

period for issuing the preliminary results of review by 100 days. Therefore, the preliminary results are now due no later than August 11, 2006. The final results continue to be due 120 days after publication of the preliminary results.

Dated: April 11, 2006.

**Stephen J. Claeys,**

Deputy Assistant Secretary for Import Administration.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-357-810]

#### Notice of Implementation Under Section 129 of the Uruguay Round Agreements Act; Antidumping Measures Concerning Oil Country Tubular Goods from Argentina

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

**DATES:** *Effective Date:* March 16, 2006.

**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 (Baker), (202) 482-0649 (James).

#### SUPPLEMENTARY INFORMATION:

##### Background

In November 2000, the Department of Commerce ("Department") published its final results of the expedited sunset review on the antidumping duty order on Oil Country Tubular Goods ("OCTG") from Argentina and other countries. *See Final Results of Expedited Sunset Reviews: Oil Country Tubular Goods from Argentina, Italy, Japan, and Korea*, 65 FR 66701 (Nov. 7, 2000) ("Final Results"). The Government of Argentina subsequently requested dispute resolution at the World Trade Organization ("WTO") to consider, *inter alia*, its claims that the Final Results were inconsistent with the WTO Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 ("AD Agreement"). In its final report, the panel found, *inter alia*, that the Department's original determination of dumping could not, by itself, represent a sufficient factual basis for concluding that dumping continued during the life of the order. Panel Report, *United States—Sunset Review of Antidumping*

*Measures on Oil Country Tubular Goods From Argentina*, WT/DS268/R (issued July 16, 2004). The Panel also concluded that application of the "deemed waiver" provisions of the Department's regulations to Argentine exporters other than Siderca "invalidated" the Department's order-wide likelihood determination. *Id.* The United States did not appeal the Panel's finding concerning whether an original determination of dumping or continued collection of antidumping duties provided an adequate factual basis for finding likelihood, but did appeal the Panel's conclusions concerning the waiver provisions. The Appellate Body affirmed the Panel's conclusions concerning the waiver provisions and the Panel and Appellate Body reports were adopted on December 17, 2006. *See id.*; and Appellate Body Report, *United States—Sunset Review of Antidumping Measures on Oil Country Tubular Goods From Argentina*, WT/DS268/AB/R (issued Nov. 29, 2004).

Section 123 of the Uruguay Round Agreements Act ("URAA") governs the process for changes to the Department's regulations where a dispute settlement panel and/or the Appellate Body finds a regulatory provision to be inconsistent with any of the WTO agreements. Consistent with section 123(g)(1) of the URAA, on October 28, 2005, the Department published amendments to its regulations related to sunset reviews to conform the existing regulations to the United States' obligations under Articles 6.1, 6.2, and 11.3 of the Antidumping Agreement. *See Final Rule; Procedures for Conducting Five-Year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders*, 70 FR 62061 (Oct. 28, 2005). That final rule, which was effective on October 31, 2005, amended the "waiver" provisions of the regulations governing treatment of interested parties who do not provide a complete substantive response to the Department's notice of initiation of a sunset review and clarifies the basis for parties' participation in a public hearing in an expedited sunset review.

After following the preliminary procedures required under section 129 of the URAA, by letter dated October 31, 2005, the United States Trade Representative ("USTR") requested that the Department issue a determination under section 129(b) of the URAA that would render the Department's action in the sunset review not inconsistent with the recommendations and findings of the DSB. On December 16, 2005, the Department issued such a determination, and continued to determine that revocation of the order

would be likely to lead to continuation or recurrence of dumping. *See* Decision Memorandum, "Section 129 Determination: Final Results of Sunset Review, Oil Country Tubular Goods from Argentina," (Dec. 16, 2005).

Pursuant to section 129(b)(3) of the URAA, and following consultations with the Department and congressional committees, on March 16, 2006, USTR directed the Department to implement the Section 129 determination under section 129(b)(4) of the URAA.

#### Implementation

Accordingly, the Department is publishing this notice of its revised final results of sunset review with respect to OCTG from Argentina. Consistent with the recommendations and findings of the DSB, the revised final results reflect the Department's analysis of whether revocation of the order would be likely to lead to continuation or recurrence of dumping. A copy of the Decision Memorandum detailing the Section 129 determination is available online at <http://ia.ita.doc.gov>, and is also available in the Central Records Unit in room B-099 of the main Department building.

This notice of implementation is issued and published in accordance with section 129(c)(2)(A) of the URAA.

Dated: April 13, 2006.

**David M. Spooner,**

Assistant Secretary for Import Administration.

[FR Doc. 06-3742 Filed 4-17-06; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-583-816]

#### Certain Stainless Steel Butt-Weld Pipe Fittings from Taiwan: Notice of Court Decision and Suspension of Liquidation

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

**SUMMARY:** On April 6, 2006, in *Alloy Piping Products, Inc., Flowline Division, et al. v. United States*, Slip Op. 06-47, ("Alloy Piping I"), the Court of International Trade ("CIT") affirmed the Department of Commerce's ("Department") Final Results of Determination Pursuant to Remand ("Remand Results"), dated August 16, 2004. Consistent with the decision of the U.S. Court of Appeals for the Federal Circuit ("CAFC") in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) ("Timken"), the Department will

continue to order the suspension of liquidation of the subject merchandise, where appropriate, until there is a "conclusive" decision in this case. If the case is not appealed, or if it is affirmed on appeal, the Department will instruct U.S. Customs and Border Protection ("CBP") to liquidate all relevant entries from Ta Chen Stainless Steel Pipe, Ltd. ("Ta Chen") and revise the cash deposit rates as appropriate.

**EFFECTIVE DATE:** April 18, 2006.

**FOR FURTHER INFORMATION CONTACT:** Alex Villanueva, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone; 202-482-3208, fax; 202-482-9089.

**SUPPLEMENTARY INFORMATION:**

**Background**

Following publication of the *Final Results*, Ta Chen filed a lawsuit with the CIT challenging the Department's findings in *Certain Stainless Steel Butt-Weld Pipe Fittings From Taiwan and Accompanying Issues and Decisions Memorandum; Final Results of 1998-1999 Administrative Review*, 65 FR 81827, 81830 (December 27, 2000) ("*Final Results*").<sup>1</sup> In *Alloy Piping v. United States*, Slip Op. 04-46 (CIT 2004) ("*Alloy Piping I*"), the CIT instructed the Department to (1) reconsider the factual and legal basis for its determination concerning the alleged reimbursement agreement; and (2) reconsider its calculation of CEP<sup>2</sup> profit.

The Draft Final Results Pursuant to Remand ("*Draft Results*") were released to parties on August 5, 2004. The Department received comments from interested parties on the Draft Results on August 9, 2004. There were no substantive changes made to the *Remand Results* as a result of comments received on the Draft Results. On August 16, 2004, the Department responded to the CIT's Order of Remand by filing the *Remand Results*. In the *Remand Results*, the Department reconsidered its decision concerning the reimbursement agreement and determined that the reimbursement agreement, in light of the new information submitted by Ta Chen on May 18, 2004, indicated that the reimbursement agreement did not apply for the June 1, 1998, through May 31, 1999, period, but was limited to the 1992-1994 period. The Department also reconsidered its CEP Profit calculation and determined that the CEP Profit

equation is symmetric with regard to the imputed interest expenses such that the imputed interest expenses in the "Total U.S. Expenses" numerator are in fact reflected in recognized financial expenses in the "Total Expenses" denominator and the "Total Actual Profit" multiplier. Thus, the Department did not change Ta Chen's CEP Profit. As a result of the remand determination, the antidumping duty rate for Ta Chen was decreased from 12.84 to 6.42 percent.

On April 6, 2006, the CIT affirmed the Department's findings in the *Remand Results*. Specifically, the CIT upheld the Department's finding that Ta Chen was not reimbursing antidumping duties during the POR and that the Department's calculation of CEP profit was accurate. *See Alloy Piping II*. As noted above, this revision resulted in a change in Ta Chen's margin.

**Suspension of Liquidation**

The CAFC, in *Timken*, held that the Department must publish notice of a decision of the CIT or the CAFC which is not "in harmony" with the Department's final determination or results. Publication of this notice fulfills that obligation. The CAFC also held that the Department must suspend liquidation of the subject merchandise until there is a "conclusive" decision in the case. Therefore, pursuant to *Timken*, the Department must continue to suspend liquidation pending the expiration of the period to appeal the CIT's April 6, 2006, decision, or, if that decision is appealed, pending a final decision by the CAFC. The Department will instruct Customs to revise cash deposit rates, as appropriate, and to liquidate relevant entries covering the subject merchandise in the event that the CIT's ruling is not appealed, or if appealed and upheld by the CAFC.

Dated: April 13, 2006.

**David M. Spooner,**  
Assistant Secretary for Import Administration.

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**North American Free-Trade Agreement, Article 1904 NAFTA Panel Reviews; Request for Panel Review**

**AGENCY:** NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

**ACTION:** Notice of First Request for Panel Review.

**SUMMARY:** On April 3, 2006, Wynndel Box & Lumber Co., Ltd. ("Wynndel"), filed a First Request for Panel Review with the United States Section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free Trade Agreement. Panel review was requested of the Final Scope Ruling Regarding Entries Made Under HTSUS 4409.10.05 made by the United States Department of Commerce, International Trade Administration, respecting Certain Softwood Lumber Products from Canada. Notification of this final determination was received by the other Party on March 8, 2006. The NAFTA Secretariat has assigned Case Number USA-CDA-2006-1904-05 to this request.

**FOR FURTHER INFORMATION CONTACT:** Caratna L. Alston, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482-5438.

**SUPPLEMENTARY INFORMATION:** Chapter 19 of the North American Free-Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established *Rules of Procedure for Article 1904 Binational Panel Reviews* ("Rules"). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686).

A first Request for Panel Review was filed with the United States Section of the NAFTA Secretariat, pursuant to Article 1904 of the Agreement, on April 3, 2006, requesting panel review of the final determination described above.

The Rules provide that (a) a Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 39 within 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is May 3, 2006);

(b) a Party, investigating authority or interested person that does not file a

<sup>1</sup> The period of review is June 1, 1998, through May 31, 1999 ("POR").

<sup>2</sup> Constructed Export Price