

- Handling ("B&H")
- H. Inclusion of Packing Weight in Movement Expenses' Calculation
- I. Factors of Production for Pallets
- J. Application of Packing Materials and the Byproduct Offset in the Calculation of Normal Value

**Comment 9: TMC**

- A. AFA for Failure at Verification
- B. Separate Rate
- C. AFA for Suppliers
- D. Discounts
- E. Surrogate Value for Scrap Rail

**Comment 10: Jinma**

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**DEPARTMENT OF COMMERCE****International Trade Administration**

(C-533-063)

**Certain Iron-Metal Castings from India: Notice of Amended Final Results Pursuant to Final Court Decision**

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

**SUMMARY:** On June 16, 2005, the United States Court of International Trade (CIT) sustained the Department of Commerce's (the Department) July 9, 2004, *Final Results of Redetermination on Remand Pursuant to Kiswok Industries Pvt. Ltd. v. United States*, pursuant to Slip Op. 04-54 (CIT May 20, 2004), (*Remand Determination*), which pertains to *Certain Iron-Metal Castings from India: Final Results of Countervailing Duty Administrative Review*, 65 FR 31515 (May 18, 2000) (*Iron-Metal Castings*). See *Kiswok Industries Pvt. Ltd. and Calcutta Ferrous Ltd. v. United States*, Court No. 00-03-00127, Slip. Op. 05-73 (CIT, June 16, 2005). Because all litigation in this matter has concluded, the Department is issuing amended final results for *Iron-Metal Castings* in accordance with the CIT's decision.

**EFFECTIVE DATE:** July 20, 2005

**FOR FURTHER INFORMATION CONTACT:** Robert Copyak, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., N.W., Washington, DC 20230; telephone: (202) 482-2209.

**SUPPLEMENTARY INFORMATION:****Background**

On May 18, 2000, the Department published its final results of administrative review in *Iron-Metal Castings*. Calcutta Ferrous Ltd. and

Kiswok Industries Pvt. Ltd. (collectively "respondents") challenged the Department's final results before the CIT. In the administrative review, Calcutta Ferrous Ltd. argued that "in calculating the benefits received by castings exporters from export loans, Commerce failed to take into account penalty interest paid at interest rates higher than the benchmark." See Comment 7 of the May 18, 2000, Issues and Decision Memorandum that accompanied *Iron-Metal Castings*. In *Kiswok Industries Pvt. Ltd. and Calcutta Ferrous Ltd. v. United States*, Slip Op. 04-54 (CIT May 20, 2004) (*Kiswok v. United States*), the Court concurred with Calcutta Ferrous Ltd.'s position. *Id.* at 15-18. The Court also disagreed with Commerce's position in *Iron-Metal Castings* that the overdue portion of the loan becomes a new loan with a new applicable interest rate. *Id.* at 17-18.

In light of the Court's instructions in *Kiswok v. United States*, the Department, in its redetermination, recalculated the benefit Calcutta Ferrous Ltd. realized from its preferential loans, taking into account all of the interest paid thereon. See *Remand Determination*. The Department recalculated the program rate with respect to Calcutta Ferrous' export credit loans to be 0.22 percent *ad valorem*. With this change in the program rate, the final rate for Calcutta Ferrous changed to 9.25 percent *ad valorem*. No party submitted comments regarding the Department's Remand Determination. On June 16, 2005, the CIT sustained the Department's redetermination in all respects and thus affirmed the Department's recalculations.

On July 20, 2005, the Department, consistent with the decision of the United States Court of Appeals for the Federal Circuit in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990), notified the public that the *Kiswok v. United States* decision was "not in harmony" with the Department's original results. See *Certain Iron-Metal Castings from India: Notice of Court Decision and Suspension of Liquidation*, 70 FR 41687 (July 20, 2005) (*Timken Notice*). The *Timken Notice* continued the suspension of liquidation, and further informed that if the CIT's decision was not appealed, or if appealed and the appeal was upheld, the Department would publish amended final countervailing duty results. *Id.*

**Amended Final Determination**

Because there is now a final and conclusive decision in the court proceeding, we are amending the final results and establishing for Calcutta

Ferrous the revised countervailing duty rate of 9.25 percent, effective as of July 20, 2005, the publication date of the *Timken Notice*. Accordingly, we will instruct the CBP to assess countervailing duties at 9.25 percent *ad valorem* on all shipments of the subject merchandise from Calcutta Ferrous Ltd., entered, or withdrawn from warehouse, for consumption on or after January 1, 1997, through December 31, 1997.

This determination is published pursuant to sections 751(3)(c) and 777(i) of the Act.

Dated: September 7, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

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**DEPARTMENT OF COMMERCE****International Trade Administration****Export Trade Certificate of Review**

**ACTION:** Notice of Application to Amend an Export Trade Certificate of Review.

**SUMMARY:** Export Trading Company Affairs ("ETCA") of the International Trade Administration, Department of Commerce, has received an application to amend an Export Trade Certificate of Review ("Certificate"). This notice summarizes the proposed amendment and requests comments relevant to whether the Certificate should be issued.

**FOR FURTHER INFORMATION CONTACT:**

Jeffrey Anspacher, Director, Export Trading Company Affairs, International Trade Administration, (202) 482-5131 (this is not a toll-free number) or e-mail at oetca@ita.doc.gov.

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Export Trading Company Act of 1982 and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.