

20, 2002, we received a timely filed submission from Nan Ya alleging that, in the final determination, the Department made two ministerial errors in calculating its margin. On May 28, 2002, we received rebuttal comments from the petitioners.<sup>1</sup>

Nan Ya claims that the figure the Department chose to apply as adverse facts available (AFA) is inconsistent with the Department's underlying rationale for its decision to apply AFA. According to Nan Ya, the Department's methodology for deriving the AFA figure fails to calculate this figure on the basis of different products with different product thicknesses.

In rebuttal the petitioners contend that Nan Ya's allegation must be rejected because it is outside the scope of a ministerial error. The petitioners argue that Nan Ya challenges the Department's chosen "methodology for deriving the adverse facts available figure...." According to the petitioners, taking issue with the Department's substantial findings or methodological decisions are not valid claims of ministerial error.

We disagree with Nan Ya's allegation that our cost adjustment ratio is a ministerial error and, thus, have not recalculated our AFA cost adjustment ratio.

Further, Nan Ya claims that the Department has erroneously excluded the material adjustment offset field in the calculation of its revised total cost of manufacture (COM). In rebuttal, the petitioners agree that the Department's method of calculating conversion costs failed to properly account for Nan Ya's adjustment to material costs. The

petitioners argue, however, that if the Department revises its calculation of COM, it should calculate the conversion cost by summing the labor, variable and fixed overhead costs incurred in the stretching and slitting stages.

In accordance with section 735(e) of the Act, we have determined that with respect to the calculation revising total COM, we agree with Nan Ya that a ministerial error was made in our final margin calculations. Thus, we are amending our final determination in order to correct this ministerial error and consequently to revise the antidumping duty rate for Nan Ya. The revised weighed-average dumping margins for Nan Ya and for All Others are listed below. We did not adopt petitioners' recommended solution because it would require a change to the Department's chosen methodology for calculating Nan Ya's COM and is outside the scope of a ministerial error.

For a detailed analysis of the ministerial errors that we addressed, and the Department's position on each, see the Memorandum to Bernard T. Carreau from Holly A. Kuga and Neal M. Halper, dated concurrently with this notice, regarding Ministerial Error Allegations on file in room B-099 of the Main Commerce building.

#### Antidumping Duty Order

On June 24, 2002, in accordance with section 735(d) of the Act, the International Trade Commission (the Commission) notified the Department of its final determination that an industry in the United States is materially injured by reason of less-than-fair-value imports of subject merchandise from

Taiwan, pursuant to section 735(b)(1)(A) of the Act. Therefore, in accordance with section 736(a)(1) of the Act, the Department will direct U.S. Customs to assess, upon further advice by the Department, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price of the merchandise for all relevant entries of PET film from Taiwan. These antidumping duties will be assessed on all unliquidated entries of subject merchandise from Nan Ya entered, or withdrawn from warehouse, for consumption on or after May 20, 2002, the date of publication of the final determination in the **Federal Register**. For Shinkong Synthetic Fibers Corporation and all other companies, antidumping duties will be assessed on all unliquidated entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after December 21, 2001, the date on which the Department published its *Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Polyethylene Terephthalate Film, Sheet, and Strip (PET Film) From Taiwan*, 66 FR 65889 (December 21, 2001).

On or after the date of publication of this notice in the Federal Register, U.S. Customs must require, at the same time as importers would normally deposit estimated duties, cash deposits for the subject merchandise equal to the estimated weighted-average dumping margins listed below. The "All Others" rate applies to all exporters of subject merchandise not specifically listed below.

Manufacturer/exporter	Margin (percent)	Revised Margin (percent)
Nan Ya Plastics Corporation, Ltd. ....	2.70	2.49
Shinkong Synthetic Fibers Corporation .....	2.05	2.05
All Others .....	2.56	2.40

This notice constitutes the antidumping duty order with respect to PET film from Taiwan. Interested parties may contact the Department's Central Records Unit, Room B-099 of the main Commerce building, for copies of an updated list of antidumping duty orders currently in effect.

This order is issued and published in accordance with section 736(a) of the Act and

19 CFR 351.211.

Dated: June 25, 2002

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

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**BILLING CODE 3510-DS-S**

#### DEPARTMENT OF COMMERCE

##### International Trade Administration

[A-533-824]

#### Notice of Amended Final Antidumping Duty Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Polyethylene Terephthalate Film, Sheet, and Strip from India

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

<sup>1</sup> The petitioners in this investigation are Dupont Teijin Films, Mitsubishi Polyester Film of America

and Toray Plastics (America) Inc. (collectively the petitioners).

**SUMMARY:** We are amending our final determination (see *Notice of Final Determination of Sales at Less Than Fair Value: Polyethylene Terephthalate Film, Sheet, and Strip from India*, 67 FR 34899 (May 16, 2002) (*Final Determination*)) to reflect the correction of a ministerial error made in the final determination. This correction is in accordance with section 735(e) of the Tariff Act of 1930, as amended (the Act) and section 351.224 of the Department of Commerce's (the Department's) regulations. The period of investigation (POI) covered by this amended final determination is April 1, 2000, through March 31, 2001. This notice also constitutes the antidumping duty order with respect to polyethylene terephthalate film, sheet, and strip (PET film) from India.

**EFFECTIVE DATE :** July 1, 2002.

**FOR FURTHER INFORMATION CONTACT:** Timothy Finn, Zev Primor, or Howard Smith at (202) 482-0065, (202) 482-4114, and (202) 482-5193, respectively; AD/CVD Enforcement, Office 4, Group II, Import Administration, Room 1870, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:**

**Applicable Statute and Regulations**

Unless otherwise indicated, all citations to 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 citations to the Department's regulations are to 19 CFR part 351 (April 2001).

**Scope of The Order**

For purposes of this order, the products covered are all gauges of raw, pretreated, or primed PET film, whether extruded or coextruded. Excluded are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer of more than 0.00001 inches thick. Imports of PET film are classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item number 3920.62.00. HTSUS subheadings are provided for convenience and Customs purposes. The written description of the scope of this order is dispositive.

**Amended Final Determination**

On May 16, 2002, in accordance with sections 735(d) and 777(i)(1) of the Act, the Department published its final

determination in this proceeding. See *Final Determination*, 67 FR 34899. Pursuant to 19 CFR 351.224(c), on May 15, 2002, we received a timely filed submission from the petitioners<sup>1</sup> alleging that, in the final determination, the Department made two ministerial errors in calculating the margin for one of the respondents, Ester Industries Limited (Ester). Specifically, the petitioners allege that (1) the Department should use the date of the final determination rather than the date of the preliminary determination as the payment date in calculating U.S. imputed credit expenses for transactions without payment dates, and (2) the Department failed to deduct from the export price (EP) certain bank charges associated with EP sales.

On May 20, 2002, we received rebuttal comments from Ester regarding the petitioners' allegation of ministerial errors. Ester contends that the alleged errors which the petitioners' claim to be ministerial fall outside the definition of a "ministerial error" and, as such, they should not be considered by the Department.

In accordance with section 735(e) of the Act, we have determined that the Department made a ministerial error only with respect to the payment dates used to calculate U.S. imputed credit expenses for transactions without payment dates. We have adjusted our final margin calculations to reflect this correction. This correction changed Ester's final antidumping duty margin from 24.11 percent to 24.14 percent. For a detailed analysis of the alleged ministerial errors, and the Department's position on each, see the Memorandum to Bernard T. Carreau from Holly A. Kuga, dated concurrently with this notice, regarding the subject *Ministerial Error Allegation* on file in room B-099 of the Main Commerce building.

**Antidumping Duty Order**

On June 24, 2002, in accordance with section 735(d) of the Act, the International Trade Commission (the Commission) notified the Department of its final determination that an industry in the United States is materially injured by reason of less-than-fair-value imports of subject merchandise from India, pursuant to section 735(b)(1)(A) of the Act. Therefore, in accordance with section 736(a)(1) of the Act, the Department will direct U.S. Customs to assess, upon further advice by the Department, antidumping duties equal

to the amount by which the normal value of the merchandise exceeds the export price of the merchandise (after adjusting for the export subsidy rate in the companion countervailing duty order) for all relevant entries of polyethylene terephthalate film, sheet, and strip from India. These antidumping duties will be assessed on all unliquidated entries of subject merchandise from India (except for imports of subject merchandise produced and exported by Polyplex Corporation Limited) entered, or withdrawn from warehouse, for consumption on or after December 21, 2001, the date on which the Department published its *Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Polyethylene Terephthalate Film, Sheet, and Strip From India*, (66 FR 65893).

On or after the date of publication of this notice in the **Federal Register**, U.S. Customs must require, at the same time as importers would normally deposit estimated duties, cash deposits for the subject merchandise equal to the estimated weighted-average dumping margins listed below, adjusted for the export subsidy rate in the companion countervailing duty order. The "All Others" rate applies to all exporters of subject merchandise not specifically listed below.

Manufacturer/exporter	Margin (%)
Ester Industries Limited ..	24.14
Polyplex Corporation Limited .....	*****2
All Others .....	24.14

<sup>2</sup> The Department calculated a weighted-average dumping margin of 10.34 percent for Polyplex before adjusting the margin for export subsidies for which the Department determined to impose countervailing duties. However, because the rate for Polyplex is zero after adjusting the dumping margin for the export subsidies in the companion countervailing duty order, Polyplex is excluded from the antidumping duty order.

This notice constitutes the antidumping duty order with respect to polyethylene terephthalate film, sheet, and strip from India. Interested parties may contact the Department's Central Records Unit, Room B-099 of the main Commerce building, for copies of an updated list of antidumping duty orders currently in effect.

This order is issued and published in accordance with section 736(a) of the Act and 19 CFR 351.211.

<sup>1</sup> The petitioners in this investigation are Dupont Teijin Films, Mitsubishi Polyester Film of America and Toray Plastics (America) Inc. (collectively the petitioners).

Dated: June 25, 2002

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-588-854]

#### Certain Tin Mill Products From Japan: Final Results of Changed Circumstances Review

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

**ACTION:** Final results of changed circumstances review.

**EFFECTIVE DATE:** July 1, 2002.

**SUMMARY:** On January 25, 2002, the Department of Commerce ("the Department") published a notice of initiation of a changed circumstances review with the intent to revoke, in part, the antidumping duty order on certain tin mill products from Japan with respect to certain tin-free steel as described below. *See Certain Tin Mill Products From Japan: Notice of Initiation of Changed Circumstances Review of the Antidumping Order*, 67 FR 3686 (January 25, 2002) ("Initiation Notice"). On March 8, 2002, the Department published the preliminary results of the changed circumstances review and preliminarily revoked this order, in part, with respect to future entries of tin-free steel described below, based on the fact that domestic parties have expressed no interest in continuation of the order with respect to these particular tin-free steel products. *See Certain Tin Mill Products from Japan: Preliminary Results of Changed Circumstances Review*, 67 FR 10667 (March 8, 2002) ("Preliminary Results"). In our *Initiation Notice*, and our *Preliminary Results*, we gave interested parties an opportunity to comment; however, we did not receive any comments from domestic parties opposing the partial revocation of the order. On May 7, 2002, Weirton Steel, the only petitioner producer in the underlying investigation, stated that they do not produce the merchandise in question. Weirton did not object to partial revocation. Therefore, in our final results of the changed circumstances review the Department hereby revokes this order with respect to all unliquidated entries for consumption of tin-free steel, as

described below, effective August 1, 2001.

#### FOR FURTHER INFORMATION CONTACT:

Michael Ferrier, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-1394.

*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 of Commerce's (the Department's) regulations are to the regulations at 19 CFR part 351 (2001).

#### SUPPLEMENTARY INFORMATION

##### Background

On August 28, 2000, the Department published in the **Federal Register** the antidumping duty order on certain tin mill products from Japan. *See Notice of Antidumping Duty Order: Certain Tin Mill Products from Japan* 65 FR 52067 (August 28, 2000) (*TMP Order*). On December 3, 2001, Okaya (U.S.A.), Inc. ("Okaya"), a U.S. importer requested that the Department revoke in part the antidumping duty order on certain tin mill products from Japan. Okaya also requested that the partial revocation apply retroactively for all unliquidated entries. Specifically, the U.S. importer requested that the Department revoke the order with respect to imports meeting the following specifications: Steel coated with a metallic chromium layer between 100-200 mg/m<sup>2</sup> and a chromium oxide layer between 5-30 mg/m<sup>2</sup>; chemical composition of 0.05% maximum carbon, 0.03% maximum silicon, 0.60% maximum manganese, 0.02% maximum phosphorous, and 0.02% maximum sulfur; magnetic flux density ("Br") of 10 kg minimum and a coercive force ("Hc") of 3.8 Oe minimum. The U.S. importer indicated that, based on its consultations with domestic producers, the domestic producers lack interest in producing this specialized product.

On January 16, 2002, Weirton Steel, the only petitioner producer in the underlying investigation filed a letter stating that they did not object to the exclusion of this product from the order. Weirton Steel, a domestic producer of tin mill products, together with the Independent Steelworkers Union and the United Steelworkers of America, AFL-CIO, were the petitioners in the

underlying sales at less-than-fair-value investigation (*see Notice of Final Determination of Sales at Less Than Fair Value; Certain Tin Mill Products From Japan*, 65 FR 39364 (June 26, 2000) (*Final LTFV Investigation*). On January 25, 2002, the Department published a notice of initiation of a changed circumstances review of the antidumping duty order on certain tin mill products from Japan with respect to certain tin-free steel. *See Initiation Notice*. On March 8, 2002, the Department published the preliminary results of the changed circumstances review. *See Preliminary Results*. In the *Initiation Notice* and *Preliminary Results*, we indicated that interested parties could submit comments for consideration in the Department's preliminary and final results. We did not receive any comments. On May 7, 2002, Weirton Steel, the only petitioner producer in the underlying investigation, stated that they do not produce the merchandise in question. Weirton did not oppose the partial revocation. *See Memorandum to File From Michael Ferrier*, May 7, 2002.

##### Scope of Review

The products covered by this antidumping order are tin mill flat-rolled products that are coated or plated with tin, chromium or chromium oxides. Flat-rolled steel products coated with tin are known as tin plate. Flat-rolled steel products coated with chromium or chromium oxides are known as tin-free steel or electrolytic chromium-coated steel. The scope includes all the noted tin mill products regardless of thickness, width, form (in coils or cut sheets), coating type (electrolytic or otherwise), edge (trimmed, untrimmed or further processed, such as scroll cut), coating thickness, surface finish, temper, coating metal (tin, chromium, chromium oxide), reduction (single-or double-reduced), and whether or not coated with a plastic material. All products that meet the written physical description are within the scope of this order unless specifically excluded. The following products, by way of example, are outside and/or specifically excluded from the scope of this order:

—Single reduced electrolytically chromium coated steel with a thickness 0.238 mm (85 pound base box) (#10%) or 0.251 mm (90 pound base box) (#10%) or 0.255 mm (#10%) with 770 mm (minimum width) (#1.588 mm) by 900 mm (maximum length if sheared) sheet size or 30.6875 inches (minimum width) (#<sup>1</sup>/<sub>16</sub> inch) and 35.4 inches (maximum