

circular welded carbon steel pipes and tubes from Taiwan, pursuant to section 751(a) of the Tariff Act of 1930, as amended (the Act). *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 73 FR 37409 (July 1, 2008).

On August 18, 2008, Yieh Hsing submitted a letter to the Department certifying that it had no shipments of subject merchandise to the United States during the POR. On August 20, 2008, Allied Tube & Conduit Corporation submitted a letter requesting that the review be extended to cover Yieh Phui Enterprise Company, Ltd. (Yieh Phui), noting that Yieh Phui had been found to be the successor-in-interest to Yieh Hsing in a prior proceeding. On August 25, 2008, Yieh Hsing and another interested party, SeAH Steel America (SeAH), each submitted letters objecting to the extension of the review to cover Yieh Phui. On August 27, 2008, Allied Tube & Conduit Corporation filed a response to SeAH's comments, reiterating its request that the review be extended to cover Yieh Phui. On November 14, 2008, the Department determined that the review should not be extended to Yieh Phui. See the November 14, 2008 memorandum to the file entitled "Treatment of Yieh Hsing Enterprise Co., Ltd. (Yieh Hsing) and Yieh Phui Enterprise Co. Ltd. (Yieh Phui): 2007/2008 Administrative Review of the Antidumping Duty Order on Circular Welded Carbon Steel Pipes and Tubes from Taiwan."

On November 18, 2008, the Department conducted a data query of U.S. Customs and Border Protection (CBP) import entry information, and found no evidence of entries during the POR involving subject merchandise manufactured or shipped by Yieh Hsing. See the December 23, 2008, memorandum from Steve Bezirgianian to the File. The Department issued a "No Shipment Inquiry" to CBP, to confirm that there were no POR exports of subject merchandise manufactured and/or exported by Yieh Hsing. See CBP message number 8357202, dated December 22, 2008. CBP only responds to the Department's inquiry when CBP finds that there have been shipments. CBP did not respond to our inquiry. Therefore, we preliminarily determine there were no Yieh Hsing shipments or entries of subject merchandise exported by Yieh Hsing to the United States during the POR.

#### Scope of the Order

The merchandise covered by the order is certain circular welded carbon steel

pipes and tubes from Taiwan, which are defined as: welded carbon steel pipes and tubes, of circular cross section, with walls not thinner than 0.065 inch, and 0.375 inch or more but not over 4.5 inches in outside diameter, currently classified under Harmonized Tariff Schedule of the United States (HTSUS) item numbers 7306.30.5025, 7306.30.5032, 7306.30.5040, and 7306.30.5055. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

#### Intent To Rescind Administrative Review

Pursuant to 19 CFR 351.213(d)(3), the Department may rescind an administrative review if it concludes that during the POR there were no entries, exports, or sales of the subject merchandise. The Department's practice, supported by precedent, requires that there be entries during the POR upon which to assess antidumping duties. *See, e.g., Stainless Steel Bar from Italy: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Rescission of Review*, 70 FR 17656 (April 7, 2005) unchanged in *Stainless Steel Bar from Italy: Final Results of Antidumping Duty Administrative Review and Rescission of Review*, 70 FR 46480 (August 10, 2005).

Yieh Hsing certified that it had no entries of subject merchandise during the 2007–2008 POR, and the Department's review of official data from CBP did not indicate otherwise. Therefore, we have preliminarily determined that Yieh Hsing had no shipments of subject merchandise during the POR, and we intend to rescind the 2007–2008 administrative review.

#### Public Comment

Interested parties may submit case briefs not later than 30 days after the date of publication of this notice. See 19 CFR 351.309(c). Rebuttal briefs, which must be limited to issues raised in such briefs, must be filed not later than five days after the time limit for filing casing briefs. See 19 CFR 351.309(d). Parties who submit arguments are requested to submit with the argument (1) a statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities. Further, parties submitting written comments should provide the Department with an additional copy of the public version of any such comments on diskette. An interested party may request a hearing within 30 days of publication of this

notice. Any hearing, if requested, will be held 37 days after the date of publication of this notice, or the first working day thereafter. *See* 19 CFR 351.310. We will issue our final decision concerning the conduct of the review no later than 120 days from the date of publication of this notice.

This notice is published in accordance with section 777(i)(1) of the Act and 19 CFR 351.213(d)(4).

Dated: January 13, 2009.

**Gary Taverman,**

*Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. E9–1115 Filed 1–16–09; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–570–868]

#### Folding Metal Tables and Chairs from the People's Republic of China: Final Results of Antidumping Duty Administrative Review

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

**SUMMARY:** The Department of Commerce ("Department") published its preliminary results of the administrative review of the antidumping duty order on folding metal tables and chairs ("FMTCs") from the People's Republic of China ("PRC") on July 14, 2008.<sup>1</sup> The period of review ("POR") is June 1, 2006, through May 31, 2007. We invited interested parties to comment on our preliminary results. Based on our analysis of the comments received, we have made changes to our margin calculations. Therefore, the final results differ from the preliminary results. The final dumping margins for this review are listed in the "Final Results of Review" section below.

**EFFECTIVE DATE:** January 21, 2009.

**FOR FURTHER INFORMATION CONTACT:** Lilit Astvatsatryan or Charles Riggall, 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) 482–6412 or (202) 482–0650, respectively.

<sup>1</sup> See *Folding Metal Tables and Chairs from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Intent to Revoke in Part*, 73 FR 40285 (July 14, 2008) ("Preliminary Results").

## Background

On July 14, 2008, the Department published its preliminary results. On August 4, 2008, Meco Corporation ("Meco"), the petitioner in the underlying investigation, and Cosco Home and Office Products ("Cosco"), a U.S. importer of subject merchandise, provided additional comments on the appropriate surrogate values to use as a means of valuing the factors of production, including financial statements from Zuari Industries Limited (2006–2007) ("Zuari") and Maximaa Systems Limited (2006–2007) ("Maximaa"), Indian producers of merchandise that is identical or comparable to the subject merchandise. On August 13, 2008, the Department received a request for a hearing from Meco. On August 14, 2008, Cosco and Feili Furniture Development Limited Quanzhou City, Feili Furniture Development Co., Ltd., Feili Group (Fujian) Co., Ltd., and Feili (Fujian) Co., Ltd. (collectively "Feili"), a respondent, submitted rebuttals to the surrogate value information. On August 19, 2008, Meco provided a rebutting exhibit to Cosco's August 14, 2008, rebuttal submission. As provided in section 782(i) of the Act, we verified the information submitted by Feili for use in our final results.<sup>2</sup> On October 1 and 3, 2008, the Department received case briefs from Meco and New–Tec Integration (Xiamen) Co., Ltd. and New–Tec Integration Co., Ltd. (collectively "New–Tec"), a respondent, respectively. On October 6, 8, and 20, 2008, New–Tec, Cosco, Meco, and Feili submitted rebuttal briefs, respectively. On November 6, 2008, the Department held a public hearing. On November 10, 2008, the Department extended the time period for completion of the final results until December 11, 2008.<sup>3</sup> On December 17, 2008, the Department fully extended the time period of the final results until January 12, 2009.<sup>4</sup>

We have conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended ("the Act"), and 19 CFR 351.213.

## Scope of Order

The products covered by this order consist of assembled and unassembled folding tables and folding chairs made primarily or exclusively from steel or other metal, as described below:

1) Assembled and unassembled folding tables made primarily or exclusively from steel or other metal (folding metal tables). Folding metal tables include square, round, rectangular, and any other shapes with legs affixed with rivets, welds, or any other type of fastener, and which are made most commonly, but not exclusively, with a hardboard top covered with vinyl or fabric. Folding metal tables have legs that mechanically fold independently of one another, and not as a set. The subject merchandise is commonly, but not exclusively, packed singly, in multiple packs of the same item, or in five piece sets consisting of four chairs and one table. Specifically excluded from the scope of the order regarding folding metal tables are the following:

Lawn furniture;  
Trays commonly referred to as "TV trays;"

Side tables;  
Child-sized tables;

Portable counter sets consisting of rectangular tables 36" high and matching stools; and, Banquet tables. A banquet table is a rectangular table with a plastic or laminated wood table top approximately 28" to 36" wide by 48" to 96" long and with a set of folding legs at each end of the table. One set of legs is composed of two individual legs that are affixed together by one or more cross-braces using welds or fastening hardware. In contrast, folding metal tables have legs that mechanically fold independently of one another, and not as a set.

2) Assembled and unassembled folding chairs made primarily or exclusively from steel or other metal (folding metal chairs). Folding metal chairs include chairs with one or more cross-braces, regardless of shape or size, affixed to the front and/or rear legs with rivets, welds or any other type of fastener. Folding metal chairs include: those that are made solely of steel or other metal; those that have a back pad, a seat pad, or both a back pad and a seat pad; and those that have seats or backs made of plastic or other materials. The subject merchandise is commonly, but not exclusively, packed singly, in multiple packs of the same item, or in five piece sets consisting of four chairs

and one table. Specifically excluded from the scope of the order regarding folding metal chairs are the following:

Folding metal chairs with a wooden back or seat, or both;  
Lawn furniture;  
Stools;  
Chairs with arms; and  
Child-sized chairs.

The subject merchandise is currently classifiable under subheadings 9401.71.0010, 9401.71.0030, 9401.79.0045, 9401.79.0050, 9403.20.015, 9403.20.0030, 9403.70.8010, 9403.70.8020, and 9403.70.8030 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS subheadings are provided for convenience and customs purposes, the Department's written description of the merchandise is dispositive.

Based on a request by RPA International Pty., Ltd. and RPS, LLC (collectively, "RPA"), the Department ruled on January 13, 2003, that RPA's poly-fold metal folding chairs are within the scope of the order because they are identical in all material respects to the merchandise described in the petition, the initial investigation, and the determinations of the Secretary.

On May 5, 2003, in response to a request by Staples, the Office Superstore Inc. ("Staples"), the Department issued a scope ruling that the chair component of Staples' "Complete Office–To–Go," a folding chair with a tubular steel frame and a seat and back of plastic, with measurements of: height: 32.5 inches; width: 18.5 inches; and depth: 21.5 inches, is covered by the scope of the order because it is identical in all material respects to the scope description in the order, but that the table component, with measurements of: width (table top): 43 inches; depth (table top): 27.375 inches; and height: 34.875 inches, has legs that fold as a unit and meets the requirements for an exemption from the scope of the order.

On September 7, 2004, the Department found that table styles 4600 and 4606 produced by Lifetime Plastic Products Ltd. are within the scope of the order because these products have all of the components that constitute a folding metal table as described in the scope.

On July 13, 2005, the Department issued a scope ruling determining that "butterfly" chairs are not within the scope of the antidumping duty order because they do not meet the physical description of merchandise covered by the scope of the order as they do not have cross braces affixed to the front and/or rear legs, and the seat and back is one piece of cloth that is not affixed

<sup>2</sup> See "Verification of the Sales and Factors Response of Feili in the Antidumping Review of Folding Metal Tables and Chairs from the Peoples Republic of China," (September 5, 2008).

<sup>3</sup> See *Folding Metal Tables and Chairs from the People's Republic of China: Extension of Time Limit for the Final Results of Antidumping Duty Administrative Review*, 73 FR 66595 (November 10, 2008).

<sup>4</sup> See *Folding Metal Tables and Chairs from the People's Republic of China: Extension of Time Limit for the Final Results of Antidumping Duty Administrative Review*, 73 FR 76615 (December 17, 2008).

to the frame with screws, rivets, welds, or any other type of fastener.

On July 13, 2005, the Department issued a scope ruling determining that folding metal chairs imported by Korhani of America Inc. are within the scope of the antidumping duty order because the imported chair has a wooden seat, which is padded with foam and covered with fabric or polyvinyl chloride, attached to the tubular steel seat frame with screws, and has cross braces affixed to its legs.

On May 1, 2006, the Department issued a scope ruling determining that "moon chairs" are not included within the scope of the antidumping duty order because moon chairs have different physical characteristics, different uses, and are advertised differently than chairs covered by the scope of the order.

On October 4, 2007, the Department issued a scope ruling determining that International E-Z Up Inc.'s ("E-Z Up") Instant Work Bench is not included within the scope of the antidumping duty order because its legs and weight do not match the description of the folding metal tables in the scope of the order.

On April 18, 2008, the Department issued a scope ruling determining that the VIKA Twofold 2-in-1 Workbench/Scaffold ("Twofold Workbench/Scaffold") imported by Ignite USA, LLC from the PRC is not included within the scope of the antidumping duty order because its rotating leg mechanism differs from the folding metal tables subject to the order, and its weight is twice as much as the expected maximum weight for folding metal tables within the scope of the order.

#### Analysis of Comments Received

All issues raised in the post-preliminary comments by parties in this review are addressed in the memorandum from Gary Taverman, Acting Deputy Assistant Secretary for Import Administration, to Ronald K. Lorentzen, Acting Assistant Secretary for Import Administration, "Issues and Decision Memorandum for the 2006-2007 Administrative Review of Folding Metal Tables and Chairs from the People's Republic of China" (January 12, 2009) ("Issues and Decision Memorandum"), which is hereby adopted by this notice. A list of the issues that parties raised and to which we responded in the Issues and Decision Memorandum is attached to this notice as an appendix. The Issues and Decision Memorandum is a public document and is on file in the Central Records Unit ("CRU") in room 1117 in the main Department building, and is also accessible on the Web at <http://>

[ia.ita.doc.gov/frn](http://ia.ita.doc.gov/frn). The paper copy and electronic version of the memorandum are identical in content.

#### Changes Since the Preliminary Results

Based on our analysis of comments received, we have made changes in the margin calculations for Feili, Dongguan Shichang Metals Factory Co., Ltd. ("Shichang"), a respondent, and New-Tec.

#### General Issues

We have revised the surrogate value for electricity. For the final results, we find that the best available information with which to value electricity is the electricity price data for small, medium, and large industries, as published by the Central Electricity Authority of the Government of India in its publication titled *Electricity Tariff & Duty and Average Rates of Electricity Supply in India*, dated July 2006.<sup>5</sup> These electricity rates represent actual country-wide, publicly-available information on tax-exclusive electricity rates charged to industries in India. Since the rates are contemporaneous with the POR, we have not inflated the values.

We excluded the financial statement of Godrej and Boyce Manufacturing Co. Ltd. for the year ending March 31, 2007, and used the 2007 financial statement of Maxima Systems Limited for the calculation of surrogate financial ratios.<sup>6</sup>

#### Feili

In light of the Department's pending anti-circumvention investigation, we find that Feili has not satisfied all three requirements for revocation under 19 CFR 351.222. Accordingly, we are not revoking the antidumping order with respect to Feili.

#### Final Results of Review

We determine that the following dumping margins exist for the POR:

Exporter/Manufacturer	Weighted-Average Margin Percentage
Feili* .....	0.02
New-Tec* .....	0.06
Shichang* .....	0.00

\* This rate is *de minimis*.

<sup>5</sup> See Memorandum to the File, "Final Results of the 2006-2007 Administrative Review of Folding Metal Tables and Chairs from the People's Republic of China: Surrogate Value Memorandum," at 2 (January 12, 2009) ("Final Surrogate Value Memorandum"), and attachment to Letter to All Interested Parties, titled "Source for Electricity Valuation and Final Briefing Schedule," September 15, 2008.

<sup>6</sup> See Final Surrogate Value Memorandum, at 2 and Attachment III, and Issues and Decision Memorandum, at Comment 1.

#### Assessment

The Department will determine, and U.S. Customs and Border Protection ("CBP") shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. For assessment purposes, we calculated exporter/importer- (or customer) -specific assessment rates for merchandise subject to this review. Where appropriate, we calculated an *ad valorem* rate for each importer (or customer) by dividing the total dumping margins for reviewed sales to that party by the total entered values associated with those transactions. For duty-assessment rates calculated on this basis, we will direct CBP to assess the resulting *ad valorem* rate against the entered customs values for the subject merchandise. Where appropriate, we calculated a per-unit rate for each importer (or customer) by dividing the total dumping margins for reviewed sales to that party by the total sales quantity associated with those transactions. For duty-assessment rates calculated on this basis, we will direct CBP to assess the resulting per-unit rate against the entered quantity of the subject merchandise. Where an importer- (or customer) -specific assessment rate is *de minimis* (i.e., less than 0.50 percent), the Department will instruct CBP to assess that importer (or customer's) entries of subject merchandise without regard to antidumping duties. We intend to instruct CBP to liquidate entries containing subject merchandise exported by the PRC-wide entity at the PRC-wide rate we determine in the final results of this review. The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of the final results of this review.

#### Cash-Deposit Requirements

The following cash-deposit requirements will be effective upon publication of these final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) for subject merchandise exported by Feili, New-Tec, and Shichang, the final weighted-average margins are below *de minimis*; therefore, no cash deposit of estimated antidumping duties will be required; (2) for previously reviewed or investigated exporters not listed above that have separate rates, the cash-deposit rate will continue to be the exporter-specific rate

published for the most recent period; (3) for all PRC exporters of subject merchandise, which have not been found to be entitled to a separate rate, the cash-deposit rate will be the PRC-wide rate of 70.71 percent; and (4) for all non-PRC exporters of subject merchandise that have not received their own rate, the cash-deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements shall remain in effect until further notice.

#### Notification to Interested Parties

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the review period. Pursuant to 19 CFR 351.402(f)(3), failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO as explained in the administrative protective order itself. 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 the terms of an APO is a sanctionable violation.

This notice of the final results of this administrative review is issued and published in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: January 12, 2009.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Import Administration.*

#### Appendix

List of Comments and Issues in the Issues and Decision Memorandum

*Comment 1:* Use of the Appropriate Financial Statements for Calculation of Surrogate Financial Ratios

*Comment 2:* Use of Market Economy Purchase Prices for Certain New-Tec Factors of Production

*Comment 3A:* Likelihood of Future Dumping as a Result of Raw Material Price Increases if the Order is Revoked, in Part

*Comment 3B:* Whether to Revoke Order in Part While the Circumvention Inquiry is Pending

[FR Doc. E9-1106 Filed 1-16-09; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-423-808]

#### Stainless Steel Plate in Coils from Belgium: Notice of Extension of Time Limit for Preliminary Results of Administrative Review

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

**EFFECTIVE DATE:** January 21, 2009.

**FOR FURTHER INFORMATION CONTACT:** Joy Zhang or George McMahon at (202) 482-1168 and (202) 482-1167, respectively; AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

#### Background

On July 1, 2008, the Department of Commerce (the "Department") initiated an administrative review of the antidumping duty order on stainless steel plate in coils from Belgium with respect to Ugin & ALZ Belgium ("U&A Belgium"). See *Initiation of Antidumping and Countervailing Duty Administrative Reviews, Request for Revocation in Part and Deferral of Administrative Review*, 73 FR 37409 (July 1, 2008). The period of review (POR) is May 1, 2007 through April 30, 2008. The preliminary results of this review are currently due no later than January 31, 2009.

#### Extension of Time Limits for Preliminary Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to make a preliminary determination within 245 days after the last day of the anniversary month of an order or finding for which a review is requested. Section 751(a)(3)(A) of the Act further states that if it is not practicable to complete the review within the time period specified, the administering authority may extend the 245-day period to issue its preliminary results by up to 120 days.

We determine that completion of the preliminary results of this review within the 245-day period is not practicable for the following reasons. This review requires the Department to gather and

analyze a significant amount of information pertaining to the company's sales practices, manufacturing costs and corporate relationships, which is complicated due to recent changes in its corporate structure. Furthermore, the company subject to this review recently converted its accounting system, which resulted in a request for additional time to submit its questionnaire response to the Department. Given the number and complexity of issues in this case, and in accordance with section 751(a)(3)(A) of the Act, we are extending the time period for issuing the preliminary results of review by 120 days. Therefore, the preliminary results are now due no later than June 1, 2009. The final results continue to be due 120 days after publication of the preliminary results.

We are issuing and publishing this notice in accordance with sections 751(a)(3)(A) and 777(i)(1) of the Act.

Dated: January 13, 2009.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. E9-1114 Filed 1-16-09; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Imports of Certain Apparel Articles: Interim Procedures for the Implementation of the Earned Import Allowance Program Established Under the Andean Trade Preference Act of 2008

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

**ACTION:** Interim Procedures, Request for Comments

**SUMMARY:** The Department of Commerce is issuing interim procedures implementing provisions under the Andean Trade Preference Act of 2008 ("the Act"), enacted in its entirety by Congress on October 3, 2008. Section 2 of the Act contains amendments to Title IV of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (Public Law 109-53; 119 Stat. 495). Under Section 2 of the Act, Title IV of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act is amended by adding Section 404 of the Act creating a benefit for eligible apparel articles wholly assembled in the Dominican Republic that meet the requirements for a "2 for 1" earned import allowance. The amendment requires the Secretary of Commerce to establish a program to