

represent the primary source of facts about the structure and function of the U.S. economy, providing essential information to government and the business community in making sound decisions. This information helps build the foundation for the calculation of Gross Domestic Product (GDP) and other economic indicators. Crucial to its success is the accuracy and reliability of the Business Register data, which provides the Economic Census and current business surveys with their establishment lists.

Critical to the quality of data in the Business Register is that establishments are assigned an accurate economic classification, based on the North American Industry Classification System (NAICS). The primary purpose of the "2012 Economic Census General Classification Report" or NC-99023, is to meet this need.

New businesses are assigned NAICS codes by the Social Security Administration (SSA); however, many of these businesses cannot be assigned detailed NAICS codes, because insufficient data are provided by respondents on the Internal Revenue Service (IRS) Form SS-4. This report, conducted in fiscal years 2012 and 2013, will mail approximately 100,000 businesses per year that are unclassified or have been partially classified. Businesses selected for the sample will be asked to provide data on primary business activity in order to assign proper industry classification, thus maintaining proper coverage of the business universe.

There are few changes to the NC-99023 form since the last request was submitted for an OMB clearance in 2006. Changes will be made to the wording and organization of existing economic activity descriptions. Also, for the first time, respondents will have the option to report electronically via the Internet.

The NC-99023 form will be used to update the classification codes contained in the Business Register, ensuring establishments will be tabulated in the correct detailed industry for the 2012 Economic Census and in succeeding economic surveys. Information obtained from these establishments will also be included in the Census Bureau's County Business Patterns (CBP) publications. CBP publications provide annual data on establishment counts, employment, and payroll for all sectors of the economy at national, State, and county levels. The failure to collect this information will have an adverse effect on the quality and usefulness of economic statistics provided by the Census Bureau.

*Affected Public:* Business or other for-profit organizations; Not-for-profit institutions.

*Frequency:* Every 5 years.

*Respondent's Obligation:* Mandatory.

*Legal Authority:* Title 13 U.S.C., Sections 131 and 224.

*OMB Desk Officer:* Brian Harris-Kojetin, (202) 395-7314.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482-0266, Department of Commerce, Room 6616, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at [dhynek@doc.gov](mailto:dhynek@doc.gov)).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Brian Harris-Kojetin, OMB Desk Officer either by fax (202-395-7245) or e-mail ([bharrisk@omb.eop.gov](mailto:bharrisk@omb.eop.gov)).

Dated: February 15, 2011.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

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**BILLING CODE 3510-07-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-201-822]

#### **Stainless Steel Sheet and Strip in Coils From Mexico; Notice of Amended Final Results of Antidumping Duty Administrative Review**

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

**DATES:** *Effective Date:* February 18, 2011.

**FOR FURTHER INFORMATION CONTACT:**

Patrick Edwards, Brian Davis, or Angelica Mendoza, 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) 482-8029, (202) 482-7924, and (202) 482-3019, respectively.

**SUPPLEMENTARY INFORMATION:**

#### **Amendment to the Final Results**

In accordance with sections 751(a) and 777(i)(1) of the Tariff Act of 1930, as amended, (the Act), on January 5, 2011, the Department issued its final results in the administrative review of the antidumping duty order on stainless steel sheet and strip in coils (S4 in coils)

from Mexico, covering the period July 1, 2008, to June 30, 2009. The final results were subsequently released to all parties in the proceeding, and published in the **Federal Register** on January 13, 2011. *See Stainless Steel Sheet and Strip in Coils from Mexico; Final Results of Antidumping Duty Administrative Review*, 76 FR 2332 (January 13, 2011) (S4 from Mexico 2008-2009 Final Results). On January 14, 2011, and pursuant to 19 CFR 351.224(c)(2), we received a timely-filed allegation from the respondent in this administrative review, ThyssenKrupp Mexinox S.A. de C.V. (Mexinox SA) and Mexinox USA, Inc. (Mexinox USA) (collectively referred to as Mexinox), that the Department made ministerial errors with respect to several aspects of Mexinox's margin calculation. *See* Letter from Mexinox to the Department of Commerce, titled "Ministerial Error Comments," dated January 14, 2011 (Mexinox Ministerial Letter). On January 20, 2011, we received comments from Allegheny Ludlum Corporation, AK Steel Corporation, and North American Stainless (collectively referred to as petitioners) regarding the ministerial errors alleged by Mexinox. *See* Letter from petitioners to the Department of Commerce, regarding "Response to Mexinox's Ministerial Error Allegations," dated January 20, 2011 (Petitioners' Response Letter). For a discussion of the Department's analysis of the allegations in the Mexinox Ministerial Letter and rebuttal comments in the Petitioners' Response Letter, *see* Memorandum from Patrick Edwards and Brian Davis, Case Analysts, through Angelica Mendoza, Program Manager, to Richard Weible, Office Director, entitled, "Ministerial Errors Allegation in the Final Results of the Antidumping Duty Administrative Review of Stainless Steel Sheet and Strip in Coils from Mexico: ThyssenKrupp Mexinox S.A. de C.V.," dated February 14, 2011 (Ministerial Error Allegation Memo).

A ministerial error, as defined at section 751(h) of the Act, includes "errors in addition, subtraction, or other arithmetic function, clerical errors resulting from inaccurate copying, duplication, or the like, and any other type of unintentional error which {the Department} considers ministerial." *See also* 19 CFR 351.224(f). In its Ministerial Letter, Mexinox alleges that the Department made five ministerial errors in calculating Mexinox's antidumping duty margin. First, Mexinox alleges that the Department made a ministerial error by incorrectly placing a parenthesis in its calculation of cost of goods sold to

derive constructed export price profit, effectively failing to extend the per-unit cost of production and per-unit packing expenses by the quantity sold. See Mexinox Ministerial Letter at 2. Second, Mexinox alleges that the Department incorrectly derived quarterly cost data by assigning a production quantity to those products which were sold, but not produced in certain quarters, thus overstating Mexinox's production quantities and miscalculating the indexed quarterly costs. *Id.* at 3. Third, Mexinox alleges several errors with regard to the Department's calculation of its U.S. indirect selling expenses. Specifically, Mexinox contends that the Department a) failed to include "other income/expenses" specific to Mexinox USA, b) double-counted certain service fee expenses incurred by Mexinox's affiliates in the United States, and c) applied the wrong raw material service fee in its calculation of Mexinox's total indirect selling expenses. *Id.* at 6. Fourth, Mexinox contends that the Department incorrectly accounted for employee profit sharing in its calculation of Mexinox's general and administrative (G&A) ratio. *Id.* at 9. Fifth, and finally, Mexinox alleges that the Department's margin calculation programs caused certain variables to be

overwritten when comparison market sales were merged with Mexinox's reported costs. *Id.* at 10. In their rebuttal letter, petitioners commented on only two of Mexinox's alleged errors. First, petitioners argue that Mexinox's allegation with regard to the inclusion of "other income/expenses" specific to Mexinox USA is methodological in nature and, therefore, does not constitute a ministerial error. See Petitioners' Response Letter at 2-3. Petitioners further argue that the Department did use the correct raw material services fee in its calculation of Mexinox's U.S. indirect selling expenses and, therefore, Mexinox's alleged error is incorrect. *Id.* at 4. Second, petitioners allege that, should the Department agree with Mexinox's allegation that the Department inadvertently overstated production quantities and consequently calculated incorrect quarterly cost indices, Mexinox's suggested programming changes would cause several errors in the Department's margin calculation programs and would continue to calculate incorrect quarterly cost indices. *Id.* at 6. After analyzing Mexinox's ministerial error comments and petitioners' rebuttal comments, we have determined, in accordance with section 751(h) of the

Act and 19 CFR 351.224(e), that we made ministerial errors with respect to our calculation for cost of goods sold and our quarterly costs indices, as well as certain aspects of Mexinox's indirect selling expenses incurred in the United States, and Mexinox's G&A ratio calculation.<sup>1</sup> See Mexinox's Ministerial Letter; see also Memorandum to the File, "Antidumping Duty Administrative Review of Stainless Steel Sheet and Strip in Coils from Mexico—Amended Final Results Analysis Memorandum for ThyssenKrupp Mexinox S.A. de C.V.," dated February 14, 2011 (2008–2009 S4 from Mexico Amended Final Results Analysis Memorandum), for a further discussion. Therefore, the Department has corrected both the Comparison Market Program and the U.S. Margin Program and, where appropriate, the relevant Macros Program to reflect the correction of these errors. Therefore, in accordance with 19 CFR 351.224(e), we are amending the final results in this antidumping duty administrative review of S4 in coils from Mexico. After correcting for the noted ministerial errors with respect to cost of goods sold, quarterly costs, U.S. indirect selling expenses, and G&A expenses, the amended final weighted-average dumping margin has changed:

Manufacturer/exporter	Final results weighted-average margin percentage	Amended final weighted-average margin percentage
ThyssenKrupp Mexinox S.A. de C.V. ....	21.14	12.13

**Assessment Rates**

The Department will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries, pursuant to section 751(a)(1) of the Act, and 19 CFR 351.212(b). Where entered values are missing for some sales and reported for others, the Department calculates a per-unit assessment rate on an importer-specific basis. The Department calculated an importer-specific per-unit duty assessment rate by aggregating the total amount of antidumping duties calculated for the examined sales and dividing this amount by the total quantity of those sales. Where the duty assessment rates are above *de minimis*, we will instruct CBP to assess duties on all entries of subject merchandise by that importer in accordance with the

requirements set forth in 19 CFR 351.106(c)(2). After issuance of the amended final results of this review, for any importer-specific assessment rates calculated in the amended final results that are above *de minimis* (i.e., at or above 0.50 percent), we will issue appraisal instructions directly to CBP to assess antidumping duties on appropriate entries by applying the per-unit dollar amount against each unit of merchandise on each of that importer's entries during the review period. See 19 CFR 351.212(b)(1). Pursuant to 19 CFR 356.8(a), the Department intends to issue assessment instructions to CBP 41 days after the date of publication of these amended final results of review. 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 Mexinox for which Mexinox did not know the merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the 30.69 percent all others rate if there is no company-specific rate for an intermediary involved in the transaction. **Cash Deposit Requirements** The following deposit requirements continue to be effective on any entries made on or after February 14, 2011, the date of publication of these amended final results, for all shipments of subject merchandise entered, or withdrawn

<sup>1</sup> With regard to Mexinox's error allegation involving U.S. indirect selling expenses, we note that Mexinox raised four separate issues concerning our calculation. Three of these we are correcting as

ministerial errors. However, the fourth issue, pertaining to offsetting Mexinox's indirect selling expenses for service revenue received from its U.S. affiliates, is methodological in nature and the

Department's intent to deny Mexinox's requested offset is reflected in the final results. Therefore, we are not adjusting for this allegation (i.e., we are continuing to deny Mexinox's requested offset).

from warehouse, for consumption as provided by section 751(a)(2)(C) of the Act: (1) For Mexinox, which has a separate rate, the cash deposit rate will be the company-specific rate shown above; (2) for previously reviewed or investigated companies not listed above that have a separate rate, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) the cash deposit rate for all other Mexican exporters will be 30.69 percent, the all others rate from the less-than-fair-value investigation; and (4) the cash deposit rate for all non-Mexican exporters will be the rate applicable to the Mexican exporter that supplied that exporter. These cash deposit requirements continue to remain in effect until further notice.

#### Notification of Interested Parties

This notice also 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 the antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/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 violation that is subject to sanction.

We are issuing and publishing these amended final results of review and notice in accordance with sections 751 and 777(i) of the Act.

Dated: February 14, 2011.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration.*

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**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Antidumping Methodologies in Proceedings Involving Non-Market Economies: Valuing the Factor of Production: Labor; Request for Comment

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

**ACTION:** Request for comments.

**SUMMARY:** The Department of Commerce ("the Department") requests public comment on the means by which it can best capture the cost of labor in its wage rate methodology in antidumping proceedings involving non-market economy ("NME") countries. As part of this process, the Department invites comments on the interim methodology for determining a surrogate value for wage rates that is currently being applied in antidumping proceedings for companies in NME countries.

**DATES:** To be assured of consideration, comments must be received no later than March 21, 2011.

**FOR FURTHER INFORMATION CONTACT:** Christopher Mutz, (202) 482-0235, Office of Policy, Import Administration, Julia Hancock, (202) 482-1394, Office of Antidumping and Countervailing Duty Operations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 733(c) of the Tariff Act of 1930, as amended ("the Act"), provides that the Department will value the factors of production ("FOPs") in NME cases using the best available information regarding the value of such factors in a market economy ("ME") country or countries considered to be appropriate by the administering authority. The Act requires that when valuing the FOPs, the Department utilize, to the extent possible, the prices or costs of factors of production in one or more ME countries that are (1) at a comparable level of economic development and (2) significant producers of comparable merchandise. See section 733(c)(4) of the Act.

Previously, the Department calculated wages using a regression analysis that captured the worldwide relationship between *per capita* Gross National Income ("GNI") and hourly wage rates in manufacturing pursuant to 19 CFR 351.408(c)(3). See *Antidumping Methodologies: Market Economy Inputs,*

*Expected Non-Market Economy Wages, Duty Drawback; and Request for Comments* ("Antidumping Methodologies Notice"), 71 FR 61716 (October 19, 2006). On May 14, 2010, the Court of Appeals for the Federal Circuit ("CAFC"), in *Dorbest Ltd. v. United States*, 604 F. 3d 1363, 1372 (Fed. Cir. 2010) ("*Dorbest I*"), invalidated 19 CFR 351.408(c)(3). Subsequently, the Department issued a remand redetermination in the *Dorbest* litigation, and on February 9, 2011, the Court of International Trade ("CIT") affirmed in part, and remanded in part, the Department's wage rate methodology applied in that redetermination. See *Dorbest Ltd. v. United States*, Slip Op. 11-14 (CIT Feb. 9, 2011) ("*Dorbest II*"). As a consequence of the CAFC's ruling in *Dorbest I*, the Department is no longer relying on the wage rate methodology described in its regulations. Since July 2010, the Department has applied an interim wage rate methodology that derives a surrogate wage rate from countries that are both economically comparable and significant producers of merchandise comparable to the merchandise subject to the antidumping duty proceeding.<sup>1</sup> In October 2010, the Department modified its calculations to apply a simple-average of industry-specific wage rates from those countries.<sup>2</sup>

#### Request for Comment on International Labor Organization ("ILO") Chapter 6A Data

As part of the on-going process of evaluating options for determining labor values, the Department is considering methodologies that will best capture all labor costs. Currently, the Department uses earnings or wage data as reported in "Chapter 5B: Wages in Manufacturing" of the International Labor Organization ("ILO") Yearbook of

<sup>1</sup> See *Certain Woven Electric Blankets From the People's Republic of China ("PRC"): Final Determination of Sales at Less Than Fair Value ("Blankets from the PRC")*, 75 FR 38459 (July 2, 2010) and accompanying Issues and Decision Memorandum at Comment 13.

<sup>2</sup> Between July 2010 and October 2010, the Department implemented an interim wage rate methodology that reflected a simple average of national wage rates from countries found to meet both criteria under section 733(c)(4) of the Act. Industry-specific data, if available, is now the presumptive surrogate data used in the Department's calculations. See *Certain New Pneumatic Off-the-Road-Tires from the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review*, 75 FR 64259 (October 19, 2010) ("*Tires from the PRC*"); see also *Certain Activated Carbon from the People's Republic of China: Final Results and Partial Rescission of Second Antidumping Duty Administrative Review*, 75 FR 70208 (November 18, 2010) and accompanying Issues and Decision Memorandum at Comment 4f ("*Activated Carbon Final*").