

**DEPARTMENT OF COMMERCE****International Trade Administration****[A-485-806]****Notice of Amended Preliminary Antidumping Duty Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products From Romania**

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

**EFFECTIVE DATE:** June 6, 2001.

**FOR FURTHER INFORMATION CONTACT:** Christopher Riker or Charles Riggle, Office of AD/CVD Enforcement 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482-0186 or (202) 482-0650, respectively.

**Amendment of Preliminary Determination**

The Department of Commerce (the Department) is amending the preliminary determination in the antidumping investigation of certain hot-rolled carbon steel flat products (HRS) from Romania. This amended preliminary determination results in revised antidumping rates.

**Background**

On April 23, 2001, the Department issued its affirmative preliminary determination in this proceeding. See *Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products from Romania*, 66 FR 22194 (May 3, 2001). On May 1, 2001, the Department received timely allegations from certain petitioners<sup>1</sup> of ministerial errors in connection with the preliminary determination.

The petitioners alleged that significant ministerial errors exist, specifically that the Department did not value electricity or methane gas correctly in their factors of production valuation memorandum and erred in not including interest expenses in its normal value calculations. See letter from Dewey Ballantine to the Department of Commerce alleging ministerial errors in the preliminary determination (May 1, 2001).

**Significant Ministerial Error**

A significant ministerial error is defined as a correction which, singly or

in combination with other errors, would result in (1) a change of at least 5 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) 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. See 19 CFR 351.224(g).

**Amended Determination**

The Department has reviewed its preliminary calculations and agrees with the petitioners that it made certain ministerial errors within the meaning of 19 CFR 351.224(f) and (g). We agree with the petitioners that the Department erred in miscalculating the surrogate value for electricity, and should have included interest expenses in the normal value calculations. However, we do not agree that the Department erred in not calculating a surrogate value for methane gas. For a detailed analysis of these allegations, and the Department's determinations, see the May 25, 2001 Memorandum to Bernard T. Carreau from Christopher Riker, regarding *Ministerial Error Allegations* on file in room B-099 of the Main Commerce building. As a result of our analysis of the petitioners' allegations and because those errors were significant within the meaning of 19 CFR 351.224(g), we are amending our preliminary determination to revise the antidumping rates for Sidex Trading, SRL & Sidex International, Plc, Metanef, S.A., Metagrimex, S.A. and Metalexportimport, S.A., in accordance with 19 CFR 351.224(e). Suspension of liquidation will be revised accordingly and parties shall be notified of this determination, in accordance with sections 733(d) and (f) of the Tariff Act of 1930, as amended.

The following weighted-average dumping margins apply:

Manufacturer/exporter	Margin (percent)
Sidex Trading, SRL & Sidex International, Plc .....	50.96
Metanef, S.A. ....	62.37
Metagrimex, S.A. ....	50.23
Metalexportimport, S.A. ....	54.22
Romania-Wide .....	88.62

The Romania-wide rate has not been amended, and applies to all entries of the subject merchandise except for entries from exporters/producers that are identified individually above.

This determination is issued and published pursuant to sections 733(f) and 777(i)(1) of the Act.

Dated: May 29, 2001.

**Faryar Shirzad,**

*Assistant Secretary for Import Administration.*

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**DEPARTMENT OF COMMERCE****International Trade Administration****[A-580-839]****Notice of Final Results of Changed Circumstances Antidumping Duty Review: Certain Polyester Staple Fiber From the Republic of Korea**

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

**SUMMARY:** We have completed the changed circumstances review of the antidumping duty order on polyester staple fiber from the Republic of Korea. We determine that the Huvis Corporation is not the successor-in-interest to the Samyang Corporation, SK Chemicals Co., Ltd., or to the Samyang Corporation and SK Chemicals Co. jointly and that the Huvis Corporation is subject to the "all others" rate calculated in the antidumping duty investigation.

**EFFECTIVE DATE:** June 6, 2001.

**FOR FURTHER INFORMATION CONTACT:** Sally Hastings or Craig Matney at (202) 482-3464 or (202) 482-1778, respectively; AD/CVD Enforcement Group I, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:****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 19 CFR Part 351 (2000).

**Background**

On May 25, 2000, the Department of Commerce (the Department) issued an antidumping duty order on certain polyester staple fiber (PSF) from the Republic of Korea (Korea). See *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Polyester Staple Fiber from Republic of*

<sup>1</sup> The petitioners who alleged ministerial errors were Bethlehem Steel Corporation, LTV Steel Company, Inc., National Steel Corporation, and U.S. Steel Group, a unit of USX Corporation.

Korea, 65 FR 33807 (May 25, 2000). The order excluded merchandise produced by Samyang Corporation (Samyang), which had been found to be dumping at a *de minimis* level. SK Chemicals Co., Ltd. (SK Chemicals), was not examined in the investigation and its entries of subject merchandise are currently being suspended at the "all others" cash deposit rate of 11.35 percent.

On November 20, 2000, Samyang and the Huvis Corporation (Huvis) informed the Department that Samyang and SK Chemicals had established Huvis as a 50–50 joint venture, effective November 1, 2000. They requested that the Department conduct a changed circumstances review pursuant to section 751(b)(1) of the Act and 19 CFR 351.216(b). Samyang and Huvis argued that Huvis is the successor-in-interest to Samyang and, therefore, is entitled to exclusion from the antidumping order. In the alternative, they asked that the Department find that Huvis is a successor to Samyang and SK Chemicals jointly and that the Department calculate a weighted-average cash deposit rate for Huvis based on Samyang's and SK Chemical's rates.

The Department found "good cause" to conduct a changed circumstances review and on January 9, 2001, concurrently issued a notice of initiation and preliminary results. *See Notice of Initiation and Preliminary Results of Changed Circumstances Antidumping Duty Review: Certain Polyester Staple Fiber from the Republic of Korea*, 66 FR 1642 (January 9, 2001) (*Preliminary Results*). In the *Preliminary Results*, we determined that Huvis is not the successor-in-interest to Samyang, SK Chemicals, or both companies jointly. In addition, we preliminarily found that Huvis is covered by the antidumping duty order as a producer and exporter of PSF from Korea. Consequently, we instructed the Customs Service to suspend liquidation and to collect estimated antidumping duties at the "all others" rate of 11.35 percent on all entries of subject merchandise produced and exported by Huvis retroactive to November 1, 2000.

On January 24, 2001, we received a request from an importer of PSF from Korea, Stein Fibers, Ltd. (Stein Fibers), to clarify our instructions to the Customs Service with respect to subject merchandise which Stein Fibers claimed was produced by Samyang, but not entered until after November 1, 2000.

The Department issued instructions to the Customs Service on April 6, 2001, to liquidate without regard to dumping duties entries which were sold, produced, and exported by Samyang

prior to November 1, 2000. For those entries that Stein Fibers claimed were produced and sold by Samyang but exported after November 1, 2000, we instructed the Customs Service to continue to suspend liquidation at a cash deposit rate of 0.00 percent until further notice. In these instructions, we stated that we would analyze, in the context of the final results of the changed circumstances review, whether these were shipments of merchandise sold, produced, and exported by Samyang or Huvis.

On April 24, 2001, we received a letter from Huvis stating that it did not intend to challenge the preliminary results of the changed circumstances review. We received a letter from the petitioners, E.I. DuPont de Nemours and Co., Artega Specialities S.a.r.l., d/b/a KoSa, Wellman Inc., and Intercontinental Polymers, Inc., on May 1, 2001, stating that they agreed with the preliminary results of the changed circumstances review.

#### Scope of the Order

The product covered by this order is certain polyester staple fiber. Certain polyester staple fiber is defined as synthetic staple fibers, not carded, combed or otherwise processed for spinning, of polyesters measuring 3.3 decitex (3 denier, inclusive) or more in diameter. This merchandise is cut to lengths varying from one inch (25 mm) to five inches (127 mm). The merchandise subject to this order may be coated, usually with a silicon or other finish, or not coated. PSF is generally used as stuffing in sleeping bags, mattresses, ski jackets, comforters, cushions, pillows, and furniture. Merchandise of less than 3.3 decitex (less than 3 denier) classified under the *Harmonized Tariff Schedule of the United States* (HTSUS) at subheading 5503.20.00.20 is specifically excluded from this order. Also specifically excluded from this order is polyester staple fibers of 10 to 18 denier that are cut to lengths of 6 to 8 inches (fibers used in the manufacture of carpeting). In addition, low-melt PSF is excluded from this order. Low-melt PSF is defined as a bi-component fiber with an outer sheath that melts at a significantly lower temperature than its inner core.

The merchandise subject to this order is classified in the HTSUS at subheadings 5503.20.00.40 and 5503.20.00.60. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of this order is dispositive.

#### Final Results of Changed Circumstances Antidumping Review

No new information or argument has been submitted that would alter the conclusion we reached in our preliminary results. Therefore, we determine that Huvis is not the successor-in-interest to either Samyang or SK individually, or to Samyang and SK jointly, and that entries of merchandise produced by Huvis are subject to the antidumping duty order on PSF from Korea at the "all others" rate. We will continue to suspend liquidation for merchandise produced and exported by Huvis on or after November 1, 2000, the date of the joint-venture merger of Samyang and SK Chemicals, and to require the deposit of estimated duties at the "all others" rate of 11.35 percent.

With respect to the imports of subject merchandise by Stein Fibers, it is not necessary, at this time, to determine whether these entries were of Samyang or Huvis merchandise. We will continue to suspend the liquidation of these entries, which are listed in the April 6, 2001, message to Customs, at 0.00 percent. These entries will be covered by the results of an administrative review of the antidumping duty order on PSF from Korea, if requested during the anniversary month, or automatic assessment, as appropriate.

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with section 19 CFR 351.306 of the antidumping duty regulations. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

These final results and notice are in accordance with sections 751(b)(1) and 777(i)(1) of the Act and section 351.216 of the Department's regulations.

Dated: May 29, 2001.

**Faryar Shirzad,**

*Assistant Secretary for Import Administration.*

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