

69 FR 47409 (August 5, 2004) (“*Preliminary Results*”) and the *Final Results*, and applied a by-product offset to reflect Guangdong’s sale of fatty acid and glycerine made in the production process.

Before the Court, Guangdong challenged the Department’s selection of Indian import statistics as the surrogate to value sebacic acid, and its determination to apply the by-product offset after the application of the surrogate financial ratio to manufacturing costs in the *Final Results*. On January 25, 2006, the Court issued a remand in *Guangdong Chemicals Import & Export Corporation v. United States*, Ct. No. 05-00023 Slip Op. 06-13 (January 25, 2006). The Court stated that the Department did not justify its decision to abandon a more product-specific data source. *See id.* at 19. The Court specifically pointed out that a remand was necessary because the Department did not address the data Guangdong used to corroborate its ChemImpEx data, and the Department did not explain why the Department’s use of the Indian import statistics was not aberrational given that the data was comprised of a basket category. *See id.* at 19 and 20. The Court concluded that the Department failed to present substantial evidence supporting its surrogate value for sebacic acid. *See id.* at 22.

Additionally, the Court granted the Department’s request for a voluntary remand to give interested parties an opportunity to comment on the application of the by-product offset which was changed between the *Preliminary Results* and the *Final Results* without allowing parties the opportunity to comment on this change. *See id.* at 22.

In order to comply with the Court’s remand order, the Department reviewed its choice of surrogate value for sebacic acid and made changes to the Indian import statistics to eliminate a value that the Department determined to be aberrational. Also, the Department provided additional explanation of its by-product methodology and provided interested parties an opportunity to comment on its methodology for the redetermination on remand. On May 3, 2006, the Department issued its *Final Redetermination Pursuant to Court Remand* (“*Final Redetermination*”).

Guangdong continued to challenge the Department’s determination in the *Final Redetermination*. On September 18, 2006, the Court found that the Department duly complied with the Court’s remand order and sustained the *Final Redetermination*. *See Guangdong II*, Slip Op. 06-142 (September 18,

2006). The Court found that the Department’s elimination of aberrational values constituted a reasonable step to compensate for some weaknesses in the Indian import statistics. *See id.* at 10. Therefore, the Court found that the Department’s selection of surrogate value for sebacic acid is supported by substantial evidence. *See id.* at 12. Also, the Court found that the Department’s analysis of the reliability of the Indian import statistics in view of the corroborating evidence submitted by Guangdong was reasonable. *See id.* at 15. Additionally, the Court upheld the Department’s decision to account for separable costs associated with by-product sales by applying a by-product credit after the application of financial ratios to manufacturing costs. *See id.* at 21. Therefore, the Department’s *Final Redetermination* was sustained in its entirety by the Court. Consequently, the antidumping duty rate for Guangdong will be 19.82 percent.

#### Timken Notice

In its decision in *Timken Co., v. United States*, 893 F.2d 337, 341 (Fed. Cir. 1990) (“*Timken*”), the United States Court of Appeals for the Federal Circuit held that, pursuant to section 516A(e) of the Act of 1930, 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. The Court’s decision in *Guangdong II* on September 18, 2006, constitutes a final decision of that court that is not in harmony with the Department’s final results of administrative review. 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, upon a final and conclusive court decision.

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

Dated: September 28, 2006.

**Stephen J. Claeys,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E6-16395 Filed 10-3-06; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-427-810]

#### Corrosion-Resistant Carbon Steel Flat Products From France; Final Results of Full Sunset Review

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

**SUMMARY:** On November 1, 2005, the Department of Commerce (“the Department”) initiated a sunset review of the countervailing duty (“CVD”) order on certain corrosion-resistant carbon steel flat products from France, pursuant to section 751(c) of the Tariff Act of 1930, as amended (“the Act”). On the basis of a notice of intent to participate and an adequate substantive response filed on behalf of the domestic interested party, an adequate response from respondent interested parties, and respondent interested parties’ arguments regarding post-investigation privatization of Usinor, the Department determined to conduct a full sunset review of this CVD order pursuant to section 751(c) of the Act and 19 CFR 351.218(e)(2). As a result of this sunset review, the Department finds that revocation of the CVD order would be likely to lead to continuation or recurrence of a countervailable subsidy. Therefore, the Department is not revoking this CVD order.

**DATES:** *Effective Date:* October 4, 2006.

**FOR FURTHER INFORMATION CONTACT:** Stephanie Moore or Brandon Farlander, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-3692 or (202) 482-4136, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On November 1, 2005, the Department initiated a sunset review of the CVD order on certain corrosion-resistant carbon steel flat products from France pursuant to section 751(c) of the Act. *See Initiation of Five-Year (“Sunset”) Reviews*, 70 FR 65884 (November 1, 2005).

On May 31, 2006, the Department published the preliminary results of the full sunset review of the instant order. *See Preliminary Results of Full Sunset Review: Certain Corrosion-Resistant Carbon Steel Flat Products from France*, 71 FR 30875 (May 31, 2006). Interested parties were invited to comment on our preliminary results. On July 11, 2006,

we received a case brief from Duferco Coating SA and Sorral SA (collectively, "Duferco Sorral"). We also received comments from the European Commission and from Sollac Atlantique, Sollac, Lorraine, Arcelor FCS Commercial, and Arcelor International America, LLC ("respondent interested parties"). On July 17, 2006, we received a rebuttal brief from United States Steel Corporation ("domestic interested party").

**Scope of the Order**

The merchandise covered by this order includes flat-rolled carbon steel products, of rectangular shape, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, or iron-based alloys, whether or not corrugated or painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating, in coils (whether or not in successively superimposed layers) and of a width of 0.5 inch or greater, or in straight lengths which, if of a thickness less than 4.75 millimeters, are of a width of 0.5 inch or greater and which measures at least 10 times the thickness or if of a thickness of 4.75 millimeters or more are of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable under the Harmonized Tariff Schedule of the United States ("HTSUS") item numbers 7210.31.000, 7210.39.0000, 7210.41.000, 7210.49.0030, 7210.49.0090, 7210.60.0000, 7210.70.6030, 7210.70.6060, 7210.70.6090, 7210.90.1000, 7210.90.6000, 7210.90.9000, 7212.21.0000, 7212.29.0000, 7212.30.1030, 7212.30.1090, 7212.30.3000, 7212.30.5000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7212.60.0000, 7215.90.1000, 7215.90.5000, 7217.12.1000, 7217.13.1000, 7217.19.1000, 7217.19.5000, 7217.22.5000, 7217.23.5000, 7217.29.1000, 7217.29.5000, 7217.32.5000, 7217.33.5000, 7217.39.1000, 7217.33.5000, 7217.39.1000, and 7217.39.5000. Included in this order are flat-rolled products of non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process (i.e., products which have been "worked after rolling")—for example, products which have been beveled or rounded at the edges. Excluded from this order are flat-rolled steel products either plated or coated with tin, lead, chromium, chromium oxides, both tin and lead ("terne plate"), or both

chromium and chromium oxides ("tin-free steel"), whether or not painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating. Excluded from this order are clad products in straight lengths of 0.1875 inch or more in composite thickness and of a width which exceeds 150 millimeters and measures at least twice the thickness. Also excluded from this order are certain clad stainless flat-rolled products, which are three-layered corrosion-resistant carbon steel flat-rolled products less than 4.75 millimeters in composite thickness that consist of a carbon steel flat-rolled product clad on both sides with stainless steel in a 20%-60%-20% ratio. The HTSUS numbers are provided for convenience and customs purposes. The written description remains dispositive.

**Analysis of Comments Received**

All issued raised in this review are addressed in the Issue and Decision Memorandum ("Decision Memorandum") from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to James C. Leonard, III, Acting Assistant Secretary for Import Administration, dated September 27, 2006, which is hereby adopted by this notice. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendation in this public memorandum which is on file in the Central Records Unit, Room B-099 of the main 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>. The paper copy and electronic version of the Decision Memorandum are identical in content.

**Final Results of Review**

The Department determines that revocation of the CVD order on corrosion-resistant carbon steel flat products from France is likely to lead to continuation or recurrence of countervailable subsidies at the following countervailing duty rate:

Manufacturer/exporter	Net subsidy margin (percent)
Country-Wide Rate .....	0.16

**Notification Regarding Administrative Protective Order**

This notice serves as the only reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the return or destruction of proprietary

information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these results and notice in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: September 27, 2006.

**James C. Leonard, III,**  
Acting Assistant Secretary for Import Administration.

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**C-423-806**

**Cut-to-Length Carbon Steel Plate from Belgium: Final Results of Full Sunset Review**

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

**SUMMARY:** On November 1, 2005, the Department of Commerce (the Department) initiated a sunset review of the countervailing duty (CVD) order on cut-to-length carbon steel plate (CTL plate) from Belgium, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). On the basis of a notice of intent to participate and an adequate substantive response filed on behalf of the domestic interested parties and adequate responses from respondent interested parties, the Department determined to conduct a full sunset review of this CVD order pursuant to section 751(c) of the Act and 19 CFR 351.218(e)(2). On July 21, 2006, the Department published the preliminary results in this review and invited interested parties to comment on those results. See *Preliminary Results of Full Sunset Review: Cut-to-Length Carbon Steel Plate From Belgium*, 71 FR 41424 (*Preliminary Results*). As a result of our analysis, the Department finds that revocation of the CVD order would be likely to lead to continuation or recurrence of a countervailable subsidy at the level indicated in the "Final Results of Review" section of this notice.

**EFFECTIVE DATE:** October 4, 2006.

**FOR FURTHER INFORMATION CONTACT:** Sean Carey, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department