

DEPARTMENT OF COMMERCE

International Trade Administration

[A-427-816, A-533-817, A-560-805, A-475-826, A-588-847, A-580-836, C-427-817, C-533-818, C-560-806, C-475-827, C-580-837]

Postponement of Final Antidumping Duty Determinations: Certain Cut-to-Length Carbon-Quality Steel Plate Products From France, India, Indonesia, Italy, Japan and Korea; Postponement of Final Countervailing Duty Determinations: Certain Cut-to-Length Carbon-Quality Steel Plate Products From France, India, Indonesia, Italy, and Korea; and Amendment of the Preliminary Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon-Quality Steel Plate Products From Indonesia

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

SUMMARY: On July 26, 1999, the Department of Commerce (the Department) published in the **Federal Register** its preliminary affirmative determinations in the countervailing duty investigations of certain cut-to-length carbon-quality steel plate products from France, India, Indonesia, Italy, and the Republic of Korea (see *Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determination: Certain Cut-to-Length Carbon-Quality Steel Plate From France*, 64 FR 40430 (July 26, 1999), India (64 FR 40438), Indonesia (64 FR 40457), Italy (64 FR 40416), and the Republic of Korea (64 FR 40445)). These notices aligned the schedules for the final determinations with the companion antidumping investigations. On July 29, 1999, the Department published in the **Federal Register** its preliminary determinations in the antidumping duty (AD) investigations of certain cut-to-length carbon-quality steel plate products from France, India, Indonesia, Italy, Japan, and the Republic of Korea (see *Preliminary Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon-Quality Steel Plate Products From France*, 64 FR 41198 (July 29, 1999), India (64 FR 41202) Indonesia (64 FR 41206), Italy (64 FR 41213), Japan (64 FR 41218), and the Republic of Korea (64 FR 41224)). Respondents in each of the AD investigations requested that the Department postpone its final determinations by sixty days. In addition, the respondents in the AD

investigations of France, Italy, and Korea alleged that the Department made ministerial errors in its preliminary determinations for those countries. Furthermore, the petitioners alleged that the Department made ministerial errors in its preliminary AD determination for Indonesia.

In response to the respondents' requests, the Department is postponing the final determinations in the above-referenced investigations. Furthermore, after reviewing the ministerial error allegations, the Department is amending its preliminary AD determination with respect to Indonesia only.

EFFECTIVE DATE: August 25, 1999.

FOR FURTHER INFORMATION CONTACT: The following individuals of Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington DC 20230: James Terpstra at (202) 482-3965 regarding cases A-427-816, A-533-817, and A-580-836; Wendy Frankel at (202) 482-5849 regarding cases A-475-826, and A-588-847; Irene Darzenta Tzafolias at (202) 482-0922 regarding case A-560-805; Roy Malmrose at (202) 482-5414 regarding case C-427-817; and Richard Herring at (202) 482-4149 regarding cases C-533-818, C-560-806, C-475-827, and C-580-837.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

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 (URAA). In addition, all citations to the Department's regulations are to the regulations at 19 CFR Part 351 (1999).

Scope of the Investigations

The products covered by the scope of these investigations are certain hot-rolled carbon-quality steel: (1) Universal mill plates (*i.e.*, flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm but not exceeding 1250 mm, and of a nominal or actual thickness of not less than 4 mm, which are cut-to-length (not in coils) and without patterns in relief), of iron or non-alloy-quality steel; and (2) flat-rolled products, hot-rolled, of a nominal or actual thickness of 4.75 mm or more and of a width which exceeds 150 mm and measures at least twice the thickness, and which are cut-to-length (not in coils). Steel products to be included in the scope are of rectangular, square, circular or other shape and of

rectangular or non-rectangular cross-section where such non-rectangular cross-section is achieved subsequent to the rolling process (*i.e.*, products which have been "worked after rolling")—for example, products which have been beveled or rounded at the edges. Steel products that meet the noted physical characteristics that are painted, varnished or coated with plastic or other non-metallic substances are included within this scope. Also, specifically included in this scope are high strength, low alloy (HSLA) steels. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, titanium, vanadium, and molybdenum. Steel products to be included in this scope, regardless of Harmonized Tariff Schedule of the United States (HTSUS) definitions, are products in which: (1) Iron predominates, by weight, over each of the other contained elements, (2) the carbon content is two percent or less, by weight, and (3) none of the elements listed below is equal to or exceeds the quantity, by weight, respectively indicated: 1.80 percent of manganese, or 1.50 percent of silicon, or 1.00 percent of copper, or 0.50 percent of aluminum, or 1.25 percent of chromium, or 0.30 percent of cobalt, or 0.40 percent of lead, or 1.25 percent of nickel, or 0.30 percent of tungsten, or 0.10 percent of molybdenum, or 0.10 percent of niobium, or 0.41 percent of titanium, or 0.15 percent of vanadium, or 0.15 percent zirconium. All products that meet the written physical description, and in which the chemistry quantities do not equal or exceed any one of the levels listed above, are within the scope of these investigations unless otherwise specifically excluded. The following products are specifically excluded from these investigations: (1) Products clad, plated, or coated with metal, whether or not painted, varnished or coated with plastic or other non-metallic substances; (2) SAE grades (formerly AISI grades) of series 2300 and above; (3) products made to ASTM A710 and A736 or their proprietary equivalents; (4) abrasion-resistant steels (*i.e.*, USS AR 400, USS AR 500); (5) products made to ASTM A202, A225, A514 grade S, A517 grade S, or their proprietary equivalents; (6) ball bearing steels; (7) tool steels; and (8) silicon manganese steel or silicon electric steel.

The merchandise subject to these investigations is classified in the HTSUS under subheadings: 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7208.53.0000, 7208.90.0000,

7210.70.3000, 7210.90.9000,
7211.13.0000, 7211.14.0030,
7211.14.0045, 7211.90.0000,
7212.40.1000, 7212.40.5000,
7212.50.0000, 7225.40.3050,
7225.40.7000, 7225.50.6000,
7225.99.0090, 7226.91.5000,
7226.91.7000, 7226.91.8000,
7226.99.0000.

Although the HTSUS subheadings are provided for convenience and Customs purposes, the written description of the merchandise under investigation is dispositive.

Postponement of the Final Determinations

In accordance with section 735(a)(2)(A) of the Act, during July and August, 1999, exporters accounting for a significant proportion of the exports of subject merchandise from each of the countries named in the above-referenced AD investigations requested that the Department postpone its final determinations until 135 days after publication of its preliminary determinations. These same exporters also requested that the Department extend provisional antidumping measures from a four-month period to not more than six months pursuant to section 733(d) of the Act. Accordingly, the Department has decided to extend the final determinations in the above-referenced AD investigations because for each investigation (1) the Department's preliminary determination was affirmative for at least one exporter requesting a postponement, (2) the exporters requesting the postponement account for a significant proportion of the exports of subject merchandise from their respective countries, and (3) no compelling reasons exist for the Department to deny the exporters' requests for a postponement. Therefore, the Department has decided to postpone the final determinations until not later than 135 days after publication of the preliminary determinations in the **Federal Register**. The postponed final determinations will be due on December 11, 1999. Suspension of liquidation will be extended accordingly.

In addition, because the countervailing duty investigations of Certain Cut-to-Length Carbon-Quality Steel Plate Products From France, India, Indonesia, Italy and Korea have been aligned with the antidumping duty investigations under section 705(a)(1) of the Act, the time limit for completion of the final determinations in the countervailing duty investigations will be the same date, December 11, 1999, as the final determinations of the concurrent antidumping investigations.

Amended Preliminary Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon-Quality Steel Plate Products From Indonesia

On July 28, 1999, Bethlehem Steel Corporation and U.S. Steel Group, a unit of USX Corporation, two of the petitioners, alleged that the Department made certain ministerial errors in calculating the cost of production used in the preliminary AD determination for the Indonesian respondent PT Gunawan Dianjaya Steel (Gunawan)/PT Jaya Pari Steel Corporation (Jaya Pari). None of the respondents in the AD investigation of Indonesia alleged any ministerial errors nor did they comment on petitioners' ministerial error allegation. The Department has reviewed its preliminary calculations for Gunawan/Jaya Pari and agrees that it made certain ministerial errors within the meaning of 19 CFR 351.224(f) (for further detail see the Memorandum Regarding Ministerial Error Allegations from The Team to Louis Apple, Director, Office II, AD/CVD Enforcement I, dated August 9, 1999). In addition, the Department finds these ministerial errors to be significant as defined by 19 CFR 351.224(g). A significant ministerial error is defined as a correction which, singly or in combination with other errors, (1) would result in a change of at least five absolute percentage points in, but not less than 25 percent of, the weighted average dumping margin calculated in the original (erroneous) preliminary determination; or (2) would result in a difference between a weighted-average dumping margin of zero or *de minimis* and a weighted-average dumping margin of greater than *de minimis* or vice versa. Therefore, the Department is amending its preliminary AD determination with respect to Gunawan/Jaya Pari in accordance with 19 CFR 351.224(e). Because the Department based the weighted-average margin for all Indonesian manufactures/exporters of the merchandise under investigation, other than PT Krakatau Steel, on Gunawan/Jaya Pari's weighted-average margin, the Department is also amending the "all others" margin. As a result of the correction of these ministerial errors, the Department has determined that the following amended weighted-average dumping margins apply for Indonesia:

Manufacturer/Exporter	Amended weighted-average margin (percent)
Gunawan Dianjaya Steel/PT Jaya Pari Steel Corporation ..	43.59

Manufacturer/Exporter	Amended weighted-average margin (percent)
All Others	43.59

ITC Notification

In accordance with section 733(f) of the Act, the Department has notified the ITC of the amended AD determination. If the final determinations are affirmative, the ITC will determine whether imports of the merchandise under investigation are materially injuring, or threaten material injury to, the U.S. industry before the later of 120 days after the date of the preliminary determinations or 45 days after the final determinations.

Public Comment

Interested parties may submit case briefs or other written comments for a particular investigation to the Assistant Secretary for Import Administration by no later than seven days after receipt of all verification reports issued in that investigation. Parties may submit rebuttal briefs, limited to issues raised in case briefs, within five days after the deadline for filing case briefs. A list of authorities used and an executive summary of issues should accompany any briefs submitted to the Department. This summary should be limited to five pages total, including footnotes. In accordance with section 774 of the Act, the Department will hold a public hearing for each investigation, if requested, in order to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Any hearings will be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. The date, time, and room number for the hearings is to be determined. Parties should confirm by telephone the date, time, and room number for each hearing 48 hours before the hearing is to begin. Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, no later than August 28, 1999. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. At the hearing, each party may make an affirmative presentation only on issues raised in that party's case brief, and may make rebuttal presentations only on arguments included in that party's rebuttal brief. See 19 CFR 351.310(c).

The Department is publishing this notice of postponement of the final determinations and amendment to the preliminary AD determination for Indonesia pursuant to section 735(a) of the Act and 19 CFR 351.210(g) and 19 CFR 351.224(e).

Dated: August 17, 1999.

Bernard Carreau,

Acting Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-412-814, A-428-816, A-405-802, C-412-815, C-428-817]

Certain Cut-To-Length Carbon Steel Plate from Finland, Germany and the United Kingdom: Final Results of Changed Circumstances Antidumping Duty and Countervailing Duty Reviews, and Revocation of Orders in Part

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

ACTION: Notice of final results of changed circumstances antidumping duty and countervailing duty reviews, and revocation of orders in part.

SUMMARY: On May 12, 1999, the Department of Commerce (the Department) received a request on behalf of Bethlehem Steel Corporation and U.S. Steel Group—a unit of USX Corporation (Bethlehem & U.S. Steel), petitioners in these cases, for changed circumstances antidumping (AD) and countervailing duty (CVD) reviews and an intent to revoke in part the AD and CVD orders with respect to specific cut-to-length carbon steel plate from Germany and the United Kingdom and the AD order with respect to specific cut-to-length carbon steel plate from Finland. A telephone conversation on May 17, 1999, with counsel on behalf of all other petitioners (Inland Steel Industries, Inc., LTV Steel Company, Inc., National Steel Corporation, AK Steel Corporation, Gulf States Steel Inc. of Alabama, Sharon Steel Corporation, and WCI Steel Inc.) confirmed petitioners' lack of interest in the continuation of the AD and CVD orders with respect to the subject merchandise defined in the Scope of the Review section below (See Memorandum to the File). Accordingly, on July 7, 1999, the Department published a notice of initiation and preliminary results of changed circumstances reviews and intent to revoke these orders in part (64

FR 36666). We gave interested parties an opportunity to comment on the preliminary results of these changed circumstances reviews. No comments were received.

EFFECTIVE DATE: August 25, 1999.

FOR FURTHER INFORMATION CONTACT:

Nancy Decker (AD reviews on Finland and the United Kingdom), James Doyle or Becky Hagen (AD review on Germany), Robert Copyak (CVD reviews on Germany and the United Kingdom), Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone (202) 482-0196, (202) 482-0159, (202) 482-1102, or (202) 482-2209, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

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

Background

On August 17, 1993, the Department published the CVD orders on certain cut-to-length carbon steel plate from Germany and the United Kingdom (58 FR 43756 and 43748, respectively). On August 19, 1993, the Department published the AD orders on certain cut-to-length carbon steel plate from Finland, Germany and the United Kingdom (58 FR 44165, 44170, and 44168, respectively).

On May 12, 1999, Bethlehem and U.S. Steel, petitioners, requested partial revocation of the AD and CVD orders pursuant to section 751(d)(1) of the Act, with respect to specific carbon steel plate imports from the United Kingdom, Germany and Finland described below.

Accordingly, on July 7, 1999, the Department published a notice of initiation and preliminary results of changed circumstances reviews and intent to revoke these orders in part (64 FR 36666). We gave interested parties an opportunity to comment on the preliminary results of these changed circumstances reviews. No comments were received.

Scope of the Review

The products covered by these AD/CVD orders constitute one "class or kind" of merchandise: certain cut-to-length carbon steel plate. These

products include hot-rolled carbon steel universal mill plates (i.e., flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 millimeters but not exceeding 1,250 millimeters and of a thickness of not less than 4 millimeters, not in coils and without patterns in relief), of rectangular shape, neither clad, plated nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances; and certain hot-rolled carbon steel flat-rolled products in straight lengths, of rectangular shape, hot rolled, neither clad, plated, nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances, 4.75 millimeters or more in thickness and of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the Harmonized Tariff Schedule (HTS) under item numbers 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7211.90.0000, 7212.40.1000, 7212.40.5000, and 7212.50.0000. Included are flat-rolled products of nonrectangular cross-section where such cross-section is achieved subsequent to the rolling process (i.e., products which have been "worked after rolling") for example, products which have been beveled or rounded at the edges. Excluded is grade X-70 plate. These HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

Merchandise covered by these changed circumstances reviews and partial revocations are shipments of certain carbon cut-to-length steel plate with a maximum thickness of 80 mm in steel grades BS 7191, 355 EM and 355 EMZ, as amended by Sable Offshore Energy Project specification XB MOO Y 15 0001, types 1 and 2.

Final Results of Changed Circumstances AD and CVD Reviews, and Revocation of Orders in Part

In accordance with section 782(h) of the Act, the Department has determined that substantially all of the domestic producers have no further interest in maintaining these orders with respect to certain cut-to-length carbon steel plate subject to these requests. This lack of interest by domestic producers constitutes sufficient changed circumstances to warrant partial revocation of these orders. Therefore,