

of Commerce, Room 1117, within 30 days after the date of publication of this notice. See 19 CFR 351.310. Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. At the hearing, each party may make an affirmative presentation only on issues raised in that party's case brief and may make rebuttal presentations only on arguments included in that party's rebuttal brief. We intend to hold a hearing, if requested, no later than 40 days after the date of publication of this notice.

#### Final Determination

The final determination with respect to this circumvention inquiry will be issued no later than August 17, 2009, including the results of the Department's analysis of any written comments.

This affirmative preliminary circumvention determination is published in accordance with section 781(b) of the Act and 19 CFR 351.225.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

A-201-805

#### Certain Circular Welded Non-Alloy Steel Pipe from Mexico: Notice of Partial Rescission of Antidumping Duty Administrative Review

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

**SUMMARY:** The Department of Commerce (the Department) is partially rescinding its administrative review of the antidumping duty order on certain circular welded non-alloy steel pipe from Mexico for the period November 1, 2007, to October 31, 2008 with respect to four of the eight companies for which the review was initiated. This rescission is based on the timely withdrawal of the request for review by the interested party that requested the review. A complete list of the companies for which the administrative review is being rescinded is provided in the Background section below.

**EFFECTIVE DATE:** May 6, 2009.

**FOR FURTHER INFORMATION CONTACT:** Maryanne Burke or Robert James, AD/CVD Operations, Office 7, Import

Administration, International Trade Administration, U.S. Department of Commerce, 14<sup>th</sup> Street and Constitution Avenue, NW, Room 7866, Washington, DC 20230; telephone: (202) 482-5604 or (202) 482-0649, respectively.

#### Background:

On November 3, 2008, the Department published in the **Federal Register** its notice of opportunity to request an administrative review of the antidumping duty order on certain circular welded non-alloy steel pipe from Mexico. See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 73 FR 65288 (November 3, 2008). On December 1, 2008, the United States Steel Corporation (U.S. Steel) requested an administrative review of the antidumping duty order on certain circular welded non-alloy steel pipe from Mexico for the period November 1, 2007, through October 31, 2008.

On December 24, 2008, the Department initiated a review of the eight companies for which an administrative review was requested.<sup>1</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 74 FR 79055 (December 24, 2008).

On March 24, 2009, U.S. Steel timely withdrew its requests for review of the following companies: Niples del Norte, S.A. de C.V., Productos Laminados de Aceros, S.A. de C.V., Tuberias Procasa S.A. de C.V./Tuberias Procarsa S.A. de C.V., and PYTCO S.A. de C.V.<sup>2</sup>

#### Scope of the Order

The merchandise covered by this order is circular welded non-alloy steel pipes and tubes, of circular cross-section, not more than 406.4 millimeters (16 inches) in outside diameter, regardless of wall thickness, surface finish (black, galvanized, or painted), or end finish (plain end, beveled end, threaded, or threaded and coupled). These pipes and tubes are generally

<sup>1</sup> U.S. Steel requested review of, *inter alia*, Hylsa, S.A. de C.V. (Hylsa) and Ternium Mexico, S.A. de C.V. (Ternium Mexico). However, in an ongoing changed circumstances review of this order, Ternium Mexico claims it is the successor-in-interest to Hylsa, the respondent in the original investigation. See *Initiation of Antidumping Duty Changed Circumstances Review: Circular Welded Non-Alloy Steel Pipe from Mexico*, 73 FR 63682 (October 27, 2008). The Department has not yet determined whether Ternium Mexico is, in fact, the successor-in-interest to Hylsa; therefore, at this time we are treating both producers in this segment of the proceeding as separate entities.

<sup>2</sup> On January, 16, 2009, U.S. Steel submitted clarification of its request, indicating Tuberias Procasa S.A. de C.V. and Tuberias Procarsa S.A. de C.V. are the same company.

known as standard pipes and tubes and are intended for the low-pressure conveyance of water, steam, natural gas, and other liquids and gases in plumbing and heating systems, air conditioning units, automatic sprinklers, and other related uses, and generally meet ASTM-53 specifications. Standard pipe may also be used for light load-bearing applications, such as for fence tubing, and as structural pipe tubing used for framing and support members for reconstruction or loading-bearing purposes in construction, shipbuilding, trucking, farm equipment, and related industries. Unfinished conduit pipe is also included in this order. All carbon steel pipes and tubes within the physical description outlined above are included with the scope of this order, except line pipe, oil country tubular goods, boiler tubing, mechanical tubing, pipe and tube hollows for redraws, finished scaffolding, and finished conduit. Standard pipe that is dual or triple certified/stenciled that enters the United States as line pipe of a kind used for oil or gas pipelines is also not included in this order.

The merchandise under the scope of the order is currently classifiable under subheadings 7306.30.10.00, 7306.30.50.25, 7306.30.50.32, 7306.30.50.40, 7306.30.50.55, 7306.30.50.85, and 7306.30.50.90 of the *Harmonized Tariff Schedule of the United States* (HTSUS). Although the HTSUS subheadings are provided for convenience and U.S. Customs and Border Protection (CBP) purposes, the Department's written description of the merchandise under this order is dispositive.

#### Rescission, in Part, of Administrative Review

Section 351.213(d)(1) of the Department's regulations provides that the Department will rescind an administrative review, in whole or in part, if the party that requested the review withdraws its request for review within 90 days of the date of publication of the notice of initiation of the requested review. Within 90 days of the date of publication of the notice or initiation, U.S. Steel withdrew its request for an administrative review for the following companies: Niples del Norte, S.A. de C.V., Productos Laminados de Aceros, S.A. de C.V., Tuberias Procasa S.A. de C.V./Tuberias Procarsa S.A. de C.V., and PYTCO S.A. de C.V. Because U.S. Steel was the only party to request administrative reviews of these companies, we are rescinding the review with regards to Niples del Norte, S.A. de C.V., Productos Laminados de Aceros, S.A. de C.V.,

Tuberias Procasa S.A. de C.V./Tuberias Procarsa S.A. de C.V., and PYTCO S.A. de C.V.

The Department will issue appropriate assessment instructions directly to U.S. Customs and Border Protection (CBP) 41 days after the publication of this notice. The Department will direct CBP to assess antidumping duties for these companies at the cash deposit rate in effect on the date of entry for entries during the period November 1, 2007, to October 31, 2008.

#### Notification to Parties

This notice serves as a reminder to importers of their responsibility under section 351.402(f) of the Department's regulations to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this period of time. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and subsequent assessment of double 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 in accordance with section 351.305(a)(3) of the Department's regulations. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This notice is issued and published in accordance with section 351.213(d)(4) of the Department's regulations and sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended.

Dated: April 28, 2009.

**John M. Andersen,**

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

[FR Doc. E9-10493 Filed 5-5-09; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

**A-570-868**

#### Affirmative Final Determination of Circumvention of the Antidumping Duty Order on Folding Metal Tables and Chairs from the People's Republic of China

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

**ACTION:** Notice of Final Determination of Circumvention of Antidumping Duty Order

**SUMMARY:** We determine that imports from the People's Republic of China ("PRC") of folding metal tables with legs connected by cross-bars, so that the legs fold in sets, and otherwise meeting the description of in-scope merchandise, are within the class or kind of merchandise subject to the order on folding metal tables and chairs ("FMTCs") from the PRC.

**EFFECTIVE DATE:** May 6, 2009.

**FOR FURTHER INFORMATION CONTACT:** Lilit Astvatsatrian or Charles Riggle, 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.

#### SUPPLEMENTARY INFORMATION:

##### Background

On October 27, 2008, the Department of Commerce ("Department") published its preliminary affirmative determination that folding metal tables with cross-bars are circumventing the antidumping duty order on FMTCs from the PRC.<sup>1</sup> We invited interested parties to comment on our preliminary results. On November 26, 2008, Meco Corporation ("Meco"), the petitioner in the underlying investigation, Cosco Home and Office Products ("Cosco"),<sup>2</sup> an importer of subject merchandise, and Lifetime Products, Inc. and Lifetime (Xiamen) Plastic Products Ltd. (collectively, "Lifetime"), a PRC producer/exporter of folding metal tables, submitted case briefs.

<sup>1</sup> See *Affirmative Preliminary Determination of Circumvention of the Antidumping Duty Order on Folding Metal Tables and Chairs from the People's Republic of China*, 73 FR 63684 (October 27, 2008) ("*Preliminary Determination*").

<sup>2</sup> Cosco submitted a revised case brief on January 7, 2009, with all untimely submitted new factual information, as well as all references and arguments based thereupon, redacted.

On January 12, 2009, Feili Furniture Development Limited Quanzhou City, Feili Furniture Development Co., Ltd., Feili Group (Fujian) Co., Ltd., and Feili (Fujian) Co., Ltd. (collectively "Feili"), a PRC producer/exporter of folding metal tables, submitted rebuttal comments. On January 16, 2009, Meco, Cosco, Lifetime, and New-Tec Integration (Xiamen) Co., Ltd. and New-Tec Integration Co., Ltd. (collectively "New-Tec"), a PRC producer/exporter of folding metal tables, submitted rebuttal comments.

#### Scope of the 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