

DEPARTMENT OF COMMERCE**International Trade Administration**

[A-549-502]

Certain Welded Carbon Steel Pipes and Tubes From Thailand; Notice of Amended Final Results of Antidumping Duty Administrative Review in Accordance With Final Court Decision

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

ACTION: Notice of Amended Final Results of Administrative Review in Accordance with Final Court Decision on Certain Welded Carbon Steel Pipes and Tubes from Thailand.

EFFECTIVE DATE: January 18, 2000.

FOR FURTHER INFORMATION CONTACT: Dana Mermelstein or Javier Barrientos, AD/CVD Enforcement Group III, Office VII, Room 7866, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-3208 or (202) 482-2243, respectively.

SUMMARY: On October 6, 1999, the U.S. Court of International Trade (the Court) affirmed the Department of Commerce's (the Department) remand determination of the final results of the antidumping duty administrative review of Certain Welded Carbon Steel Pipes and Tubes from Thailand. As no further appeals have been filed and there is now a final and conclusive court decision in this action, we are amending our final results.

SUPPLEMENTARY INFORMATION:**Background**

On October 16, 1997, the Department published the final results of the administrative review in Certain Welded Carbon Steel Pipes and Tubes from Thailand (62 FR 53808) (*Final Results*), covering the period March 1, 1995 through February 29, 1996.

Respondents challenged the Department's application of the affiliated parties standard, provided in 19 U.S.C. 1677(33) (1994), and our subsequent conclusion that Saha Thai was affiliated with several companies based on common control by various family groupings. In the *Final Results*, the Department had determined pursuant to 19 U.S.C. 1677(33) (1994), that Saha Thai was affiliated with two producers, Thai Tube and Thai Hong; three home market customers; and, two members of the Siam Steel Group. The

Department found that Saha Thai had significantly impeded the review by failing to disclose these affiliations. Thus, for the *Final Results*, the Department determined a dumping margin of 29.89 per-cent for the period of review (POR), based on total adverse facts available. On March 23, 1999, the Court remanded these final results. See *Ferro Union, Inc. v. United States*, 44 F. Supp.2d 1310 (Ct. Int'l Trade 1999) (*Ferro Union*).

The Court found that the Department's interpretation of "family," as stated in 19 U.S.C. § 1677(33)(A), was reasonable and affirmed that interpretation. However, the Court also found that the Department had provided insufficient guidance with respect to its interpretation of the term; specifically, that more distantly-related family members, beyond those listed in the statute, were to be included. Therefore, the Court ordered the Department to reconsider the use of total adverse facts available. The Court also instructed the Department to revisit other factual determinations. See (*Ferro Union*). The Department issued its remand determination on July 6, 1999. See *Remand Determination: Ferro Union, Inc. and Asoma Corporation v. United States*, Court No. 97-11-01973 (hereinafter "*Remand Results*" or "*RR*"), in which the Department calculated a dumping margin based on partial adverse facts available.

On October 6, 1999, the Court affirmed the Department's remand results, upholding the use of partial adverse facts available. See *Ferro Union Inc and Asoma Corporation v. The United States*, Slip Op. 99-104 (CIT, October 6, 1999). Pursuant to the Court's order, we have placed on the record in this case the margin calculation program using partial adverse facts available.

Amendment to Final Results of Review

Because no further appeals have been filed and there is now a final and conclusive decision in the court proceeding, effective as of the publication date of this notice, we are amending the *Final Results*, and establishing the following revised dumping margin:

CERTAIN WELDED CARBON STEEL PIPES AND TUBES FROM THAILAND (POR 1995-1996)

Producer/management/exporter	Weighted-average margin
Saha Thai	9.52 percent.

The "All Others Rate" was not affected by the *Remand Determination*,

and remains at 15.67 per-cent. See *Final Results* FR 62 (37543).

The Department will instruct the Customs Service to assess these revised antidumping duties on all appropriate entries. The Department will issue appraisal instructions directly to the Customs Service.

Dated: January 5, 2000.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 00-1103 Filed 1-14-00; 8:45 am]

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DEPARTMENT OF COMMERCE**International Trade Administration**

[C-428-812]

Certain Hot-Rolled Lead and Bismuth Carbon Steel Products From Germany; Rescission of Countervailing Duty Administrative Review and Initiation and Preliminary Results of Changed Circumstances Review and Intent To Revoke Order

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

ACTION: Notice of rescission of countervailing duty administrative review and initiation and preliminary results of changed circumstances review and intent to revoke order.

SUMMARY: In response to a request from Ispat Inland Inc. (Ispat) and Republic Technologies International (RTI) (the successors to the petitioners in this proceeding) and from domestic producer Birmingham Steel Corporation (BSC) (collectively, the domestic producers), the Department of Commerce (the Department) is rescinding the current administrative review of the countervailing duty order on certain hot-rolled lead and bismuth carbon steel products from Germany. This administrative review covers the period January 1, 1998, through December 31, 1998. In addition, in response to a request from the domestic producers, we are initiating a changed circumstances review and issuing this notice of intent to revoke the countervailing duty order on certain hot-rolled lead and bismuth carbon steel products from Germany. The domestic producers requested that the Department revoke the order retroactive to January 1, 1998, because they no longer have an interest in maintaining the order.

EFFECTIVE DATE: January 18, 2000.

FOR FURTHER INFORMATION CONTACT:

Robert Copyak or Richard Herring, AD/CVD Enforcement Office VI, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone (202) 482-2613 or (202) 482-1503, respectively.

SUPPLEMENTARY INFORMATION:**The 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 (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR Part 351 (April 1999).

Background

On November 24, 1999, the domestic producers requested that the Department conduct a changed circumstances review to revoke the countervailing duty order on certain hot-rolled lead and bismuth carbon steel products from Germany retroactive to January 1, 1998. The domestic producers stated that circumstances have changed such that they no longer have an interest in maintaining the countervailing duty order. They also stated that they represent approximately 85 to 90 percent of the domestic production of the domestic like product to which the order pertains. The domestic producers also requested that, due to the pendency of the ongoing administrative review of the order, the Department complete the changed circumstances review on an expedited basis. On January 5, 2000, the domestic producers submitted a letter withdrawing their request for the administrative review of the period January 1, 1998, through December 31, 1998.

Scope of Review

The products covered are hot-rolled bars and rods of nonalloy or other alloy steel, whether or not descaled, containing by weight 0.03 percent or more of lead or 0.05 percent or more of bismuth, in coils or cut lengths, and in numerous shapes and sizes. Excluded from the scope are other alloy steels (as defined by the Harmonized Tariff Schedule of the United States (HTSUS) Chapter 72, note 1 (f)), except steels classified as other alloy steels by reasons of containing by weight 0.4 percent or more of lead, or 0.1 percent or more of bismuth, tellurium, or

selenium. Also excluded are semi-finished steels and flat-rolled products. Most of the products covered in this review are provided for under subheadings 7213.20.00.00 and 7214.30.00.00 of the HTSUS. Small quantities of these products may also enter the United States under the following HTSUS subheadings: 7213.31.30.00; 7213.31.60.00; 7213.39.00.30; 7213.39.00.60; 7213.39.00.90; 7213.91.30.00; 7213.91.45.00; 7213.91.60.00; 7213.99.00; 7214.40.00.10; 7214.40.00.30; 7214.40.00.50; 7214.50.00.10; 7214.50.00.30; 7214.50.00.50; 7214.60.00.10; 7214.60.00.30; 7214.60.00.50; 7214.91.00; 7214.99.00; 7228.30.80.00; and 7228.30.80.50. HTSUS subheadings are provided for convenience and Customs purposes. The written description of the scope of this proceeding is dispositive.

Rescission of Administrative Review

On January 5, 2000, the domestic producers submitted a letter withdrawing their request for the administrative review of the period January 1, 1998, through December 31, 1998. Given the domestic producers' request for a changed circumstances review and their statement of no further interest in the order retroactive to January 1, 1998, we have determined that it is reasonable to rescind this administrative review. Therefore, in accordance with 19 CFR 351.213(d)(1), we are rescinding this administrative review.

Initiation and Preliminary Results of Changed Circumstances Review and Intent to Revoke Order

Pursuant to section 751(d)(1) of the Act, the Department may revoke, in whole or in part, a countervailing duty order based on a review under section 751(b) of the Act (*i.e.*, a changed circumstances review). Section 751(b)(1) of the Act requires a changed circumstances review to be conducted upon receipt of a request containing sufficient information concerning changed circumstances.

The Department's regulations at 19 CFR 351.216(d) require the Department to conduct a changed circumstances review in accordance with 19 CFR 351.221 if it decides that changed circumstances sufficient to warrant a review exist. Section 782(h) of the Act and 19 CFR 351.222(g)(1)(i) provide further that the Department may revoke an order, in whole or in part, if it concludes that the order under review is no longer of interest to producers accounting for substantially all of the

production of the domestic like product. In addition, in the event that the Department concludes that expedited action is warranted, 19 CFR 351.221(c)(3)(ii) permits the Department to combine the notices of initiation and preliminary results.

Ispat, RTI, and BSC are domestic interested parties as defined by section 771(9)(E) of the Act and 19 CFR 351.102(b). These parties indicated that they represent approximately 85 to 90 percent of the domestic production of the domestic like product to which the order pertains. We preliminarily determine that these parties represent producers accounting for substantially all of the production of the domestic like product. Therefore, based on the affirmative statement by Ispat, RTI, and BSC of no interest in the continued application of the countervailing duty order on certain hot-rolled lead and bismuth carbon steel products from Germany, we are initiating this changed circumstances review. Further, based on the domestic producers' request, we have determined that expedited action is warranted, and we are combining the notices of initiation and preliminary results. We have preliminarily determined that there are changed circumstances sufficient to warrant revocation of the order in whole. Because the statement of no interest dates back to January 1, 1998, we also are hereby notifying the public of our intent to revoke in whole the countervailing duty order on certain hot-rolled lead and bismuth carbon steel products from Germany retroactive to January 1, 1998.

If final revocation of the order occurs, we intend to instruct the Customs Service to end the suspension of liquidation and to refund any estimated countervailing duties collected for all unliquidated entries of certain hot-rolled lead and bismuth carbon steel products from Germany on or after January 1, 1998, in accordance with 19 CFR 351.222(g)(4). We will also instruct the Customs Service to pay interest on such refunds in accordance with section 778 of the Act. The current requirement for a cash deposit of estimated countervailing duties will continue until publication of the final results of this changed circumstances review.

Public Comment

Any interested party may request a hearing within 10 days of publication of this notice. Any hearing, if requested, will be held no later than 28 days after the date of publication of this notice. Written comments from interested parties may be submitted not later than 14 days after the date of publication of

this notice. Rebuttal comments to written comments, limited to issues raised in those comments, may be filed not later than 21 days after the date of publication of this notice. All written comments shall be submitted in accordance with 19 CFR 351.303. Persons interested in attending any public hearing (if requested) should contact the Department for the date and time of the hearing. The Department will publish the final results of this changed circumstances review, including the results of its analysis of issues raised in any written comments or at a hearing.

This notice is in accordance with section 751(b)(1) of the Act and 19 CFR 351.216 and 351.222.

Dated: January 7, 2000.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 00-1101 Filed 1-14-00; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of Issuance of an Export Trade Certificate of Review, Application No. 99-00006.

SUMMARY: The Department of Commerce has issued an Export Trade Certificate of Review to T.P. International Expo Services Inc. ("TPIES"). This notice summarizes the conduct for which certification has been granted.

FOR FURTHER INFORMATION CONTACT: Morton Schnabel, Director, Office of Export Trading Company Affairs, International Trade Administration, 202-482-5131. This is not a toll-free number.

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. The regulations implementing Title III are found at 15 CFR Part 325 (1999).

The Office of Export Trading Company Affairs ("OETCA") is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a Certificate in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set

aside the determination on the ground that the determination is erroneous.

Description of Certified Conduct

Export Trade

1. *Products*; All products.
2. *Services*; All services.
3. *Technology Rights*. Technology rights including, but not limited to, patents, trademarks, copyrights and trade secrets that relate to Products and Services.
4. *Export Trade Facilitation Services (as they Relate to the Export of Products, Services and Technology Rights)*: Export Trade Facilitation Services, including, but not limited to: professional services in the areas of government relations and assistance with state and federal export programs, foreign trade and business protocol; consulting; market research and analysis; collection of information on trade opportunities; marketing; negotiations; joint ventures; shipping and export management; export licensing; advertising; documentation and services related to compliance with customs requirements; insurance and financing; bonding; warehousing; export trade promotion; trade show exhibitions; organizational development; management and labor strategies; transfer of technology; transportation; and facilitating the formation of shippers' associations.

Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

TPIES, Inc. may engage in the following activities with respect to Export Markets:

1. Provide and/or arrange for the provision of Export Trade Facilitation Services;
2. Engage in promotion and marketing activities and collect and distribute information on trade opportunities in the Export Markets;
3. Enter into exclusive and/or non-exclusive agreements with distributors, foreign buyers, and/or sales representatives in Export Markets;
4. Enter into exclusive or non-exclusive sales agreements with Suppliers, Export Intermediaries, or other persons for the sale of Products and Services in Export Markets;

5. Enter into exclusive or non-exclusive agreements with Suppliers, Export Intermediaries, or other persons for licensing Technology Rights in Export Markets;

6. Allocate sales, export orders and/or divide Export Markets among Suppliers, Export Intermediaries, or other persons for the sale of Products and Services;

7. Allocate the licensing of Technology Rights in Export Markets among Suppliers, Export Intermediaries, or other persons;

8. Establish the price of Products and Services for sale in Export Markets;

9. Establish the fee for licensing of Technology Rights in Export Markets; and

10. Negotiate, enter into, and/or manage licensing agreements for the export of Technology Rights.

Terms and Conditions of Certificate

1. In engaging in Export Trade Activities and Methods of Operation, TPIES, Inc. will not intentionally disclose, directly or indirectly, to any Supplier any information about any other Supplier's costs, production, capacity, inventories, domestic prices, domestic sales, or U.S. business plans, strategies, or methods that is not already generally available to the trade or public.

2. TPIES, Inc. will comply with requests made by the Secretary of Commerce on behalf of the Secretary or the Attorney General for information or documents relevant to conduct under the Certificate. The Secretary of Commerce will request such information or documents when either the Attorney General or the Secretary of Commerce believes that the information or documents are required to determine that the Export Trade, Export Trade Activities and Methods of Operation of a person protected by this Certificate of Review continue to comply with the standards of Section 303(a) of the Act.

Definitions

1. *Export Intermediary* means a person who acts as a distributor, sales representative, sales or marketing agent, or broker, or who performs similar functions, including providing or arranging for the provision of Export Trade Facilitation Services.

2. *Supplier* means a person who produces, provides, or sells a Product and/or a Service.

Protection Provided by the Certificate

This Certificate protects TPIES, Inc. and its directors, officers, and employees acting on its behalf from private treble damage actions and government criminal and civil suits