Duty Administrative Reviews and Rescission of Reviews in Part, 73 FR 52823 (September 11, 2008) (*Final Results*).

We received a timely allegation of a ministerial error pursuant to 19 CFR § 351.224(c) from The Timken Company, a petitioner, that our recalculation of NTN's home–market packing expenses reflected use of incorrect expense ratios. We agree that there is a ministerial error.

Before the Department issued amended final results reflecting correction of the ministerial error, NTN filed a summons and complaint to challenge the *Final Results.* Aisin Seiki Company, Ltd., also filed a summons and complaint with the Court of International Trade (CIT) to challenge the *Final Results.* In both cases, jurisdiction over the administrative proceeding vested with the CIT.

The Department subsequently moved for leave of court to amend the *Final Results.* On November 24, 2008, the CIT granted the Department's motion. See *NTN Corporation v. United States,* Slip Op. 08–129, Consol. Court No. 08–00329 (November 24, 2008). Therefore, we are hereby amending the *Final Results* with respect to NTN to correct the error in our calculation of NTN's home–market packing expenses in accordance with 19 CFR § 351.224(e). For details regarding the ministerial error, see the memorandum from Thomas Schauer to the File entitled ''Ball Bearings from Japan - NTN Corporation (NTN) Amended Final Results Analysis Memorandum'' dated December 3, 2008.

In addition, because the margin we calculated for respondents not selected for individual examination was based on a simple average of the rates of the two selected respondents in this review (JTEKT Corporation and NTN), we have recalculated the margin for the non–selected respondents to reflect the change in NTN's margin.

Amended Final Results of Review

As a result of the corrections of the ministerial error, we determine that the following percentage weighted–average dumping margins on ball bearings and parts thereof exist for the period May 1, 2006, through April 30, 2007:

Company	Margin
Aisin Seiki Company, Ltd.	10.31
Canon, Inc.	10.31
Nachi–Fujikoshi Corp.	10.31
Nippon Pillow Block Company Ltd.	10.31
NTN	12.58
Sapporo Precision, Inc	10.31
Toyota Motor Corp./Toyota Industries Corp.	10.31
Yamazaki Mazak Trading Company	10.31

The Department will determine and the U.S. Bureau of Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries. Except where the CIT has issued preliminary injunctions enjoining the liquidation of certain entries during the period of review, we intend to issue appropriate assessment instructions directly to CBP 15 days after publication of these amended final results of review. For a general discussion of the application of assessment rates, see *Final Results,* 73 FR at 52825–6.

We will also direct CBP to collect cash deposits of estimated antidumping duties on all appropriate entries at the rates as amended by this notice and in accordance with the procedures discussed in the *Final Results,* 73 FR at 52825–6. The amended deposit requirements are effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after September 11, 2008, the date on which we published the *Final Results* in the **Federal Register**. We will instruct CBP to collect cash deposits of estimated antidumping duties for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption as provided for by section 751(a)(2)(C) of the Act, based on these amended final results, retroactively effective to September 11, 2008, the date of publication of the *Final Results.*

We are issuing and publishing this determination and notice in accordance with sections 751(a)(1) and 777(i) of the Tariff Act of 1930, as amended, and 19 CFR § 351.224(e).

Dated: December 3, 2008.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E8–29127 Filed 12–8–08; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–831]

Stainless Steel Sheet and Strip in Coils From Taiwan: Final Results and Rescission in Part of Antidumping Duty Administrative Review

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

SUMMARY: On August 5, 2008, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on stainless steel sheet and strip in coils (SSSSC) from Taiwan. This review covers one producer/exporter of the subject merchandise to the United States. The period of review (POR) is July 1, 2006, through June 30, 2007. We are rescinding the review with respect to two companies because these companies had no shipments of subject merchandise during the POR.

Based on our analysis of the comments received, we have made no changes in the margin calculation. Therefore, the final results do not differ from the preliminary results. The final weighted-average dumping margins for the reviewed firms are listed below in the section entitled ''Final Results of Review.''

DATES: *Effective Date:* December 9, 2008.

FOR FURTHER INFORMATION CONTACT: Henry Almond, AD/CVD Operations, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–0049.

SUPPLEMENTARY INFORMATION:

Background

This review covers three producers/exporters: Chia Far Industrial Factory Co., Ltd. (Chia Far), Yieh United Steel Corporation (YUSCO), and Ta Chen Stainless Pipe Co., Ltd. (Ta Chen). Chia Far is the only company participating in this review, and we are rescinding the review with respect to YUSCO and Ta Chen.

On August 5, 2008, the Department published in the **Federal Register** the preliminary results of administrative review of the antidumping duty order on SSSSC from Taiwan. *See Stainless Steel Sheet and Strip in Coils from Taiwan: Preliminary Results and Preliminary Rescission in Part of Antidumping Duty Administrative Review,* 73 FR 45393 (Aug. 5, 2008) (*Preliminary Results*).

We invited parties to comment on our preliminary results of review. In September 2008, we received a case brief from the petitioners [1] and a rebuttal brief from Chia Far.

The Department has conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

[1] The petitioners are Allegheny Ludlum Corporation, AK Steel Corporation, United Auto Workers Local 3303, United Steelworkers of America, AFL–CIO/CLC, and Zanesville Armco Independent Organization.

Scope of the Order

The products covered by the order are certain stainless steel sheet and strip in coils. Stainless steel is an alloy steel containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. The subject sheet and strip is a flat-rolled product in coils that is greater than 9.5 mm in width and less than 4.75 mm in thickness, and that is annealed or otherwise heat treated and pickled or otherwise descaled. The subject sheet and strip may also be further processed (*e.g.*, cold-rolled, polished, aluminized, coated, *etc.*) provided that it maintains the specific dimensions of sheet and strip following such processing.

The merchandise subject to the order is classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheadings: 7219.13.00.31, 7219.13.00.51, 7219.13.00.71, 7219.13.00.81, 7219.14.00.30, 7219.14.00.65, 7219.14.00.90, 7219.32.00.05, 7219.32.00.20, 7219.32.00.25, 7219.32.00.35, 7219.32.00.36, 7219.32.00.38, 7219.32.00.42, 7219.32.00.44, 7219.33.00.05, 7219.33.00.20, 7219.33.00.25, 7219.33.00.35, 7219.33.00.36, 7219.33.00.38, 7219.33.00.42, 7219.33.00.44, 7219.34.00.05, 7219.34.00.20, 7219.34.00.25, 7219.34.00.30, 7219.34.00.35, 7219.35.00.05, 7219.35.00.15, 7219.35.00.30, 7219.35.00.35, 7219.90.00.10, 7219.90.00.20, 7219.90.00.25, 7219.90.00.60, 7219.90.00.80, 7220.12.10.00, 7220.12.50.00, 7220.20.10.10, 7220.20.10.15, 7220.20.10.60, 7220.20.10.80, 7220.20.60.05, 7220.20.60.10, 7220.20.60.15, 7220.20.60.60, 7220.20.60.80, 7220.20.70.05, 7220.20.70.10, 7220.20.70.15, 7220.20.70.60, 7220.20.70.80, 7220.20.80.00, 7220.20.90.30, 7220.20.90.60, 7220.90.00.10, 7220.90.00.15, 7220.90.00.60, and 7220.90.00.80. Although the HTSUS subheadings are provided for convenience and customs purposes, the Department's written description of the merchandise under the order is dispositive.

Excluded from the scope of the order are the following: (1) Sheet and strip that is not annealed or otherwise heat treated and pickled or otherwise descaled, (2) sheet and strip that is cut to length, (3) plate (*i.e.*, flat-rolled stainless steel products of a thickness of 4.75 mm or more), (4) flat wire (*i.e.*, cold-rolled sections, with a prepared edge, rectangular in shape, of a width of not more than 9.5 mm), and (5) razor blade steel. Razor blade steel is a flat-rolled product of stainless steel, not further worked than cold-rolled (cold-reduced), in coils, of a width of not more than 23 mm and a thickness of 0.266 mm or less, containing, by weight, 12.5 to 14.5 percent chromium, and certified at the time of entry to be used in the manufacture of razor blades. *See* Chapter 72 of the HTSUS, ''Additional U.S. Note'' 1(d).

Also excluded from the scope of the order are certain specialty stainless steel products described below. Flapper valve steel is defined as stainless steel strip in coils containing, by weight, between 0.37 and 0.43 percent carbon, between 1.15 and 1.35 percent molybdenum, and between 0.20 and 0.80 percent manganese. This steel also contains, by weight, phosphorus of 0.025 percent or less, silicon of between 0.20 and 0.50 percent, and sulfur of 0.020 percent or less. The product is manufactured by means of vacuum arc remelting, with inclusion controls for sulphide of no more than 0.04 percent and for oxide of no more than 0.05 percent. Flapper valve steel has a tensile strength of between 210 and 300 ksi, yield strength of between 170 and 270 ksi, plus or minus 8 ksi, and a hardness (Hv) of between 460 and 590. Flapper valve steel is most commonly used to produce specialty flapper valves in compressors.

Also excluded is a product referred to as suspension foil, a specialty steel product used in the manufacture of suspension assemblies for computer disk drives. Suspension foil is described as 302/304 grade or 202 grade stainless steel of a thickness between 14 and 127 microns, with a thickness tolerance of plus-or-minus 2.01 microns, and surface glossiness of 200 to 700 percent Gs. Suspension foil must be supplied in coil widths of not more than 407 mm, and with a mass of 225 kg or less. Roll marks may only be visible on one side, with no scratches of measurable depth. The material must exhibit residual stresses of 2 mm maximum deflection, and flatness of 1.6 mm over 685 mm length.

Certain stainless steel foil for automotive catalytic converters is also excluded from the scope of the order. This stainless steel strip in coils is a specialty foil with a thickness of between 20 and 110 microns used to produce a metallic substrate with a honeycomb structure for use in automotive catalytic converters. The steel contains, by weight, carbon of no more than 0.030 percent, silicon of no more than 1.0 percent, manganese of no more than 1.0 percent, chromium of between 19 and 22 percent, aluminum of no less than 5.0 percent, phosphorus of no more than 0.045 percent, sulfur of no more than 0.03 percent, lanthanum of less than 0.002 or greater than 0.05 percent, and total rare earth elements of more than 0.06 percent, with the balance iron.

Permanent magnet iron-chromium-cobalt alloy stainless strip is also excluded from the scope of the order. This ductile stainless steel strip contains, by weight, 26 to 30 percent chromium, and 7 to 10 percent cobalt, with the remainder of iron, in widths 228.6 mm or less, and a thickness between 0.127 and 1.270 mm. It exhibits magnetic remanence between 9,000 and 12,000 gauss, and a coercivity of between 50 and 300 oersteds. This product is most commonly used in electronic sensors and is currently available under proprietary trade names such as Arnokrome III.[2]

Certain electrical resistance alloy steel is also excluded from the scope of the order. This product is defined as a non-magnetic stainless steel manufactured to American Society of Testing and Materials specification B344 and containing, by weight, 36 percent nickel, 18 percent chromium, and 46 percent iron, and is most notable for its resistance to high temperature corrosion. It has a melting point of 1390 degrees Celsius and displays a creep rupture limit of 4 kilograms per square millimeter at 1000 degrees Celsius. This steel is most commonly used in the production of heating ribbons for circuit breakers and industrial furnaces, and in rheostats for railway locomotives. The product is currently available under proprietary trade names such as Gilphy 36.[3]

Certain martensitic precipitation-hardenable stainless steel is also excluded from the scope of the order. This high-strength, ductile stainless steel product is designated under the Unified Numbering System as S45500-grade steel, and contains, by weight, 11 to 13 percent chromium, and 7 to 10 percent nickel. Carbon, manganese, silicon and molybdenum each comprise, by weight, 0.05 percent or less, with phosphorus and sulfur each comprising, by weight, 0.03 percent or less. This steel has copper, niobium, and titanium added to achieve aging, and will exhibit yield strengths as high as 1700 Mpa and ultimate tensile strengths as high as 1750 Mpa after aging, with elongation percentages of 3 percent or less in 50 mm. It is generally provided in thicknesses between 0.635 and 0.787 mm, and in widths of 25.4 mm. This

[2] Arnokrome III is a trademark of the Arnold Engineering Company.

[3] Gilphy 36 is a trademark of Imphy, S.A.

product is most commonly used in the manufacture of television tubes and is currently available under proprietary trade names such as Durphynox 17.[4]

Finally, three specialty stainless steels typically used in certain industrial blades and surgical and medical instruments are also excluded from the scope of the order. These include stainless steel strip in coils used in the production of textile cutting tools (*e.g.*, carpet knives).[5] This steel is similar to AISI grade 420 but containing, by weight, 0.5 to 0.7 percent of molybdenum. The steel also contains, by weight, carbon of between 1.0 and 1.1 percent, sulfur of 0.020 percent or less, and includes between 0.20 and 0.30 percent copper and between 0.20 and 0.50 percent cobalt. This steel is sold under proprietary names such as GIN4 Mo. The second excluded stainless steel strip in coils is similar to AISI 420–J2 and contains, by weight, carbon of between 0.62 and 0.70 percent, silicon of between 0.20 and 0.50 percent, manganese of between 0.45 and 0.80 percent, phosphorus of no more than 0.025 percent and sulfur of no more than 0.020 percent. This steel has a carbide density on average of 100 carbide particles per 100 square microns. An example of this product is GIN5 steel. The third specialty steel has a chemical composition similar to AISI 420 F, with carbon of between 0.37 and 0.43 percent, molybdenum of between 1.15 and 1.35 percent, but lower manganese of between 0.20 and 0.80 percent, phosphorus of no more than 0.025 percent, silicon of between 0.20 and 0.50 percent, and sulfur of no more than 0.020 percent. This product is supplied with a hardness of more than Hv 500 guaranteed after customer processing, and is supplied as, for example, GIN6.[6]

Period of Review

The POR is July 1, 2006, through June 30, 2007.

Partial Rescission of Review

As noted in the ''Background'' section above, we are rescinding the review with respect to two respondents, Ta Chen and YUSCO. As noted in the *Preliminary Results,* both Ta Chen and YUSCO certified to the Department that they had no shipments/entries of subject merchandise into the United States during the POR. The Department subsequently confirmed with U.S. Customs and Border Protection (CBP) the no-shipment claim made by YUSCO. *See* the August 31, 2007, Memorandum to The File from Nichole Zink, Analyst, titled, ''2006–2007 Administrative Review of Stainless Steel Sheet and Strips in Coils from Taiwan: Entry Information from U.S. Customs and Border Protection (CBP)'' (CBP Memo). Regarding Ta Chen, CBP information indicated that this company may have had shipments or entries of subject merchandise during the POR. *See* the CBP Memo. However, Ta Chen provided documentation showing these entries were not of subject merchandise. Because the evidence on the record indicates that neither Ta Chen nor YUSCO exported subject merchandise to the United States during the POR, we preliminarily determined it was appropriate to rescind the review for both companies. *See Preliminary Results,* 73 FR at 45395.

Since the preliminary results, no party to this proceeding has commented on our preliminary rescission for these two companies. As a result, we are rescinding the review with respect to Ta Chen and YUSCO, in accordance with 19 CFR 351.213(d)(3) and the Department's practice. *See, e.g., Chia Far Indus. Factory Co., Ltd.* v. *United States,* 343 F. Supp. 2d 1344, 1374 (2004); *Certain Steel Concrete Reinforcing Bars From Turkey; Final Results, Rescission of Antidumping Duty Administrative Review in Part, and Determination To Revoke in Part,* 70 FR 67665, 67666 (Nov. 8, 2005); and *Notice of Final Results and Partial Rescission of Antidumping Duty Administrative Review: Certain Welded Carbon Steel Pipe and Tube from Turkey,* 63 FR 35190, 35191 (June 29, 1998).

Cost of Production

As discussed in the *Preliminary Results,* we conducted an investigation to determine whether Chia Far made home market sales of the foreign like product during the POR at prices below its cost of production (COP) within the meaning of section 773(b) of the Act. *See Preliminary Results,* 73 FR at 45398–99. For these final results, we performed the cost test following the same methodology as in the *Preliminary Results.*

We found that more than 20 percent of Chia Far's sales of a given product during the reporting period were at prices less than the weighted-average COP for this period. Thus, we determined that these below-cost sales were made in ''substantial quantities'' within an extended period of time and at prices which did not permit the recovery of all costs within a reasonable period of time in the normal course of trade. *See* sections 773(b)(2)(B)–(D) of the Act.

Therefore, for purposes of these final results, we find that Chia Far made below-cost sales not in the ordinary course of trade. Consequently, we disregarded the below-cost sales and used the remaining sales as the basis for determining normal value pursuant to section 773(b)(1) of the Act.

Analysis of Comments Received

All issues raised in the case briefs by parties to this administrative review, and to which we have responded, are listed in the Appendix to this notice and addressed in the Issues and Decision Memorandum (Decision Memo) accompanying this notice, which is adopted by this notice. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit, room 1117, of the main Department building.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at *http://ia.ita.doc.gov/frn/.* The paper copy and electronic version of the Decision Memo are identical in content.

Changes Since the Preliminary Results

Based on our analysis of the comments received, we have made no changes in the margin calculations for Chia Far.

Final Results of Review

We determine that the following weighted-average margin percentage exists for the period July 1, 2006, through June 30, 2007:

Manufacturer/producer/exporter	Margin percentage
Chia Far Industrial Factory Co., Ltd.	2.71

Assessment

The Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

Pursuant to 19 CFR 351.212(b)(1), we calculated importer-specific *ad valorem* duty assessment rates for Chia Far based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of those sales. Pursuant to 19 CFR 351.106(c)(2), we will instruct CBP to liquidate without regard to antidumping duties any entries for which the

[4] Durphynox 17 is a trademark of Imphy, S.A.

[5] This list of uses is illustrated and provided for descriptive purposes only.

[6] GIN4 Mo, GIN5 and GIN6 are the proprietary grades of Hitachi Metals America, Ltd.

assessment rate is *de minimis* (*i.e.*, less than 0.50 percent).

The Department clarified its ''automatic assessment'' regulation on May 6, 2003. *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003). This clarification will apply to entries of subject merchandise during the POR produced by the company included in these final results of review for which the reviewed company did not know its merchandise was destined for the United States. This clarification will also apply to POR entries of subject merchandise produced by companies for which we are rescinding the review based on certifications of no shipments, because these companies certified that they made no POR shipments of subject merchandise for which they had knowledge of U.S. destination. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate established in the less-than-fair-value (LTFV) investigation if there is no rate for the intermediate company(ies) involved in the transaction.

Cash Deposit Requirements

Further, the following deposit requirements will be effective for all shipments of SSSSC from Taiwan entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the reviewed company will be the rate shown above, except if the rate is less than 0.50 percent, *de minimis* within the meaning of 19 CFR 351.106(c)(1), the cash deposit will be zero; (2) for previously investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, or the LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 12.61 percent, the ''All Others'' rate made effective by the LTFV investigation. *See Notice of Antidumping Duty Order; Stainless Steel Sheet and Strip in Coils From United Kingdom, Taiwan, and South Korea,* 64 FR 40555, 40557 (July 27, 1999). These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

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 this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written 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 of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: December 3, 2008.

David M. Spooner,

Assistant Secretary for Import Administration.

Appendix—Issues in the Decision Memorandum

1. Affiliated Party Purchases.
2. Financial Expense Ratio.
3. Later-received Purchase Allowances.

[FR Doc. E8–29125 Filed 12–8–08; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Availability of Seats for the Cordell Bank National Marine Sanctuary Advisory Council

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration, Department of Commerce (DOC).

ACTION: Notice and request for applications.

SUMMARY: The Office of National Marine Sanctuaries is seeking applicants for the following vacant seats on the Cordell Bank National Marine Sanctuary Advisory Council (Council): Conservation Alternate and Primary, Maritime Activities Alternate and Primary. Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; philosophy regarding the protection and management of marine resources; and possibly the length of residence in the area affected by the Sanctuary. Applicants who are chosen as members should expect to serve 2–3 year terms, pursuant to the Council's Charter.

DATES: Applications are due by January 30, 2009.

ADDRESSES: Application kits may be obtained on the Cordell Bank Web site at: *http://cordellbank.noaa.gov*, and from Cordell Bank National Marine Sanctuary, Rowena Forest, P.O. Box 159, Olema, CA 94950. Completed applications should be sent to the above mailing address or faxed to (415) 663–0315.

FOR FURTHER INFORMATION CONTACT: Rowena Forest/CBNMS, *Rowena.Forest@noaa.gov*, P.O. Box 159, Olema, CA 94950, (415) 663–0314 x105.

SUPPLEMENTARY INFORMATION: The Advisory Council for Cordell Bank was established in 2002 to support the joint management plan review process currently underway for the CBNMS and its neighboring sanctuaries, Gulf of the Farallones and Monterey Bay National Marine Sanctuaries. The Council has members representing education, research, conservation, maritime activity, and community-at-large. The government seats are held by representatives from the National Marine Fisheries Service, the United States Coast Guard, and the managers of the Gulf of the Farallones, Monterey Bay and Channel Islands National Marine Sanctuaries. The Council holds four regular meetings per year, and one annual retreat.

Authority: 16 U.S.C. Sections 1431, *et seq.*

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: November 24, 2008.

Daniel J. Basta,

Director, Office of National Marine Sanctuaries, National Ocean Services, National Oceanic and Atmospheric Administration.

[FR Doc. E8–29035 Filed 12–8–08; 8:45 am]

BILLING CODE 3510–22–M