

### Fair Value Comparisons

Based on the data provided by petitioners, there is reason to believe that imports of ARG windshields from the PRC are being, or are likely to be, sold at less than fair value.

### Allegations and Evidence of Material Injury and Causation

Petitioners allege that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at less than NV. Petitioners contend that the industry's injured condition is evident in the declining trends in net operating profits, net sales volumes, profit-to-sales ratios, and capacity utilization. The allegations of injury and causation are supported by relevant evidence including U.S. Customs import data, lost sales, and pricing information. We have assessed the allegation and supporting evidence regarding material injury and causation, and have determined that this allegation is properly supported by accurate and adequate evidence and meets the statutory requirements for initiation (*Initiation Checklist*, Attachment II Re: Material Injury).

### Initiation of Antidumping Investigation

Based upon our examination of the petition on ARG windshields, and petitioners' responses to our supplemental questionnaires clarifying the petition, we have found that it meets the requirements of section 732 of the Act. Therefore, we are initiating an antidumping duty investigation to determine whether imports of ARG windshields from the PRC are being, or are likely to be, sold in the United States at less than fair value. Unless this deadline is extended, we will make our preliminary determination no later than 140 days after the date of this initiation.

### Distribution of Copies of the Petition

In accordance with section 732(b)(3)(A) of the Act, a copy of the public version of this petition has been provided to the representative of the government of the PRC.

### International Trade Commission Notification

We have notified the ITC of our initiation, as required by section 732(d) of the Act.

### Preliminary Determination by the ITC

The ITC will determine, no later than April 16, 2001, whether there is a reasonable indication that imports of ARG windshields from the PRC are causing material injury, or threatening

to cause material injury, to a U.S. industry. A negative ITC determination will result in the investigation being terminated; otherwise, this investigation will proceed according to statutory and regulatory time limits.

This notice is issued and published pursuant to section 777(i) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: March 20, 2001.

**Bernard T. Carreau,**

*Deputy Assistant Secretary, Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-560-805]

### Certain Cut-To-Length Carbon-Quality Steel Plate Products From Indonesia: Initiation of New Shipper Antidumping Duty Review

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

**SUMMARY:** The Department of Commerce has received a request to conduct a new shipper review of the antidumping duty order on certain cut-to-length carbon-quality steel plate products from Indonesia. In accordance with section 751(a)(2)(B) of the Tariff Act of 1930, as amended, and 19 CFR 351.214(d), we are initiating a review for PT. Gunung Raja Paksi.

**EFFECTIVE DATE:** March 27, 2001.

**FOR FURTHER INFORMATION CONTACT:** Barbara Wojcik-Betancourt or Brian Smith, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-0629 or (202) 482-1766, respectively.

### Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended ("the Act"), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all references to the Department of Commerce's ("the Department's") regulations are to 19 CFR Part 351 (2000).

### SUPPLEMENTARY INFORMATION:

### Background

On February 22, 2001, the Department received a request from PT. Gunung Raja Paksi ("Gunung"), pursuant to section 751(a)(2)(B) of the Act, and in accordance with 19 CFR 351.214, for a new shipper review of the antidumping duty order on certain cut-to-length carbon-quality steel plate products ("CTL Plate") from Indonesia. This order has a February anniversary month. See Notice of Amendment of Final Determinations of Sales at Less-Than-Fair Value and Antidumping Duty Orders: Certain Cut-To-Length Carbon-Quality Steel Plate Products from France, India, Indonesia, Italy, Japan, and the Republic of Korea, 65 FR 6585 (February 10, 2000). Therefore, this request is timely pursuant to 19 CFR 351.214(b)(2)(c).

In accordance with 19 CFR 351.214(b)(2)(i) and (iii)(A), Gunung has certified (1) that it did not export CTL Plate to the United States during the period of investigation ("POI"); and (2) that, since the investigation was initiated, it never has been affiliated with any exporter or producer who did export CTL Plate to the United States during the POI, including those not examined during the investigation. Also, in accordance with 19 CFR 351.214(b)(2)(iv), Gunung submitted documentation establishing (1) the date on which it first shipped the subject merchandise to the United States, (2) the volume of that shipment, and (3) the date of the first sale to an unaffiliated customer in the United States.

On February 24, 2001, Gunung submitted a certification clarifying that it is both the producer and exporter of the subject merchandise sold to the United States during the period February 1, 2000, through January 31, 2001.

Therefore, in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214(b), we are initiating the new shipper review of the antidumping duty order on CTL Plate from Indonesia for Gunung.

We will issue a questionnaire to Gunung, allowing approximately 37 days for response.

### Initiation of Review

In accordance with section 751(a)(2)(B)(ii) of the Act and 19 CFR 351.214(d)(1), we are initiating a new shipper review of the antidumping duty order on CTL Plate from Indonesia. In accordance with section 751(b)(iv) of the Act and 19 CFR 351.214(h)(i), we intend to issue the preliminary results of this review not later than 180 days after the date of publication of this

notice. All provisions of 19 CFR 351.214 will apply to Gunung throughout the duration of this new shipper review.

Antidumping duty proceeding	Period to be reviewed
Indonesia: Certain Cut-To-Length Carbon-Quality Steel Plate Products, A-560-805; PT. Gunung Raja Paksi .....	02/01/00-1/31/01

Pursuant to 19 CFR 351.214(g)(i)(A), the standard period of review ("POR") in a new shipper review, which like this one, was initiated in the month immediately following the anniversary month, is the twelve month period immediately preceding the anniversary month. Therefore, the POR for this new shipper review is February 1, 2000, through January 31, 2001.

Concurrent with publication of this notice, and in accordance with 19 CFR 351.214(e), we will instruct the Customs Service to suspend liquidation of any unliquidated entries of the subject merchandise from the relevant exporter or producer, and to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for each entry of the subject merchandise exported by the above-listed company.

Interested parties that need access to proprietary information in this new shipper review should submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306.

This initiation and notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.214.

Dated: March 12, 2001.

**Richard W. Moreland,**

*Deputy Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-580-818]

#### **Certain Cold-Rolled and Corrosion-Resistant Carbon Steel Flat Products From Korea: Amended Final Affirmative Countervailing Duty Determinations in Accordance with Decision Upon Remand**

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

**ACTION:** Notice of amendment to final affirmative countervailing duty

determinations in accordance with decision upon remand.

**SUMMARY:** On April 5, 2000, the Court of International Trade (CIT) remanded this case to recalculate duties owed in conformity with the Court of Appeals for the Federal Circuit's (CAFC's) decision in *AK Steel Corp., v. United States*, 193 F.3d 1367 (Fed. Cir. 1999) (*AK Steel*). In accordance with that remand order, on June 19, 2000, the Department issued its *Final Results of Redetermination on Remand Pursuant to LaClede Steel Co., et al. v. United States*, Slip Op. 00-36 (CIT April 5, 2000) (*Second Remand*). In the *Second Remand*, the Department recalculated the program rates, the company-specific total *ad valorem* and the country-wide rate.

**EFFECTIVE DATE:** March 27, 2001.

**FOR FURTHER INFORMATION CONTACT:** Tipten Troidl or Richard Herring, AD/CVD Enforcement Office VI, Group II, Import Administration, U.S. Department of Commerce, Room 4012, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-2786.

**SUPPLEMENTARY INFORMATION:** In *British Steel P.L.C. v. United States*, 941 F. Supp. 119 (CIT 1996) (*British Steel IV*), the CIT upheld the Department's final determination in the *Final Affirmative Countervailing Duty Determinations and Final Negative Critical Circumstances Determinations: Certain Steel Products from Korea*, 58 FR 37338 (July 9, 1993) (*Steel Products from Korea*). Respondents challenged the CIT's ruling, and on October 1, 1999, the CAFC issued its decision in *AK Steel*, affirming-in-part and reversing-in-part the decision of the CIT in *British Steel IV*. In *AK Steel*, the CAFC affirmed that the Korean government exercised *de jure* control of the financial system to benefit the steel industry through 1984. *AK Steel*, 193 F.3d at 1371. However, the CAFC determined that the Department's conclusion that there is a causal nexus between the Korean government's control of the financial system and the domestic loans received by the steel industry from private sources after 1985 was unsupported by substantial evidence. *Id.* at 1376. The CAFC reversed the portion of the CIT's judgment in *British Steel IV* concerning

the imposition of countervailing duties based on domestic credit provided to the Korean steel industry by private Korean lenders. *Id.* In addition, the CAFC determined that loans from foreign lenders are not countervailable subsidies under the terms of the then existent statute. *Id.* at 1378. On April 5, 2000, the CIT remanded this case to the Department to recalculate duties owed in conformity with the CAFC's decision. In accordance with that order, on June 19, 2000, the Department issued the *Second Remand*, where the Department recalculated the program rates, the company-specific total *ad valorem*, and the country-wide rate.

#### **Remand Results**

In accordance with the Court's instructions, we recalculated respondents' net subsidy rates using a methodology which ensures that countervailing duties are not based on domestic credit provided to the Korean steel industry by private Korean lenders after 1984 and are not based on preferential access to foreign credit. In addition, we recalculated the country-wide rate by taking the weighted-average of all of the companies' company-specific program rates. We then determined whether each company's individual company-specific rate was significantly different from the country-wide rate. In the event a company's rate was significantly different, we assigned it an individually-calculated rate. Otherwise, we assigned the company the country-wide rate. Listed below are the rates for corrosion-resistant products in the first table and cold-rolled products in the second table.

The final countervailing duty rates for the 1991 period of investigation are as follows:

Manufacturer/Exporter of corrosion-resistant	Ad Valorem rate
Pohang Iron & Steel Co., Ltd. (POSCO).	1.15
Dongbu Steel Co., Ltd. (Dongbu)	1.15
Union Steel Manufacturing (Union).	<i>De minimis</i>
Country-Wide Rate .....	1.15