

Department's") regulations are to 19 CFR Part 351 (2000).

### Background

On December 20, 2000, we published in the **Federal Register** the "Notice of opportunity to request an administrative review" of this order for the period December 1, 1999 through November 30, 2000 (65 FR 79802). On December 8, 2000, Clover, Lucky, and CGS, an importer of POS cooking ware manufactured by Clover and sold by Lucky, requested that the Department conduct an administrative review of the antidumping duty order on POS cooking ware from the People's Republic of China produced by Clover and sold by Lucky.

On January 31, 2001, the Department initiated an administrative review (66 FR 8378). On February 5, 2001, the Department sent a questionnaire to the counsel representing Clover and Lucky. On March 1, 2001, we received a letter on behalf of Clover and Lucky withdrawing their request for a review. On March 7, 2001, we received a letter from CGS also withdrawing its request for a review.

Section 19 CFR 351.213(d)(1) of the Department's regulations provides that the Secretary may permit a party that requests a review to withdraw the request within 90 days after the date of publication of the notice of initiation of the requested review. The Department of Commerce is now rescinding this review because the requesting parties have withdrawn their request for review within the 90 day time limit and no other interested parties have requested a review. This notice also serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: March 20, 2001.

**Holly A. Kuga,**

*Acting Deputy Assistant Secretary for Import Administration.*

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**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-533-809]

#### Certain Stainless Steel Flanges from India

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

**ACTION:** Notice of initiation of new shipper review.

**SUMMARY:** The Department of Commerce has received a request for a new shipper review of the antidumping duty order on certain forged stainless steel flanges (flanges) from India issued on February 9, 1994 (59 FR 5994). In accordance with our regulations, we are initiating a new shipper review covering Metal Forgings Private Limited/Metal Rings and Bearing Races Limited (Metal Forgings).

**EFFECTIVE DATE:** March 28, 2001.

**FOR FURTHER INFORMATION CONTACT:** Thomas Killiam or Michael Heaney, AD/CVD Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482-5222 or (202) 482-4475, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Applicable Statute and Regulations

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

##### Background

The Department received a timely request, in accordance with section 751(a)(2)(B) of the Tariff Act and 19 CFR 351.214(b) of the Department's regulations, for a new shipper review of the antidumping duty order on flanges from India, which has a February anniversary date. (*See* Antidumping Duty Order and Amendment to Final Determination of Sales at Less Than Fair Value, 59 FR 5994 (February 9, 1994). *See also* letter to the Secretary of Commerce from law firm of Ablondi, Foster *et al*, February 28, 2001, requesting a new shipper review.

### Initiation of Review

Pursuant to the Department's regulations at 19 CFR 351.214(b), Metal Forgings certified in its February 28, 2001 submission that it did not export subject merchandise to the United States during the period of the investigation (POI) (July 1, 1992 through December 31, 1992), and that it was not affiliated with any exporter or producer of the subject merchandise to the United States during the POI. Metal Forgings submitted documentation establishing the date on which it first shipped the subject merchandise for export to the United States, the volume shipped, and the date of the first sale to an unaffiliated customer in the United States.

In accordance with section 751(a)(2)(B) of the Tariff Act and section 351.214(d) of the Department's regulations, we are initiating a new shipper review of the antidumping duty order on flanges from India. This review covers the period February 1, 2000 through January 31, 2001. We intend to issue the final results of the review no later than 180 days from the date of publication of this notice.

We will instruct the Customs Service to suspend liquidation of any unliquidated entries of the subject merchandise from Metal Forgings, and allow, at the option of the importer, the posting, until completion of the review, of a bond or security in lieu of a cash deposit for each entry of the merchandise exported by Metal Forgings, in accordance with 19 CFR 351.214(e).

Interested parties may submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305(b).

This initiation and this notice are in accordance with section 751(a) of the Tariff Act (19 U.S.C. 1675(a)) and section 351.214 of the Department's regulations.

Dated: March 21, 2001.

**Joseph A. Spetrini,**

*Deputy Assistant Secretary, AD/CVD Enforcement Group III.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### North American Free-Trade Agreement (NAFTA), Article 1904 Binational Panel Reviews

**AGENCY:** NAFTA Secretariat, United States Section, International Trade

Administration, Department of Commerce.

**ACTION:** Notice of decision of panel.

**SUMMARY:** On March 20, 2001 the binational panel issued its decision in the review of the final antidumping duty determination made by the International Trade Administration, respecting Corrosion-Resistant Carbon Steel Flat Products from Canada, NAFTA Secretariat File Number USA-CDA-98-1904-01. The majority remanded the determination to the Investigating Authority with the following instructions: (1) DOC is required to recalculate Stelco's costs of production, taking account of the year-end return of profits by Baycoat to Stelco. The Panel requires DOC to provide the Panel with the method by which DOC recalculates that cost of production in light of such return of profits. The Panel further requires that DOC explain their methodology in light of the statutory requirements and attendant legislation as interpreted by the Panel; (2) DOC is required to reevaluate the application of 19 U.S.C. 1677 (b)(f)(3) in light of the requirement that DOC adjust the transfer price in accordance with the recalculation set out under (1) immediately above; (3) In its Response Brief, DOC requests a remand to correct any errors on the imputed credit expense and payment date issues, in light of Stelco's complaint. The Panel grants DOC's request and so remands; and (4) DOC is required to provide the Panel with its response to the aforementioned remand instructions within sixty (60) days from the date of this remand. One Panelist concurred in part and dissented in part to the majority opinion. The dissenting Panelist rejects Stelco's challenge to DOC's construction of the applicable statutes and to its findings of facts. In all other respects, he concurred in the remand. Copies of the panel decision are available from the U.S. Section of the NAFTA Secretariat.

**FOR FURTHER INFORMATION CONTACT:** Caratina L. Alston, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, D.C. 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). The panel review in this matter has been conducted in accordance with these Rules.

#### Panel Decision

The panel remanded the final determination of the International Trade Administration with instructions listed above. The determination on remand is due on May 21, 2001.

Dated: March 22, 2001.

**Caratina L. Alston,**

*U.S. Secretary, NAFTA Secretariat.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Policy Statement Regarding Issuance of *Ex-Parte* Memoranda

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

**EFFECTIVE DATE:** February 13, 2000.

**SUMMARY:** The Department of Commerce ("the Department") has revised its policy regarding issuance of *ex-parte* memoranda. We are now announcing this change in policy.

**FOR FURTHER INFORMATION CONTACT:** Roland MacDonald, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230; telephone: (202) 482-1275.

**SUPPLEMENTARY INFORMATION:** In *Nippon Steel Corp. v. United States*, 118 F. Supp. 2d 1366, 1374 (CIT 2000), the Court of International Trade held that the Department's implementation, in the underlying antidumping duty investigation, of the *ex-parte* memoranda provision of its statute constituted a violation of that statute. The Department acknowledges that the *ex-parte* memoranda in that proceeding contained inadequate information and were not timely placed on the record. In

order to assure better compliance with this provision, the following policy statement was issued to all Import Administration staff. In addition, the Office of the Under Secretary for International Trade and the Office of the Secretary were notified.

#### Policy Statement on *ex-parte* Memoranda

All Import Administration staff are instructed that *ex-parte* memoranda required by section 777(a)(3) of the Act will be drafted expeditiously in all cases, reviewed by a person in attendance at the meeting, and placed in the record as soon as possible, so that parties may comment effectively on the factual matters presented. The memoranda are required whether or not the factual information received was received previously, is expected to be received later in the proceeding, or is expected to be used or relied on. This statutory provision is included below.

#### Ex-Parte Meetings

The administering authority and the Commission shall maintain a record of any *ex-parte* meetings between—

(A) interested parties or other persons providing factual information in connection with a proceeding, and

(B) the person charged with making the determination, or any person charged with making a final recommendation to that person, in connection with that proceeding, if information relating to that proceeding was presented or discussed at such meeting.

The record of such an *ex-parte* meeting shall include the identity of the persons present at the meeting, the date, time, and place of the meeting, and a summary of the matters discussed or submitted. The record of the *ex-parte* meeting shall be included in the record of the proceeding.

This policy statement will also be made available on the Department's website at <http://ia.ita.doc.gov/policy/>. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: March 12, 2001.

**Bernard T. Carreau,**

*Deputy Assistant Secretary, Import Administration.*

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