year ("Sunset") Reviews of Antidumping Duty Orders; Final Results*, 70 FR 58187 (October 5, 2005). On October 14, 2005, the ITC determined, pursuant to section 751(c) of the Act, that revocation of the antidumping duty orders on Porcelain-on-Steel Cooking Ware from the PRC and Taiwan would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. *See Porcelain-on-Steel Cooking Ware From China and Taiwan; Top-of-the-Stove Stainless Steel Cooking Ware From Korea and Taiwan (Investigations Nos. 731-TA-298 and 299 (Second Review); Investigations Nos. 701-TA-267 and 268 and 731-TA-304 and 305 (Second Review))*, 70 FR 67740 (November 8, 2005).

### Scope of the Orders

#### PRC

The merchandise covered by this order is porcelain-on-steel cooking ware from the PRC, including tea kettles, which do not have self-contained electric heating elements. All of the foregoing are constructed of steel and are enameled or glazed with vitreous glasses. The merchandise is currently classifiable under the United States Harmonized Tariff Schedule ("USHTS") item 7323.94.00. USHTS items numbers are provided for convenience and customs purposes. The written description of the scope remains dispositive.

In response to a request from CGS International, on January 30, 1991, the Department clarified that high quality, hand finished cookware, including the small basin, medium basin, large basin, small colander, large colander, 8" bowl, 6" bowl, mugs, ash tray, napkin rings, utensil holder and utensils, ladle, cream & sugar, and mixing bowls are properly considered kitchen ware and are, therefore, outside the scope of the order. Further, the Department clarified that CGS International's casserole, 12-cup coffee pot, 6-cup coffee pot, roasting pan, oval roaster, and butter warmer are within the scope of the order (*see Notice of Scope Rulings*, 56 FR 19833 (April 30, 1991)).

In response to a request from Texsport, on August 8, 1990, the Department determined that camping sets, with the exception of the cups and plates included in those sets, are within the scope of the order (*see Notice of Scope Rulings*, 55 FR 43020 (October 25, 1990)).

On March 8, 2000, Tristar Products' grill set with aluminum grill plate was found to be outside the scope of the

order (*see Notice of Scope Rulings*, 65 FR 41957 (July 7, 2000)).

On October 29, 2003, Target Corporation's certain enamel-clad beverage holders and dispensers were found to be outside the scope of the order (*see Notice of Scope Rulings*, 70 FR 24533 (May 10, 2005)).

On January 4, 2005, Taybek International's Pro Popper professional popcorn popper was found to be within the scope of the order (*see Notice of Scope Rulings*, 70 FR 41374 (July 19, 2005)).

#### Taiwan

The merchandise covered by this order is porcelain-on-steel cooking ware from Taiwan that do not have self-contained electric heating elements. All of the foregoing are constructed of steel and are enameled or glazed with vitreous glasses. Kitchen ware and teakettles are not subject to this order. The merchandise is currently classifiable under the USHTS item number 7323.94.00. The USHTS subheading is provided for convenience and customs purposes. The written description of the scope remains dispositive.

On August 23, 1990, in response to a request from RSVP, BBQ grill baskets were found to be outside the scope of the order (*see Notice of Scope Rulings*, 55 FR 43020 (October 25, 1990)).

On September 3, 1992, in response to a request from Mr. Stove Ltd., stove top grills and drip pans were found to be outside the scope of the order (*see Notice of Scope Rulings*, 57 FR 57420 (December 4, 1992)).

On September 25, 1992, in response to a request from Metrokane Inc., the "Pasta Time" pasta cooker was found to be within the scope of the order (*see Notice of Scope Rulings*, 57 FR 57420 (December 4, 1992)).

On August 18, 1995, Blair Corporation's Blair cooking ware items #1101 (seven piece cookware set), #271911 (eight-quart stock pot), and #271921 (twelve-quart stock pot) were found to be outside the scope of the order (*see Notice of Scope Rulings*, 60 FR 54213 (October 20, 1995)).

On October 30, 1996, Cost Plus, Inc.'s 10 piece porcelain-on-steel fondue set was found to be within the scope of the order (*see Notice of Scope Rulings*, 62 FR 9176 (February 28, 1997)).

### Determination

As a result of the determinations by the Department and the ITC that revocation of the antidumping duty orders would likely lead to continuation or recurrence of dumping and material injury to an industry in the United

States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping duty orders on Porcelain-on-Steel Cooking Ware from the PRC and Taiwan. U.S. Customs and Border Protection will continue to collect antidumping duty cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of continuation of these orders will be the date of publication in the **Federal Register** of this Notice of Continuation. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next five-year review of these orders not later than October 2010.

These five-year (sunset) reviews and notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act.

Dated: November 15, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-533-810]

### **Stainless Steel Bar from India: Notice of Intent to Rescind Antidumping Duty Administrative Review of Ferro Alloys Corporation Limited**

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

**SUMMARY:** In response to requests from interested parties, the Department of Commerce is conducting an administrative review of the antidumping duty order on stainless steel bar from India for the period February 1, 2004, through January 31, 2005. The Department intends to rescind this review with respect to Ferro Alloys Corporation Limited after concluding that no entries of subject merchandise were made during the period of review.

**EFFECTIVE DATE:** November 22, 2005.

**FOR FURTHER INFORMATION CONTACT:** Devta Ohri, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-3853.

**SUPPLEMENTARY INFORMATION:**

## Background

On February 1, 2005, the Department of Commerce ("the Department") published a notice in the **Federal Register** providing an opportunity for interested parties to request an administrative review of the antidumping duty order on stainless steel bar ("SSB") from India for the period February 1, 2004, through January 31, 2005. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 70 FR 5136. On February 22, 2005, we received a timely request for review from Shah Alloys Ltd. ("Shah").<sup>1</sup> On February 25, 2005, we received a timely request for review and revocation from Venus Wire Industries Pvt. Limited ("Venus"). On February 28, 2005, we received timely review requests from Ferro Alloys Corporation Limited ("Facor"), Chandan Steel Limited ("Chandan"), Isibars Limited ("Isibars"), Mukand Limited ("Mukand"), and the Viraj Group ("Viraj").<sup>2</sup> On February 28, 2005, Carpenter Technology Corporation, Electralloy Corporation, and Crucible Specialty Metals Division, Crucible Materials Corporation (collectively, "the petitioners") also requested an administrative review of Viraj. On March 23, 2005, the Department initiated an administrative review of the antidumping duty order on SSB from India with respect to Facor, Chandan, Isibars, Mukand, and Venus.<sup>3</sup> *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 70 FR 14643.

On March 29, 2005, the Department issued its antidumping duty questionnaire to Facor. On May 4, 2005, and May 31, 2005, after being granted a series of extensions, Facor filed its responses to section A and sections B–D of the Department's antidumping duty

questionnaire, respectively. Upon reviewing Facor's questionnaire responses, the Department learned that Facor had no entries of subject merchandise during the period of review, February 1, 2004, through January 31, 2005 ("POR").

On June 9, 2005, and October 5, 2005, the Department issued supplemental questionnaires to Facor requesting additional information on Facor's U.S. sales process and date of sale. On June 16, 2005, and October 19, 2005, Facor filed its responses to the Department's supplemental questionnaires.

To confirm that Facor made no entries of subject merchandise during the POR, the Department requested data from U.S. Customs and Border Protection ("CBP") on July 26, 2005. CBP provided the Department with the requested data on September 8, 2005. This data was placed on the record on September 26, 2005. *See Memorandum to the File*, "U.S. Customs and Border Protection Data," dated September 26, 2005.

## Scope of the Order

Merchandise covered by the order is shipments of SSB. SSB means articles of stainless steel in straight lengths that have been either hot-rolled, forged, turned, cold-drawn, cold-rolled or otherwise cold-finished, or ground, having a uniform solid cross section along their whole length in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles, hexagons, octagons, or other convex polygons. SSB includes cold-finished SSBs that are turned or ground in straight lengths, whether produced from hot-rolled bar or from straightened and cut rod or wire, and reinforcing bars that have indentations, ribs, grooves, or other deformations produced during the rolling process.

Except as specified above, the term does not include stainless steel semi-finished products, cut-to-length flat-rolled products (*i.e.*, cut-to-length rolled products which if less than 4.75 mm in thickness have a width measuring at least 10 times the thickness, or if 4.75 mm or more in thickness having a width which exceeds 150 mm and measures at least twice the thickness), wire (*i.e.*, cold-formed products in coils, of any uniform solid cross section along their whole length, which do not conform to the definition of flat-rolled products), and angles, shapes, and sections.

The SSB subject to this order is currently classifiable under subheadings 7222.11.00.05, 7222.11.00.50, 7222.19.00.05, 7222.19.00.50, 7222.20.00.05, 7222.20.00.45, 7222.20.00.75, and 7222.30.00.00 of the

*Harmonized Tariff Schedule of the United States* ("HTSUS"). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

On May 23, 2005, the Department issued a final scope ruling that SSB manufactured in the United Arab Emirates out of stainless steel wire rod from India is not subject to the scope of this proceeding. *See Memorandum to Barbara E. Tillman, Antidumping Duty Orders on Stainless Steel Bar from India and Stainless Steel Wire Rod from India: Final Scope Ruling* (May 23, 2005).

## Intent to Rescind the Administrative Review of Facor

Pursuant to section 751(a)(2)(A) of the Tariff Act of 1930 (as amended) ("the Act"), when conducting an administrative review, the Department examines entries of subject merchandise. According to 19 CFR 351.213(d)(3), the Department will rescind an administrative review in whole or only with respect to a particular exporter or producer, if we conclude that during the POR, there were no entries, exports, or sales of the subject merchandise, as the case may be. The Department has interpreted the statutory and regulatory language as requiring "that there be entries during the period of review upon which to assess antidumping duties." *Granular Polytetrafluoroethylene Resin from Japan: Notice of Rescission of Antidumping Duty Administrative Review*, 70 FR 44088, 44088 (Aug. 1, 2005). Moreover, in *Chia Far Industrial Factory Co., Ltd., v. United States*, 343 F. Supp. 2d 1344, 1374 (CIT Aug. 2, 2004), the Court affirmed the Department's rescission of a review for lack of entries ("Commerce correctly decided to rescind Ta Chen's review based on the fact that there were no entries of the merchandise at issue during the POR, regardless of whether there were sales.").

In this administrative review, Facor reported no entries of subject merchandise to the U.S. market during the POR, a fact which the Department confirmed by conducting an inquiry with CBP. Even if the Department's practice were to review sales, as opposed to entries, Facor had no sales during the POR. In its questionnaire responses, Facor argued that the Department should use the purchase order date, as opposed to the invoice date, as the U.S. date of sale. However, the Department's rebuttable presumption is to use the invoice date as the date of sale. *See* 19 CFR 351.401(i). Facor failed to provide a

<sup>1</sup> On February 28, 2005, the Department declined Shah's request for review because Shah explicitly stated in its request that it did not have any export sales to the United States during the period of review.

<sup>2</sup> We did not initiate with respect to Viraj because the order for this company was revoked on September 14, 2004. *See* Letter from the Department to Peter J. Koenig, Esq. (counsel to Viraj), "Extension Requests," dated April 19, 2005; *see also Stainless Steel Bar From India: Final Results, Rescission of Antidumping Duty Administrative Review in Part, and Determination To Revoke in Part*, 69 FR 55409 (Sept. 14, 2004); *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 70 FR 14643 (Mar. 23, 2005).

<sup>3</sup> This **Federal Register** notice only pertains to the Department's intent to rescind the current administrative review with regard to Facor. Therefore, this notice will not discuss developments in the administrative review with respect to Chandan, Isibars, Mukand, or Venus.

compelling reason for the Department to deviate from its standard practice. According to information on the record, Facor issued no sales invoices to the United States during the POR. As Facor had no U.S. sales or entries during the POR, the Department intends to rescind the current administrative review with respect to Facor.

#### Public Comment

Interested parties may comment on the Department's intent to rescind the administrative review with respect to Facor. Comments will be considered in the Department's preliminary results, which are currently due on February 28, 2006.

This notice is published in accordance with section 777(i) of the Act and 19 CFR 351.213(d)(4).

Dated: November 15, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-583-604]

#### Revocation of Countervailing Duty Order: Top-of-the-Stove Stainless Steel Cookware from Taiwan

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

**SUMMARY:** As a result of the determinations by the Department of Commerce ("the Department") and the International Trade Commission ("ITC") determined that revocation of the countervailing duty ("CVD") order on top-of-the-stove stainless steel ("TOS") cookware from Taiwan would not be likely to lead to continuation or recurrence of dumping or material injury to an industry in the United States, and the Department is publishing this notice of revocation of the CVD order.

**EFFECTIVE DATE:** April 18, 2005.

#### FOR FURTHER INFORMATION CONTACT:

Tipten Troidl or David Goldberger, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-1767 or (202) 482-4136, respectively.

#### SUPPLEMENTARY INFORMATION:

#### Background

On November 26, 1986, the Department published its final affirmative CVD determination on TOS cookware from Taiwan in the **Federal Register**. See *Final Affirmative Countervailing Duty Determination: Certain Stainless Steel Cooking Ware from Taiwan*, 51 FR 42891 (November 26, 1986). In the final determination the Department found an estimated net subsidy of 2.14 percent *ad valorem* for all manufacturers/producers/exporters of TOS cookware from Taiwan. On September 3, 1999, the Department published the final results of its first five-year sunset review and determined that revocation of the CVD order would be likely to lead to continuation or recurrence of a net countervailable subsidy of 2.14 percent *ad valorem*. See *Top-of-the-Stove Stainless Steel Cookware from Taiwan*, 64 FR 48372 (September 3, 1999). After an affirmative determination by the ITC, on April 18, 2000, the Department published the notice of continuation of the order. See *Continuation of Antidumping Duty Orders and Countervailing Duty Orders: Top-of-the-Stove Stainless Steel Cooking Ware From Taiwan and Korea*, 65 FR 20801 (April 18, 2000).

On March 1, 2005, the Department initiated, and the ITC instituted, sunset reviews of the CVD order on TOS cookware from Taiwan. See *Notice of Initiation of Five-year ("Sunset") Reviews*, 70 FR 9919 (March 1, 2005). As a result of its review, the Department found that revocation of the CVD order would likely lead to continuation or recurrence of a countervailable subsidy, and notified the ITC of the net countervailable subsidy likely to prevail were the order to be revoked. See *Final Results of Expedited Sunset Review of Countervailing Duty Order: Top-of-the-Stove Stainless Steel Cookware from Taiwan*, 70 FR 57856 (October 4, 2005).

On November 8, 2005, the ITC determined, pursuant to section 751(c) of the Act, that revocation of the CVD order on TOS cookware from Taiwan would not likely lead to continuation or recurrence of material injury to an industry in the United States. See *Porcelain-on-Steel Cooking Ware From China and Taiwan; Top-of-the-Stove Stainless Steel Cooking Ware From Korea and Taiwan*, 70 FR 67740 (November 8, 2005) and USITC Publication 3808 (October 2005), entitled *Porcelain-on-Steel Cooking Ware From China and Taiwan, and Top-of-the-Stove Stainless Steel Cooking Ware From Korea and Taiwan* (Investigation Nos. 731-TA-298 and

299 (Second Review) and Investigation Nos. 701-TA-267 and 268 and 731-TA-304 and 305 (Second Review)).

#### Scope of the Order

The merchandise subject to this CVD order is TOS cookware from Taiwan. The subject merchandise is all non-electric cooking ware of stainless steel which may have one or more layers of aluminum, copper or carbon steel for more even heat distribution. The subject merchandise includes skillets, frying pans, omelette pans, saucepans, double boilers, stock pots, dutch ovens, casseroles, steamers, and other stainless steel vessels, all for cooking on stove top burners, except tea kettles and fish poachers.

Excluded from the scope of the order are stainless steel oven ware and stainless steel kitchen ware. "Universal pan lids" are not within the scope of the order (57 FR 57420, December 4, 1992).

TOS cookware is currently classifiable under Harmonized Tariff Schedule (HTS) item numbers 7323.93.00 and 9604.00.00. The HTS item numbers are provided for convenience and customs purposes only. The written description remains dispositive.

#### Determination

As a result of the determination by the ITC that revocation of this CVD order is not likely to lead to continuation or recurrence of material injury to an industry in the United States, the Department, pursuant to section 751(d) of the Act, is revoking the CVD order on TOS cookware from Taiwan. Pursuant to section 751(d)(2) of the Act and 19 CFR 351.222(i)(2)(i), the effective date of revocation is April 18, 2005 (*i.e.*, the fifth anniversary of the date of publication in the **Federal Register** of the notice of continuation of the CVD order). The Department will notify U.S. Customs and Border Protection to discontinue suspension of liquidation and collection of cash deposits on entries of the subject merchandise entered or withdrawn from warehouse on or after April 18, 2005, the effective date of revocation of the CVD order. The Department will complete any pending administrative reviews of this order and will conduct administrative reviews of subject merchandise entered prior to the effective date of revocation in response to appropriately filed requests for review.

This five-year sunset review and notice are in accordance with section 751(d)(2) and published pursuant to section 777(i)(1) of the Act.