

AD/CVD Enforcement Group III (Amended Final Memo) at Attachment 1.

With respect to Zhejiang's comment that the Department incorrectly described the denominator that yielded its Inflator 2 calculation, we have updated the description to accurately reflect the variable used by the Department. See Amended Final Memo at Attachment 3.

As a result of our corrections, for the period February 10, 2001, through November 30, 2002, Zhejiang's antidumping duty margin decreased from 68.35 percent to 67.70 percent *ad valorem*.

The Department will instruct the CBP to assess antidumping duties, as indicated above, on all appropriate entries. The Department will issue liquidation instructions directly to the CBP. The amended cash deposit requirement is effective for all shipments of subject merchandise from Zhejiang entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and shall remain in effect until publication of the final results of the next administrative review.

These amended final results are issued and published in accordance with section 751(h) of the Act and 19 CFR 351.224 of the Department's regulations.

Dated: June 2, 2004.

James J. Jochum,

Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-201-827]

Notice of Final Results and Rescission of Antidumping Duty Administrative Review: Certain Large Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe From Mexico

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

ACTION: Notice of final results and rescission of antidumping duty administrative review.

SUMMARY: We are rescinding the third antidumping duty administrative review of Tubos de Acero de Mexico, S.A. (TAMSA) because we have determined that TAMSA did not ship subject merchandise to the United States during the period of review.

DATES: *Effective Date:* June 10, 2004.

FOR FURTHER INFORMATION CONTACT: Kristina Boughton or Charles Riggle at (202) 482-8173 or (202) 482-0650, respectively; AD/CVD Enforcement Office 5, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On September 30, 2003, pursuant to a request by the petitioner,¹ we published the notice of initiation of this administrative review of the antidumping duty order on certain large diameter carbon and alloy seamless standard, line, and pressure pipe from Mexico with respect to TAMSA. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews, Request for Revocation in Part and Deferment of Administrative Review*, 68 FR 56262 (September 30, 2003). On December 9, 2003, TAMSA submitted a letter, certifying that during the period of review (POR) neither it, nor its U.S. affiliate, Siderca Corporation, entered subject merchandise for consumption, or sold, exported, or shipped subject merchandise for entry for consumption, in the United States.

On May 4, 2004, the Department published in the **Federal Register** the notice of its preliminary intent to rescind this administrative review and invited parties to comment. See *Certain Large Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe From Mexico; Intent To Rescind Antidumping Duty Administrative Review*, 69 FR 24569 (*Notice of Preliminary Intent to Rescind*). No interested party submitted comments, a case brief, or requested a hearing.

Scope of the Review

The products covered by this order are large diameter seamless carbon and alloy (other than stainless) steel standard, line, and pressure pipes produced, or equivalent, to the American Society for Testing and Materials (ASTM) A53, ASTM A106, ASTM A333, ASTM A334, ASTM A589, ASTM A795, and the American Petroleum Institute (API) 5L specifications and meeting the physical parameters described below, regardless of application, with the exception of the exclusions discussed below. The scope of this order also includes all other products used in standard, line, or pressure pipe applications and meeting

the physical parameters described below, regardless of specification, with the exception of the exclusions discussed below. Specifically included within the scope of this order are seamless pipes greater than 4.5 inches (114.3 mm) up to and including 16 inches (406.4 mm) 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.

The seamless pipes subject to this order are currently classifiable under the subheadings 7304.10.10.30, 7304.10.10.45, 7304.10.10.60, 7304.10.50.50, 7304.31.60.50, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.51.50.60, 7304.59.60.00, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, and 7304.59.80.70 of the Harmonized Tariff Schedule of the United States (HTSUS).

Specifications, Characteristics, and Uses: Large diameter seamless pipe is used primarily for line applications such as oil, gas, or water pipeline, or utility distribution systems. 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 A106 standard 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 A335 standard must be used if temperatures and stress levels exceed those allowed for ASTM A106. Seamless pressure pipes sold in the United States are commonly produced to the ASTM A106 standard.

Seamless standard pipes are most commonly produced to the ASTM A53 specification and generally are not intended for high temperature service. They are intended for the low temperature and pressure conveyance of water, steam, natural gas, air and other liquids and gasses in plumbing and heating systems, air conditioning units, automatic sprinkler systems, and other related uses. Standard pipes (depending on type and code) may carry liquids at elevated temperatures but must not

¹ The petitioner is United States Steel Corporation.

exceed relevant ASME code requirements. If exceptionally low temperature uses or conditions are anticipated, standard pipe may be manufactured to ASTM A333 or ASTM A334 specifications.

Seamless line pipes are intended for the conveyance of oil and natural gas or other fluids in pipe lines. Seamless line pipes are produced to the API 5L specification.

Seamless water well pipe (ASTM A589) and seamless galvanized pipe for fire protection uses (ASTM A795) are used for the conveyance of water.

Seamless pipes are commonly produced and certified to meet ASTM A106, ASTM A53, API 5L-B, and API 5L-X42 specifications. To avoid maintaining separate production runs and separate inventories, manufacturers typically triple or quadruple certify the pipes by meeting the metallurgical requirements and performing the required tests pursuant to the respective specifications. Since distributors sell the vast majority of this product, they can thereby maintain a single inventory to service all customers.

The primary application of ASTM A106 pressure pipes and triple or quadruple certified pipes in large diameters is for use as oil and gas distribution lines for commercial applications. A more minor application for large diameter seamless pipes is for use in pressure piping systems by refineries, petrochemical plants, and chemical plants, as well as in power generation plants and in some oil field uses (on shore and off shore) such as for separator lines, gathering lines and metering runs. These applications constitute the majority of the market for the subject seamless pipes. However, ASTM A106 pipes may be used in some boiler applications.

The scope of this order includes all seamless pipe meeting the physical parameters described above and produced to one of the specifications listed above, regardless of application, with the exception of the exclusions discussed below, whether or not also certified to a non-covered specification. Standard, line, and pressure applications and the above-listed specifications are defining characteristics of the scope of this order. Therefore, seamless pipes meeting the physical description above, but not produced to the ASTM A53, ASTM A106, ASTM A333, ASTM A334, ASTM A589, ASTM A795, and API 5L specifications shall be covered if used in a standard, line, or pressure application, with the exception of the specific exclusions discussed below.

For example, there are certain other ASTM specifications of pipe which, because of overlapping characteristics, could potentially be used in ASTM A106 applications. These specifications generally include ASTM A161, ASTM A192, ASTM A210, ASTM A252, ASTM A501, ASTM A523, ASTM A524, and ASTM A618. When such pipes are used in a standard, line, or pressure pipe application, such products are covered by the scope of this order.

Specifically excluded from the scope of this order are:

A. Boiler tubing and mechanical tubing, if such products are not produced to ASTM A53, ASTM A106, ASTM A333, ASTM A334, ASTM A589, ASTM A795, and API 5L specifications and are not used in standard, line, or pressure pipe applications.

B. Finished and unfinished oil country tubular goods (OCTG), if covered by the scope of another antidumping duty order from the same country. If not covered by such an OCTG order, finished and unfinished OCTG are included in this scope when used in standard, line or pressure applications.

C. Products produced to the A335 specification unless they are used in an application that would normally utilize ASTM A53, ASTM A106, ASTM A333, ASTM A334, ASTM A589, ASTM A795, and API 5L specifications.

D. Line and riser pipe for deepwater application, *i.e.*, line and riser pipe that is (1) used in a deepwater application, which means for use in water depths of 1,500 feet or more; (2) intended for use in and is actually used for a specific deepwater project; (3) rated for a specified minimum yield strength of not less than 60,000 psi; and (4) not identified or certified through the use of a monogram, stencil, or otherwise marked with an API specification (*e.g.*, API 5L).

With regard to the excluded products listed above, the Department will not instruct U.S. Customs and Border Protection (CBP) to require end-use certification until such time as petitioner or other interested parties provide to the Department a reasonable basis to believe or suspect that the products are being utilized in a covered application. If such information is provided, the Department will require end-use certification only for the product(s) (or specification(s)) for which evidence is provided that such products are being used in a covered application as described above. For example, if, based on evidence provided by the petitioner, the Department finds a reasonable basis to believe or suspect that seamless pipe produced to the A-

335 specification is being used in an A-106 application, it will require end-use certifications for imports of that specification. Normally the Department will require only the importer of record to certify to the end-use of the imported merchandise. If it later proves necessary for adequate implementation, the Department may also require producers who export such products to the United States to provide such certification on invoices accompanying shipments to the United States.

Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to this order is dispositive.

Rescission of Third Administrative Review

On May 4, 2004, the Department published in the **Federal Register** its intent to rescind the administrative review. See *Notice of Preliminary Intent to Rescind*. In this notice we stated that, based on our shipment data query and examination of entry documents (see Memorandum to Michael S. Craig from Gary Taverman: Request for U.S. Entry Documents—Certain Large Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe from Mexico (A-201-827) (March 4, 2004) and Memorandum to the File: Customs Entry Documents—Certain Large Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe from Mexico (A-201-827) (April 30, 2004)), we should treat TAMSA as a non-shipper and, in accordance with section 351.213(d)(3) of the Department's regulations, rescind this review. We invited interested parties to comment on our intent to rescind the administrative review. No comments were submitted.

Consequently, the Department continues to treat TAMSA as a non-shipper for the purpose of this review. Therefore, in accordance with section 351.213(d)(3) of the Department's regulations, and consistent with our practice, we rescind this review because TAMSA is the sole respondent and a non-shipper. See, *e.g.*, *Polychloroprene Rubber from Japan: Notice of Rescission of Antidumping Duty Administrative Review*, 66 FR 45005 (August 27, 2001).

We are issuing this notice in accordance with section 751(a)(1) of the Tariff Act of 1930, as amended, and section 351.213(d) of the Department's regulations.

Dated: June 2, 2004.

James J. Jochum,

Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-580-839]

Certain Polyester Staple Fiber From Korea; Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Review and Preliminary Notice of Intent To Revoke, in Part

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

ACTION: Notice of preliminary results of 2002-2003 administrative review, partial rescission of review, partial request for revocation of antidumping duty order, and preliminary notice of intent to revoke, in part.

SUMMARY: The Department of Commerce is conducting an administrative review of the antidumping duty order on certain polyester staple fiber from Korea. The period of review is May 1, 2002, through April 30, 2003. This review covers imports of certain polyester staple fiber from three producers/exporters.

We have preliminarily found that sales of subject merchandise have been made below normal value. If these preliminary results are adopted in our final results, we will instruct U.S. Customs and Border Protection ("CBP") to assess antidumping duties.

Interested parties are invited to comment on these preliminary results. We will issue the final results not later than 120 days from the date of publication of this notice.

DATES: *Effective Date:* June 10, 2004.

FOR FURTHER INFORMATION CONTACT: Julie Santoboni, Andrew McAllister or Jesse Cortes, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230; telephone (202) 482-4194, (202) 482-1174 or (202) 482-3986.

Background

On May 25, 2000, the Department of Commerce ("the Department") published an antidumping duty order on certain polyester staple fiber ("PSF") from Korea. (See 65 FR 33807.) On May 1, 2003, the Department published a

notice of "Opportunity to Request Administrative Review" of this order. (See 68 FR 23281). On May 30, 2003, Arteva Specialties S.a.r.l., d/b/a KoSa and Wellman, Inc. ("the petitioners") requested administrative reviews of Daehan Synthetic Fiber Co., Ltd. ("Daehan"), Daeyang Industrial Co., Ltd. ("Daeyang"), East Young Co., Ltd. ("East Young"), Estal Industry Co., Ltd. ("Estal"), Keon Baek Co., Ltd. ("Keon Baek"), Geum Poong Corp. ("Geum Poong"), Huvis Corporation ("Huvis"), Mijung Industrial Co. ("Mijung"), Saehan Industrial Co. ("Saehan"), Samheung Co., Ltd. ("Samheung"), Sam Young Synthetics Co., Ltd. ("Sam Young") and Sunglim Co., Ltd. ("Sunglim"). On May 30, 2003, Geum Poong, Sam Young, East Young, Daeyang, Mijung, Keon Baek, Saehan, and Huvis made similar requests for administrative reviews. Keon Baek also requested that the Department revoke the antidumping duty order with respect to Keon Baek. Also, on May 30, 2003, Stein Fibers, Ltd. ("Stein Fibers"), an interested party in this review, requested an administrative review of imports of the subject merchandise produced by Daeyang, East Young, Geum Poong, Huvis, Keon Baek, Mijung, and Sam Young. On July 1, 2003, the Department published a notice initiating the review for the aforementioned companies. (See 68 FR 39055). The period of review ("POR") is May 1, 2002, through April 30, 2003.

On July 10, 2003, we issued antidumping questionnaires in this review. On August 14, 2003, Mijung withdrew its request for review. Also, on August 14, 2003, Stein Fibers withdrew its request for administrative review of the shipments of Mijung. On September 3, 2003, the petitioners withdrew their requests for review of Daehan, Daeyang, East Young, Estal, Geum Poong, Mijung, Saehan, Samheung, Sam Young and Sunglim. On September 12, 2003, Daeyang, East Young, Geum Poong, and Sam Young withdrew their requests for review. Also, on September 12, 2003, Stein Fibers withdrew its requests for administrative review of the shipments of Daeyang, East Young, Geum Poong, and Sam Young. See "Partial Rescission" section, below.

We received responses from Keon Baek, Saehan and Huvis (collectively, "the respondents") on September 12, 2003. As a result of certain below-cost sales being disregarded in the previous administrative review, on October 15, 2003, we instructed Huvis to respond to the cost questionnaire. On November 25, 2003, we received Huvis' response to the cost questionnaire.

On October 24, and November 3, 2003, in accordance with 19 CFR 351.301(d)(2)(ii), the petitioners alleged that Keon Baek and Saehan, respectively, had made sales in the home market at prices below the cost of production ("COP") during the POR. On October 29, and November 4, 2003, Keon Baek and Saehan, respectively, submitted objections to the petitioners' COP allegations on the basis that they were untimely filed. We accepted the allegations and found that the petitioners' allegations provided a reasonable basis to believe or suspect that sales in the home market by Keon Baek and Saehan had been made at prices below the COP. On November 11, and December 2, 2003, pursuant to section 773(b) of the Tariff Act of 1930, as amended effective January 1, 1995 ("the Act") by the Uruguay Round Agreements Act ("URAA"), we initiated investigations to determine whether Keon Baek and Saehan, respectively, made home market sales during the POR at prices below the COP (see Memorandum from Jesse Cortes to Susan Kuhbach, Director, AD/CVD Enforcement Office 1, "Petitioners' Allegation of Sales Below the Cost of Production for Keon Baek Co., Ltd.," dated November 11, 2003 and Memorandum from Julie Santoboni to Susan Kuhbach, Director, AD/CVD Enforcement Office 1, "Petitioners' Allegation of Sales Below the Cost of Production for Saehan Industries, Inc.," dated December 2, 2003, which are on file in the Department's Central Records Unit ("CRU") in room B-099 of the main Department building). Accordingly, on November 17 and December 2, 2003, we notified Keon Baek and Saehan, respectively, that they must respond to section D of the antidumping duty questionnaire. We received responses to the cost questionnaire from Keon Baek and Saehan on December 8, 2003, and January 22, 2004, respectively.

In January, February and April 2004, we issued supplemental questionnaires to Huvis, Keon Baek and Saehan. We received responses to these supplemental questionnaires in January, February, March and May 2004.

On January 13, 2004, in accordance with section 751(a)(3)(A) of the Act, we published a notice extending the time limit for the completion of the preliminary results in this case by 120 days (*i.e.*, until no later than June 1, 2004). (See 69 FR 1971).

Due to the unexpected emergency closure of the main Commerce building on Tuesday, June 1, 2004, the Department has tolled the deadline for