

alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Comments received, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection.

(Authority: 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21)

Dated: January 9, 2008.

Pauline E. Ellis,

District Ranger/Field Office Manager.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-849]

Certain Cut-to-Length Carbon Steel Plate From the People's Republic of China; Initiation of New Shipper Review

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

EFFECTIVE DATE: January 17, 2008.

SUMMARY: The Department of Commerce (the "Department") has determined that a request for a new shipper review of the antidumping duty order on certain cut-to-length steel plate ("CTL steel plate") from the People's Republic of China ("PRC"), received in November 2007, meets the statutory and regulatory requirements for initiation. The period of review ("POR") of this new shipper review is November 1, 2006, through October 31, 2007.

FOR FURTHER INFORMATION CONTACT: Demitrios Kalogeropoulos or Blanche Ziv, 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) 482-2623 and (202) 482-4207, respectively.

SUPPLEMENTARY INFORMATION:

Background

The notice announcing the antidumping duty order on CTL steel plate from the PRC was published on October 21, 2003. *See Suspension Agreement on Certain Cut-to-Length Carbon Steel Plate From the People's Republic of China; Termination of*

Suspension Agreement and Notice of Antidumping Duty Order, 68 FR 60081 (October 21, 2003). On November 30, 2007, we received a timely request for a new shipper review from Hunan Valin Xiangtan Iron & Steel Co., Ltd. ("Hunan Valin") in accordance with 19 CFR 351.214(d)(2). Hunan Valin has certified that it produced and exported the CTL steel plate on which it based its request for a new shipper review. The Department initially denied Hunan Valin's request for a new shipper review in this case. However, as a result of subsequent information submitted by the requester, the Department has reconsidered its decision and is now initiating the new shipper review.

Initiation of New Shipper Reviews

Pursuant to section 751(a)(2)(B)(i)(I) of the Tariff Act of 1930, as amended ("the Act"), and 19 CFR 351.214(b)(2), Hunan Valin certified that it did not export CTL steel plate to the United States during the period of investigation ("POI"). Pursuant to section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A), Hunan Valin certified that, since the initiation of the investigation, it has never been affiliated with any exporter or producer who exported CTL steel plate to the United States during the POI, including those not individually examined during the investigation. As required by 19 CFR 351.214(b)(2)(iii)(B), Hunan Valin also certified that its export activities were not controlled by the central government of the PRC.

In addition to the certifications described above, the exporter submitted documentation establishing the following: (1) The date on which it first shipped CTL steel plate for export to the United States and the date on which the CTL steel plate was first entered, or withdrawn from warehouse, for consumption; (2) the volume of its first shipment; and (3) the date of its first sale to an unaffiliated customer in the United States.

Pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214(d)(1), we are initiating this new shipper review for shipments of CTL steel plate from the PRC produced and exported by Hunan Valin.

The POR is November 1, 2006, through October 31, 2007. *See* 19 CFR 351.214(g)(1)(i)(B). We intend to issue preliminary results of these reviews no later than 180 days from the date of initiation, and final results of these reviews no later than 270 days from the date of initiation. *See* section 751(a)(2)(B)(iv) of the Act.

On August 17, 2006, the Pension Protection Act of 2006 ("H.R. 4") was signed into law. Section 1632 of H.R. 4

temporarily suspends the authority of the Department to instruct U.S. Customs and Border Protection to collect a bond or other security in lieu of a cash deposit in new shipper reviews during the period April 1, 2006, through June 30, 2009. Therefore, the posting of a bond or other security under section 751(a)(2)(B)(iii) of the Act in lieu of a cash deposit is not available in this case. Importers of CTL steel plate manufactured and exported by Hunan Valin must continue to pay a cash deposit of estimated antidumping duties on each entry of subject merchandise at the current PRC-wide rate of 128.59 percent.

Interested parties requiring access to proprietary information in this new shipper review should submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306. This initiation and notice are in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 351.221(c)(1)(i).

Dated: January 11, 2008.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-803]

Heavy Forged Hand Tools From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of Administrative Review

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

SUMMARY: On November 20, 2007, the United States Court of International Trade ("CIT") sustained the remand redetermination issued by the Department of Commerce ("the Department") pursuant to the CIT's remand of the final results of the twelfth administrative review of the antidumping duty orders on heavy forged hand tools from the People's Republic of China. *See Shandong Huarong Machinery Co. Ltd., Shandong Machinery Import & Export Corporation, Liaoning Machinery Import & Export Corporation, and Tianjin Machinery Import & Export Corporation v. United States*, Slip Op. 07-169 (CIT, 2007) ("Shandong Huarong II"). On January 8, 2008, the CIT released the public version of this opinion. This case

arises out of the Department's final results in the administrative review covering the period February 1, 2002, through January 31, 2003. See *Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, From the People's Republic of China: Final Results of Antidumping Duty Administrative Reviews, Final Partial Rescission of Antidumping Duty Administrative Reviews, and Determination Not to Revoke in Part*, 69 FR 55581 (September 15, 2004) ("Final Results"). Consistent with the decision of the United States Court of Appeals for the Federal Circuit ("Federal Circuit") in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) ("*Timken*"), the Department is notifying the public that *Shandong Huarong II* is not in harmony with the Department's *Final Results*.
EFFECTIVE DATE: January 17, 2008.

FOR FURTHER INFORMATION CONTACT: Thomas Martin, AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230; telephone: (202) 482-3936.

SUPPLEMENTARY INFORMATION: In *Shandong Huarong Machinery Co. Ltd., Liaoning Machinery Import & Export Corp. Ltd., Shandong Machinery Import & Export Corp., and Tianjin Machinery Import & Export Corp. v. United States and Ames True Temper*, Court No. 04-00460, Slip Op. 06-88 (June 9, 2006) ("*Shandong Huarong I*"), the CIT remanded the underlying final results of review to the Department to: (1) Explain why the failure of Shandong Huarong Machinery Co., Ltd. ("*Huarong*") and Tianjin Machinery Import & Export Corporation ("*Tianjin*") to report information on scrapers and forged tampers, respectively, justifies the use of total adverse facts available ("*AFA*"), rather than just partial AFA, pursuant to sections 776(a) and (b) of the Tariff Act of 1930 (the "*Act*"), for the axe/adze order for Huarong and the bar/wedge order for Tianjin; (2) provide a factual basis showing that the rate calculated for Tianjin is a reasonable estimate of its actual rate plus an added amount to encourage cooperation; (3) explain how the Department's commercial quantities methodology fulfills the purpose of 19 CFR 351.222(e)(1), in relation to its refusal to revoke Shandong Machinery Import & Export Corporation ("*SMC*") from the hammers/sledges order; (4) analyze further the issue of valuation of steel pallets manufactured by certain hand tool factories; (5) revisit its decision that certain miscellaneous handling expenses are not included in

the surrogate price of foreign brokerage and handling and, if the Department continues to find that the handling expenses in question are not in the surrogate price of brokerage and handling, to provide a thorough explanation; (6) explain why its decision to analyze market economy ("*ME*") purchases of ocean freight in aggregate is reasonable; and (7) explain further its decision to deny the request for a circumstance of sale ("*COS*") adjustment to Tianjin's normal value ("*NV*").

The Department released the *Draft Results of Redetermination Pursuant to Court Remand* ("*Draft Redetermination*") to the petitioner, Ames True Temper ("*Ames*"), and the respondents for comment on December 15, 2006. The Department received comments from both Ames and the respondents on December 29, 2006. On January 12, 2007, the Department issued to the CIT its final results of redetermination pursuant to *Shandong Huarong I*. See *Final Results of Redetermination Pursuant to Court Remand*, Court No. 04-00460, (January 12, 2007) ("*Final Redetermination*"), found at <http://ia.ita.doc.gov/remands/06-88.pdf>. In the remand redetermination the Department did the following: (1)(a) Explained that AFA was applied to all of Huarong's sales of axes/adzes, pursuant to sections 776(a) and (b) of the Act, because it failed to report requested information regarding its production and sales of scrapers, which are subject to the axes/adzes order; (1)(b) explained that total AFA was applied to Tianjin's sales of bars/wedges because, in part, it failed to report its sales of forged tampers, which are subject to the bars/wedges order; (2) redetermined an AFA rate for Tianjin's sales of merchandise covered by the bars/wedges order; (3) explained that the period of investigation ("*POI*") sales quantity is a valid benchmark for determining whether the respondent sold in commercial quantities because it represents the respondent's behavior without the discipline of an antidumping order; (4) included in the Department's calculation of NV the cost of labor and welding rod consumed in making steel pallets; (5) examined the record of *Stainless Steel Wire Rod From India: Final Results of Administrative Review*, 63 FR 48184 (September 9, 1998), and concluded that the brokerage and handling surrogate value included all expenses noted by the petitioner, except those that the record does not show were incurred; (6) chose to continue to apply the respondents' average ME ocean freight expense to

sales shipped with non-market economy ("*NME*") carriers; and (7) continued to deny the petitioner's request for a COS adjustment to Tianjin's NV because there was insufficient detail to determine whether there was a correlation between the expenses incurred by Tianjin and the surrogate producer. The Department recalculated the antidumping duty rates applicable to SMC's sale of bars/wedges and Tianjin's sales of axes/adzes, bars/wedges, hammers/sledges, and picks/mattocks as a result of the Department's modifications to NV. The Department made no change to the antidumping duty rates of Huarong's and Liaoning Machinery Import & Export Corporation's sales of bars/wedges. On November 20, 2007, the CIT sustained all aspects of the remand redetermination made by the Department pursuant to the CIT's remand of the *Final Results*.

In its decision in *Timken*, 893 F.2d at 341, the Federal Circuit held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended ("the Act"), the Department must publish a notice of a court decision that is not "in harmony" with a Department determination, and must suspend liquidation of entries pending a "conclusive" court decision. As a result of the Department's addition of the cost of labor and welded rod consumed in making steel pallets in the remand redetermination, the CIT's decision in this case on November 20, 2007, constitutes a final decision of the court that is not in harmony with the Department's *Final Results*. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. In the event the CIT's ruling is not appealed or, if appealed, upheld by the Federal Circuit, the Department will instruct U.S. Customs and Border Protection to revise the cash deposit rates covering the subject merchandise.

This notice is issued and published in accordance with section 516A(c)(1) of the Act.

Dated: January 11, 2008.

Stephen J. Claeys,
Deputy Assistant Secretary for Import Administration.

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