

**DEPARTMENT OF COMMERCE****International Trade Administration****[C-533-829]****Final Affirmative Countervailing Duty Determination: Prestressed Concrete Steel Wire Strand From India**

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

**ACTION:** Notice of final affirmative countervailing duty investigation.

**SUMMARY:** On July 8, 2003, the Department of Commerce (the Department) published in the **Federal Register** its preliminary affirmative determination in the countervailing duty investigation of prestressed concrete steel wire strand (PC strand or subject merchandise) from India for the period April 1, 2001, through March 31, 2002.

The program rates determined in this final determination do not differ from those determined in the preliminary determination. The final net rate for all Indian producers/exporters of subject merchandise is listed below in the "Suspension of Liquidation" section of this notice.

**EFFECTIVE DATE:** December 8, 2003.

**FOR FURTHER INFORMATION CONTACT:**

Robert Copyak at (202) 482-2209 or Alicia Kinsey at (202) 482-4793, Office of AD/CVD Enforcement VI, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, Room 4012, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:****Background**

The petition in this investigation was filed by American Spring Wire Corp., Insteel Wire Products Company, and Sumiden Wire Products Corp. (collectively, the petitioners). On July 8, 2003, the Department published the preliminary determination. See *Notice of Preliminary Affirmative Countervailing Duty Determination: Prestressed Concrete Steel Wire Strand from India*, 68 FR 40629 (July 8, 2003) (*Preliminary Determination*), which is on file in room B-099 in the Central Records Unit of the main Commerce building (CRU).

In accordance with section 705(a)(1) of the Tariff Act of 1930, as amended (the Act), we aligned this final determination with the final determination in the antidumping duty investigation of PC strand from India. See *Preliminary Determination*, 68 FR

40629, 40631. We invited interested parties to comment on the Department's findings in the *Preliminary Determination*. On August 27, 2003, we received comments from petitioners supporting the Department's preliminary analysis. We received no other comments. This investigation covers all producers/exporters of subject merchandise in India for the period April 1, 2001, through March 31, 2002.

**Scope of the Investigation**

The merchandise subject to this investigation is prestressed concrete steel wire (PC strand), which is steel strand produced from wire of non-stainless, non-galvanized steel, which is suitable for use in prestressed concrete (both pre-tensioned and post-tensioned) applications. The product definition encompasses covered and uncovered strand and all types, grades, and diameters of PC strand.

The merchandise under this investigation is currently classifiable under subheadings 7312.10.3010 and 7312.10.3012 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

**Analysis of Comments Received**

The Department's positions on the subsidy programs addressed in this case are discussed in the "Issues and Decision Memorandum" (Decision Memorandum) from Holly A. Kuga, Acting Deputy Assistant Secretary, AD/CVD Enforcement II, to James J. Jochum, Assistant Secretary for Import Administration, dated December 1, 2003, which is hereby adopted by this notice. This public memorandum, which is on file in the CRU, also contains the recommended adverse facts available program rates and the adverse facts available total net subsidy rate. A complete version of the Decision Memorandum can be accessed on the World Wide Web at <http://www.ia.ita.doc.gov>, under the heading "Federal Register Notices." The paper copy on file in the CRU and the electronic version of the Decision Memorandum are identical in content.

**Suspension of Liquidation**

In accordance with section 703(b) of the Act, we have calculated the following countervailing duty rate for all Indian producers/exporters of subject merchandise:

Producer/exporter	Net subsidy rate
All producers/exporters.	62.92% <i>ad valorem</i>

In accordance with our preliminary affirmative determination, we instructed U.S. Customs and Border Protection (CBP) to suspend liquidation of all entries of prestressed concrete steel wire strand from India, which were entered or withdrawn from warehouse, for consumption on or after July 8, 2003, the date of the publication of our preliminary determination in the **Federal Register**. In accordance with section 703(d) of the Act, we instructed the CBP to discontinue the suspension of liquidation for merchandise entered on or after November 5, 2003, but to continue the suspension of liquidation of entries made between July 8, 2003, and November 4, 2003.

If the International Trade Commission (ITC) issues a final affirmative injury determination, we will issue a countervailing duty order, reinstate suspension of liquidation under section 706(a) of the Act for all entries, and require a cash deposit of estimated countervailing duties for such entries of merchandise in the amount indicated above. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

**ITC Notification**

In accordance with section 705(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided that the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order (APO), without the written consent of the Assistant Secretary for Import Administration.

**Return or Destruction of Proprietary Information**

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to comply is a violation of the APO.

This determination is published pursuant to sections 705(d) and 777(i) of the Act.

Dated: December 1, 2003.

**James J. Jochum,**

*Assistant Secretary for Import Administration.*

## Appendix I—Issues and Decision Memorandum

### Summary

#### *Methodology and Background Information*

#### I. Use of Facts Available

#### II. Programs Determined to Confer Subsidies

##### A. Government of India Programs

1. Pre-shipment and Post-shipment Export Financing
2. Duty Entitlement Passbook Scheme (DEPS)
3. Export Promotion Capital Goods Scheme (EPCGS)
4. Loans From the Steel Development Fund (SDF)
5. Exemption of Export Credit From Interest Taxes
6. Advance Licenses
7. Income Tax Exemption Scheme (Section 80 HHC)

##### 8. Loan Guarantees From the GOI

##### B. State of Maharashtra (SOM) Programs

1. Sales Tax Incentives
2. Capital Incentive Scheme
3. Electricity Duty Exemption Scheme
4. Octroi Refund Scheme
5. Exemption of Sales and Purchase Taxes for Certain Investments Related to Automobiles or Automobile Components

##### C. Program in the State of Bihar

1. Sales Tax Incentives
2. Programs in the State of Jharkhand
1. Sales Tax Incentives
2. Captive Electricity Generative Plant Subsidy
3. Interest Subsidy
4. Stamp Duty and Registration
5. Pollution Control Equipment Subsidy
6. Mega Units
7. Captive Electricity Tax Exemptions

##### E. Program in the State of Gujarat

1. Sales Tax Incentives

#### III. Total Ad Valorem Rate

#### IV. Recommendation

[FR Doc. 03–30389 Filed 12–5–03; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### North American Free-Trade Agreement, Article 1904, NAFTA Panel Reviews; Request for Panel Review

**AGENCY:** NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

**ACTION:** Notice of first request for panel review.

**SUMMARY:** On November 24, 2003, the Canadian Wheat Board filed a First

Request for Panel Review with the United States Section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free Trade Agreement. Panel review was requested of the final results of the Injury determination made by the United States International Trade Commission, respecting Hard Red Spring Wheat from Canada. This determination was published in the **Federal Register**, (68 FR 60707) on October 23, 2003. The NAFTA Secretariat has assigned Case Number USA–CDA–2003–1904–06 to this request.

#### **FOR FURTHER INFORMATION CONTACT:**

Caratina L. Alston, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 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).

A first Request for Panel Review was filed with the United States Section of the NAFTA Secretariat, pursuant to Article 1904 of the Agreement, on November 24, 2003, requesting panel review of the final determination described above.

The Rules provide that:

(a) A Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 39 within 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is December 24, 2003);

(b) A Party, investigating authority or interested person that does not file a Complaint but that intends to appear in support of any reviewable portion of the final determination may participate in the panel review by filing a Notice of Appearance in accordance with Rule 40

within 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is January 8, 2004); and

(c) the panel review shall be limited to the allegations of error of fact or law, including the jurisdiction of the investigating authority, that are set out in the Complaints filed in the panel review and the procedural and substantive defenses raised in the panel review.

Dated: December 1, 2003.

**Caratina L. Alston,**

*United States Secretary, NAFTA Secretariat.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 112503B]

#### Draft Strategic Plan for Fisheries Research (2004)

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** NMFS announces the availability of and seeks public comment on the draft NMFS Strategic Plan for Fisheries Research (2004). The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) requires the Secretary of Commerce to develop, triennially, a strategic plan for fisheries research for the subsequent years. Any written comments on the draft plan will be considered by NMFS in the development of the final NMFS Strategic Plan for Fisheries Research (2004).

**DATES:** Comments on the draft NMFS Strategic Plan for Fisheries Research (2004) will be accepted on or before January 7, 2004.

**ADDRESSES:** Comments on and requests for copies of the draft NMFS Strategic Plan for Fisheries Research (2004) should be directed to Mark Chandler, Research, Analysis, and Coordination Division, Office of Science and Technology, NMFS, NOAA, 1315 East-West Highway, Silver Spring, MD 20910. PHONE: (301) 713–2363. FAX: (301) 713–1875.

*Electronic Access:* The draft NMFS Strategic Plan for Fisheries Research (2004) may be reviewed in its entirety