

requires the Department to complete the preliminary results of a new shipper administrative review within 180 days after the date on which the review is initiated. However, if the Department concludes that the case is extraordinarily complicated, it may extend the 180-day period to 300 days.

Due to the complexity of the issues the Department finds that it is not practicable to complete the preliminary results within the normal 180-day deadline. The issues include the unusual circumstances surrounding Hot Metal's third-country sales, the evaluation of the *bona fide* nature of Hot Metal's sales, and the need to conduct additional analysis of its reported cost of manufacturing. As a result, the Department must extend the deadline for the preliminary results of this new shipper administrative review to permit the collection and analysis of additional information concerning Hot Metal's sales processes in both the U.S. and comparison markets, and also concerning its reported cost of manufacture.

Therefore, in accordance with section 751(a)(2)(B)(iv) of the Act, the Department is extending the time limits for completion of the preliminary results of this new shipper administrative review until no later than July 24, 2008, which is 300 days from the date of initiation of this review. We intend to issue the final results of this review no later than 90 days after publication of the preliminary results.

This notice is issued and published in accordance with sections 751(a)(3)(A) and 777(i)(1) of the Act.

Dated: March 14, 2008.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

A-533-809

#### Notice of Initiation of Antidumping Duty Changed Circumstances Review: Certain Forged Stainless Steel Flanges from India

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

**SUMMARY:** In response to a request by Isibars, Ltd. (Isibars), and pursuant to section 751(b) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.216 and 351.221(c)(3), the

Department is initiating a changed circumstances review of the antidumping duty order on forged stainless steel flanges from India. This review will determine whether India Steel Works, Ltd. (India Steel) is the successor-in-interest to Isibars.

**EFFECTIVE DATE:** March 20, 2008.

**FOR FURTHER INFORMATION CONTACT:** Fred Baker or Robert James, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-2924 and (202) 482-0649, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On February 9, 1994, the Department published in the **Federal Register** the antidumping duty order on certain forged stainless steel flanges from India. *See Amended Final Determination and Antidumping Duty Order; Certain Forged Stainless Steel Flanges From India*, 59 FR 5994, (February 9, 1994).

Pursuant to a February 28, 2003, request from Isibars, the Department conducted an administrative review of the antidumping duty order on flanges from India. On March 5, 2004, the Department published the final results of the administrative review, determining that a dumping margin of zero percent existed for Isibars for the period February 1, 2002, through January 31, 2003. *See Certain Forged Stainless Steel Flanges from India; Final Results of Antidumping Duty Administrative Review*, 69 FR 10409 (March 5, 2004).

On February 26, 2008, Isibars filed a request for a changed circumstances administrative review of the antidumping duty order on flanges from India, claiming that Isibars has changed its name to India Steel. Isibars requested that the Department determine whether India Steel is the successor-in-interest to Isibars, in accordance with section 751(b) of the Act, and 19 CFR 351.216 (2007). In addition, Isibars submitted documentation from the government of India related to its name change. In response to Isibars' request, the Department is initiating a changed circumstances review of this order.

##### Scope of the Order

The products covered by this order are certain forged stainless steel flanges, both finished and not finished, generally manufactured to specification ASTM A-182, and made in alloys such as 304, 304L, 316, and 316L. The scope includes five general types of flanges.

They are weld-neck, used for butt-weld line connection; threaded, used for threaded line connections; slip-on and lap joint, used with stub-ends/butt-weld line connections; socket weld, used to fit pipe into a machined recession; and blind, used to seal off a line. The sizes of the flanges within the scope range generally from one to six inches; however, all sizes of the above-described merchandise are included in the scope. Specifically excluded from the scope of this order are cast stainless steel flanges. Cast stainless steel flanges generally are manufactured to specification ASTM A-351. The flanges subject to this order are currently classifiable under subheadings 7307.21.1000 and 7307.21.5000 of the Harmonized Tariff Schedule (HTS). Although the HTS subheadings are provided for convenience and customs purposes, the written description of the merchandise under review is dispositive of whether or not the merchandise is covered by the scope of the order.

#### Initiation of Antidumping Duty Changed Circumstances Review

Pursuant to section 751(b)(1) of the Act, the Department will conduct a changed circumstances review upon receipt of a request from an interested party or receipt of information concerning an antidumping duty order which shows changed circumstances exist to warrant a review of the order. On February 26, 2008, Isibars submitted its request for a changed circumstances review. With this request, Isibars submitted certain information related to its claim that Isibars changed its name to India Steel. Based on the information Isibars submitted regarding a name change, the Department has determined that changed circumstances sufficient to warrant a review exist. *See* 19 CFR 351.216(d).

In antidumping duty changed circumstances reviews involving a successor-in-interest determination, the Department typically examines several factors including, but not limited to: (1) management; (2) production facilities; (3) supplier relationships; and (4) customer base. *See Brass Sheet and Strip from Canada: Final Results of Antidumping Administrative Review*, 57 FR 20460, 20462 (May 13, 1992) and *Certain Cut-to-Length Carbon Steel Plate from Romania: Initiation and Preliminary Results of Changed Circumstances Antidumping Duty Administrative Review*, 70 FR 22847 (May 3, 2005) (*Plate from Romania*). While no single factor or combination of factors will necessarily be dispositive, the Department generally will consider the new company to be the successor to

the predecessor if the resulting operations are essentially the same as those of the predecessor company. *See, e.g., Industrial Phosphoric Acid from Israel: Final Results of Antidumping Duty Changed Circumstances Review*, 59 FR 6944, 6945 (February 14, 1994), and *Plate from Romania*, 70 FR 22847. Thus, if the record evidence demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as the predecessor company, the Department may assign the new company the cash deposit rate of its predecessor. *See, e.g., Fresh and Chilled Atlantic Salmon from Norway: Final Results of Changed Circumstances Antidumping Duty Administrative Review*, 64 FR 9979, 9980 (March 1, 1999). Although Isibars submitted documentation related to its name change, it failed to provide complete supporting documentation for the four elements listed above. Accordingly, the Department has determined that it would be inappropriate to expedite this action by combining the preliminary results of review with this notice of initiation, as permitted under 19 CFR 351.221(c)(3)(ii). Therefore, the Department is not issuing the preliminary results of its antidumping duty changed circumstances review at this time.

The Department will issue questionnaires requesting factual information for the review, and will publish in the **Federal Register** a notice of preliminary results of antidumping duty changed circumstances review, in accordance with 19 CFR 351.221(b)(2) and (4), and 19 CFR 351.221(c)(3)(i). The notice will set forth the factual and legal conclusions upon which our preliminary results are based and a description of any action proposed based on those results. Pursuant to 19 CFR 351.221(b)(4)(ii), interested parties will have an opportunity to comment on the preliminary results of review. In accordance with 19 CFR 351.216(e), the Department will issue the final results of its antidumping duty changed circumstances review not later than 270 days after the date on which the review is initiated.

During the course of this antidumping duty changed circumstances review, the cash deposit requirements for the subject merchandise exported and manufactured by India Steel will continue to be the rate established in the final results of the last administrative review for all other manufacturers and exporters not previously reviewed. *See Certain Forged Stainless Steel Flanges from India: Notice of Final Results and*

*Partial Rescission of Antidumping Duty Administrative Review*, 72 FR 45221 (August 13, 2007). The cash deposit will be altered, if warranted, pursuant only to the final results of this review.

This notice of initiation is in accordance with section 751(b)(1) of the Act, 19 CFR 351.216(b) and (d), and 19 CFR 351.221(b)(1).

Dated: March 14, 2008.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration (A-570-848)

#### **Freshwater Crawfish Tail Meat from the People's Republic of China: Notice of Court Decision Not in Harmony with Final Results of Administrative Review**

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

**SUMMARY:** On March 5, 2008 the United States Court of International Trade ("CIT") sustained the remand redetermination issued by the Department of Commerce ("the Department"), pursuant to the CIT's remand order, regarding the final results of the administrative review of the antidumping duty order on fresh water crawfish tail meat from the People's Republic of China. *See Crawfish Processors Alliance v. United States*, Slip Op. 08-27 (March 5, 2008) ("Crawfish I"). This case arises out of the Department's final results in the administrative review covering the period September 1, 1999 - August 31, 2000. *See Freshwater Crawfish Tail Meat from the People's Republic of China; Notice of Final Results of Antidumping Duty Administrative Review, and Final Partial Rescission of Antidumping Duty Administrative Review*, 67 FR 19546 (April 22, 2002) ("Final Results"). Consistent with the decision of the United States Court of Appeals for the Federal Circuit ("CAFC") in *The Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) ("Timken"), the Department is notifying the public that *Crawfish II* is not in harmony with the Department's Final Results.

**EFFECTIVE DATE:** March 20, 2008.

**FOR FURTHER INFORMATION CONTACT:** Paul Walker, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department

of Commerce, 14th Street and Constitution Ave., NW, Washington, DC 20230; telephone: (202) 482-0413.

**SUPPLEMENTARY INFORMATION:** On April 22, 2002 the Department determined that Fujian Pelagic Fishery Group Co. ("Fujian") and Pacific Coast Fisheries Corp. ("Pacific Coast") are not affiliated parties pursuant to section 771(33) of the Tariff Act of 1930, as amended ("the Act"). *See Final Results and accompanying Issues and Decision Memorandum at Comment 18.* In *Crawfish I*, the CIT found that "Fujian had not made an investment, whether in cash or in the form of a promissory note, in Pacific Coast and that Fujian did not exercise control over Pacific Coast." *See Crawfish Processors Alliance v. United States*, 343 F. Supp. 2d 1242, 1269 (Ct. Int'l Trade 2004) ("Crawfish I"). The CIT sustained the Department's determination that the two entities are not affiliated. *Id.* On appeal, the CAFC, holding that section 771(33)(E) of the Act "does not require a transfer of cash or merchandise to prove ownership or control of an organization's shares," found that Fujian put forth sufficient evidence to demonstrate that it directly or indirectly owned and controlled at least 5% of Pacific Coast's shares. *See Crawfish Processors Alliance v. United States*, 477 F.3d 1375, 1384 (Fed. Cir. 2007). The CAFC determined that substantial evidence did not support the Department's determination that Fujian and Pacific Coast are not affiliated and reversed the decision of the CIT in *Crawfish I*. *Id.* Consequently, as mandated by the Federal Circuit, the CIT remanded the *Final Results* to the Department to recalculate the dumping margin treating Fujian and Pacific Coast as affiliated parties. *See Crawfish Processors Alliance v. United States*, Slip Op. 07-156 (October 30, 2007). Thus, pursuant to the CIT's remand instructions, the Department treated Fujian and Pacific Coast as affiliated parties pursuant to section 771(33)(E) of the Act, and recalculated Fujian's dumping margin from 174.04% to 60.83%.

The Department released the *Draft Results of Redetermination Pursuant to Court Remand* ("Draft Redetermination") to the interested parties for comment on December 11, 2007. On December 18, 2007, in response to a request by Fujian, the Department granted parties an additional two days to submit comments on the *Draft Redetermination*. No party submitted comments by the December 20, 2007 deadline. On January 28, 2008 the Department filed its final results of