

Dated: October 15, 2004.

Jeffrey A. May,

Acting Assistant Secretary for Import  
Administration.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-867]

#### Automotive Replacement Glass Windshields From the People's Republic of China: Final Results of Administrative Review

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

**ACTION:** Notice of final results of the first  
administrative review of automotive  
replacement glass windshields from the  
People's Republic of China.

**SUMMARY:** The Department of Commerce  
("the Department") published its  
preliminary results of administrative  
review of the antidumping duty order  
on automotive replacement glass  
windshields ("ARG") from the People's  
Republic of China ("PRC") on May 7,  
2004. *See Automotive Replacement  
Glass Windshields from the People's  
Republic of China: Preliminary Results  
of Antidumping Duty Administrative  
Review* 69 FR 25545 (May 7, 2004)  
("Preliminary Results"). The period of  
review ("POR") is September 19, 2001,  
through March 31, 2003.

Based on our analysis of the  
comments we received, we have made  
changes from the preliminary results of  
review. Therefore, the final results differ  
from the *Preliminary Results* with  
respect to the weighted-average  
dumping margins. The final weighted-  
average dumping margin for the  
reviewed firms is listed below in the  
section entitled "Final Results of the  
Review."

**DATES:** Effective October 21, 2004.

**FOR FURTHER INFORMATION CONTACT:** Will  
Dickerson or Jon Freed, Import  
Administration, International Trade  
Administration, U.S. Department of  
Commerce, 14th Street and Constitution  
Avenue, NW., Washington, DC 20230;  
telephone: (202) 482-1778 and (202)  
482-3818, respectively.

#### Background

On May 21, 2003, the Department  
published in the **Federal Register** a  
notice of the initiation of the  
antidumping duty administrative review  
of ARG from the PRC for the period

September 19, 2001, through March 31,  
2003. *See Initiation of Antidumping and  
Countervailing Duty Administrative  
Reviews and Request for Revocation in  
Part*, 68 FR 27781 (May 21, 2003). The  
respondents included Changchun  
Pilkington Safety Glass Company, Ltd.,  
Shanghai Yaohua Pilkington Autoglass  
Company, Ltd., Wuhan Yaohua  
Pilkington Safety Glass Company, Ltd.,  
Guilin Pilkington Safety Glass  
Company, Ltd. (collectively "Pilkington  
JVs"), Dongguan Kongwan Automobile  
Glass Ltd. and Peaceful City, Ltd.,  
(collectively "Peaceful City"), Fuyao  
Glass Industry Group company, Ltd.  
("Fuyao"), Shenzhen CSG Automotive  
Glass Co., Ltd. (formerly Shenzhen  
Benxun AutoGlass Co., Ltd.)  
("Shenzhen CSG"), TCG International,  
Inc. ("TCGI"), and Xinyi Automotive  
Glass (Shenzhen) Co., Ltd. ("Xinyi").

On September 8, 2003, the  
Department published a notice in the  
**Federal Register** rescinding the  
administrative reviews of TCGI, Xinyi,  
and Shenzhen CSG. *See Certain  
Automotive Replacement Glass  
Windshields from the People's Republic  
of China: Notice of Partial Rescission of  
the Antidumping Duty Administrative  
Review*, 68 FR 52893 (September 8,  
2003) ("Notice of Rescission").

In the Department's original  
investigation, Shenzhen Benxun  
AutoGlass Co., Ltd. ("Benxun") received  
a rate separate from the PRC-wide  
entity. When Shenzhen CSG requested  
an administrative review, it indicated it  
was the company known formerly as  
Benxun, but that it had undergone a  
name change since the Department's  
original investigation. On July 8, 2003,  
Shenzhen CSG withdrew its request for  
an administrative review. Because  
Shenzhen CSG withdrew its request for  
administrative review, the Department  
did not have the information necessary  
to make a successor-in-interest  
determination. Therefore, the  
Department did not determine that  
Shenzhen CSG was entitled to receive  
the same antidumping rate accorded  
Benxun within the context of this  
administrative review. In a changed-  
circumstance review subsequent to the  
September 8, 2003, Notice of Rescission,  
the Department determined that entries  
of merchandise from Shenzhen CSG are  
eligible for Benxun's cash-deposit rate.  
*See Notice of Final Results of  
Antidumping Duty Changed  
Circumstances Review: Automotive  
Replacement Glass Windshields from  
the People's Republic of China*, 69 FR  
43388 (July 20, 2004).

We invited parties to comment on our  
preliminary results of review. *See  
Preliminary Results*. On June 7, 2004,

the Department received case briefs  
from PNA, Fuyao, and Shenzhen CSG.  
On June 9, 2004, the Department  
received an untimely filed case brief  
from Peaceful City, which it rejected in  
accordance with 19 CFR 351.302(d). *See  
Letter to Peaceful City Rejecting Case  
Brief*, dated July 9, 2004. We did not  
receive any rebuttal comments. We have  
now completed the administrative  
review in accordance with section 751  
of the Tariff Act of 1930, as amended  
("the Act").

#### Scope of Order

The products covered by this order  
are ARG windshields, and parts thereof,  
whether clear or tinted, whether coated  
or not, and whether or not they include  
antennas, ceramics, mirror buttons or  
VIN notches, and whether or not they  
are encapsulated. ARG windshields are  
laminated safety glass (*i.e.*, two layers of  
(typically float) glass with a sheet of  
clear or tinted plastic in between  
(usually polyvinyl butyral)), which are  
produced and sold for use by  
automotive glass installation shops to  
replace windshields in automotive  
vehicles (*e.g.*, passenger cars, light  
trucks, vans, sport utility vehicles, etc.)  
that are cracked, broken or otherwise  
damaged.

ARG windshields subject to this order  
are currently classifiable under  
subheading 7007.21.10.10 of the  
Harmonized Tariff Schedules of the  
United States (HTSUS). Specifically  
excluded from the scope of the order are  
laminated automotive windshields sold  
for use in original assembly of vehicles.  
While HTSUS subheadings are provided  
for convenience and customs purposes,  
our written description of the scope of  
the order is dispositive.

#### Facts Available

In the instant review, for the  
preliminary results, the Department  
applied the petition rate as adverse facts  
available, in accordance with section  
776(a) of the Act, to Peaceful City  
because Peaceful City withheld certain  
information that had been requested by  
the Department, it failed to provide  
certain information by the Department's  
statutory deadlines, it significantly  
impeded the Department's investigation,  
and it failed to provide certain  
information that could be verified  
pursuant to sections 776(a)(2)(A), (B),  
(C) and (D) of the Act. *See Preliminary  
Results*, 69 FR at 25550-25555. There is  
no argument on the record to cause us  
to reconsider our decision in the  
*Preliminary Results*. Therefore, we have  
determined that the application of facts  
available continues to be appropriate  
with respect to Peaceful City.

### Corroboration of Adverse Facts Available

We corroborated the adverse facts-available rate we have applied to Peaceful City in the investigation and in the preliminary results of this administrative review. *See Preliminary Results*, 69 FR at 25555–25556, citing *Memorandum from Jon Freed to Robert Bolling: Preliminary Results in the Antidumping Administrative Review of Automotive Replacement Glass Windshields from the People's Republic of China: First Administrative Review Corroboration Memorandum*, dated April 29, 2004 (“*First Review Corroboration Memo*”), with attached *Memorandum from Edward Yang to Joseph Spetrini: Preliminary Determination in the Antidumping Investigation of Automotive Replacement Glass Windshields from the People's Republic of China: Total Facts Available Corroboration Memorandum for All Others Rate*, dated September 10, 2001 (“*Corroboration Memo*”). In the *Preliminary Results*, the Department found the facts-available rate of 124.5 percent to be both reliable and relevant. *Id.* The Department explained in its *Preliminary Results* that it would reexamine the relevancy of the petition rate to this administrative review by considering all margins on the record at the time of the final results. *See* 69 FR at 25556.

To assess the relevancy of the total adverse facts-available rate it has chosen, the Department compared the final margin calculations of other respondents in this administrative review with the rate of 124.5 percent from the original petition. We find the rate is within the range of the highest margins we have determined in this administrative review. *See Memorandum from Jon Freed to Robert Bolling: Final Results in the Antidumping Administrative Review of Automotive Replacement Glass Windshields from the People's Republic of China: First Administrative Review Final Corroboration Memorandum*, dated October 14, 2004 (“*First Review Final Corroboration Memo*”). Since the record of this administrative review contains margins within the range of the petition margin, we determine that the rate from the petition continues to be relevant for use in this administrative review. Further, the rate used is currently applicable to all exporters subject to the PRC-wide rate.

As the petition rate is both reliable and relevant, we determine that it has probative value. As a result, the Department determines that the petition rate is corroborated for the purposes of

this administrative review and may reasonably be applied to Peaceful City as a total adverse facts-available rate. Accordingly, we determine that the highest rate from any segment of this administrative proceeding (*i.e.*, the calculated rate of 124.50 percent) is in accord with the requirement under section 776(c) of the Act that secondary information be corroborated (*i.e.*, have probative value).

Consequently, we are applying a single antidumping rate, the highest rate from any segment of this administrative proceeding, to Peaceful City's exports based on Peaceful City's failure to be reasonably prepared during the verification and its resulting failure to substantiate the majority of its factors of production, which were reported in its questionnaire responses. *See, e.g., Final Determination of Sales at Less Than Fair Value: Synthetic Indigo from the People's Republic of China*, 65 FR 25706, 25707 (May 3, 2000).

### Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the “Issues and Decision Memorandum” (“*Decision Memorandum*”) from Jeffrey A. May, Deputy Assistant Secretary, for Import Administration, to James J. Jochum, Assistant Secretary for Import Administration, dated October 14, 2004, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the *Decision Memorandum*, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in the *Decision Memorandum*, which is on file in the Central Records Unit, Room B–099 of the main Department building. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Web at <http://ia.ita.doc.gov/frn/index.html>. The paper copy and electronic version of the *Decision Memorandum* are identical in content.

### Changes Since the Preliminary Results

Based on our analysis of comments received, we have made changes in the margin calculations for PNA. The specific calculation changes can be found in our *Final Analysis Memo*, dated October 14, 2004. The changes to the margin calculations are listed below:

- For the calculation of imputed credit, inventory-carrying cost, and marine insurance, the Department used the net price (*i.e.*, gross price—price-list discount) rather than gross price in

order to base these adjustments on the amounts actually paid. *See Decision Memorandum* at Comment 7.

- In the preliminary results, the Department inadvertently overstated the marine insurance value. For the final results, the Department reduced the marine insurance value by two decimal places. *See Decision Memorandum* at Comment 8.

- In the preliminary results, the Department inadvertently valued metal clips with the surrogate value for labels. For the final results, the Department valued metal clips with the value listed on page 5 of the *Factors Valuation Memorandum*. *See Decision Memorandum* at Comment 9.

- The Department double-counted two elements of the packing labor calculation of normal value in the preliminary results of review. For the final results, the Department corrected this inadvertent error. *See Decision Memorandum* at Comment 10.

### Final Results of Review

We determine that the following percentage margins exist on exports of ARG windshields from the PRC for the period September 19, 2001, through March 31, 2003:

#### AUTOMOTIVE REPLACEMENT GLASS WINDSHIELDS FROM THE PRC

Producer/manufacturer/exporter	Weighted-average margin (percent)
Fuyao .....	*0.13
Peaceful City/Dongguan .....	
Kongwan .....	124.50
Pilkington .....	2.88

\**De minimis*.

### Assessment Rates

In accordance with 19 CFR 351.212(b)(1), we have calculated exporter/importer (or customer)-specific assessment rates for merchandise subject to this review. The Department will issue appraisal instructions directly to U.S. Customs and Border Protection (“CBP”) within 15 days of publication of these final results of administrative review. We will direct CBP to assess the resulting assessment rates against the entered customs values for the subject merchandise on each of that importer's entries under the relevant order during the review period.

To determine whether the duty assessment rates were *de minimis*, in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we calculated importer (or customer)-specific *ad valorem* rates by aggregating the dumping margins calculated for all

U.S. sales to that importer (or customer) and dividing this amount by the total value of the sales to that importer (or customer). Where an importer (or customer)-specific *ad valorem* rate was greater than *de minimis* (i.e., 0.5%), we calculated a per unit assessment rate by aggregating the dumping margins calculated for all U.S. sales to that importer (or customer) and dividing this amount by the total quantity sold to that importer (or customer). Where an importer (or customer)-specific *ad valorem* rate was *de minimis*, we will order CBP to liquidate appropriate entries without regard to antidumping duties.

### Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of ARG windshields from the PRC entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) The cash deposit rates for the reviewed companies will be the rates shown above except that the Department shall require no deposit of estimated antidumping duties for firms whose weighted-average margins are less than 0.5% and therefore *de minimis*; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in these or any previous reviews, the cash deposit rate will be the "all others" rate, which is 124.5 percent.

These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

### Notification of Interested Parties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of the antidumping

duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders ("APOs") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. 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 violation which is subject to sanction.

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

Dated: October 14, 2004.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

### Appendix 1—Issues in the Decision Memorandum

#### Fuyao's Comments

Comment 1: Water as a Separate Component of Normal Value

Comment 2: Certain Inputs as a Separate Component of Normal Value

#### Shenzhen CSG's Comments

Comment 3: Liquidation Instructions for Shenzhen CSG's Entries

#### PNA's Comments

Comment 4: Proper Set of Sales as Basis for the Margin for PNA

Comment 5: Rejection of Market Purchases from Indonesia, Thailand, and South Korea

Comment 6: Surrogate Profit Ratio

Comment 7: Allocation of Credit Expense, Inventory Carrying Cost, and Marine Insurance

Comment 8: Market-Price Value for Marine Insurance 1

Comment 9: Surrogate Value for Metal Clips

Comment 10: Double-Counting of Labor

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-588-846]

### Certain Hot-Rolled Flat-Rolled Carbon-Quality Steel Products From Japan; Final Results of the Expedited Sunset Review of Antidumping Duty Order

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

**ACTION:** Notice of expedited sunset review of antidumping duty order on certain hot-rolled flat-rolled carbon-quality steel products from Japan; Final results.

**SUMMARY:** On May 3, 2004, the Department of Commerce ("the Department") initiated a sunset review of the antidumping duty order of certain hot-rolled flat-rolled carbon-quality steel products ("hot-rolled steel") from Japan.<sup>1</sup> On the basis of the notice of intent to participate, adequate substantive comments filed on behalf of the domestic interested parties, and inadequate response from respondent interested parties, (in this case, no response) the Department conducted an expedited sunset review of the antidumping duty order pursuant to section 751(c)(3)(B) of the Tariff Act of 1930, as amended, and section 351.218(c)(1)(ii)(B) of the Department's regulations. As a result of this sunset review, the Department determined that revocation of the antidumping duty order would likely lead to continuation or recurrence of dumping at the levels listed below in the section entitled "Final Results of Review".

**EFFECTIVE DATE:** October 21, 2004.

#### FOR FURTHER INFORMATION CONTACT:

Martha V. Douthitt, Office of Policy, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-5050.

#### SUPPLEMENTARY INFORMATION:

#### Background

On May 3, 2004, the Department initiated a sunset review of the antidumping duty order on hot-rolled steel products from Japan in accordance with section 751(c) of the Tariff Act of 1930, as amended ("the Act"). See *Notice of Initiation*, 69 FR 24118 (May 3, 2004).

The Department received Notices of Intent to Participate within the applicable deadline specified in section 351.218(d)(1)(i) of the Department's regulations on behalf of Nucor Corporation ("Nucor"), United States Steel Corporation ("U.S. Steel"), International Steel Group, Inc. ("ISG"), Gallatin Steel Company ("Gallatin"), IPSCO Steel Inc. ("IPSCO"), Steel Dynamics, Inc. ("SDI"), and Ispat Inland Inc. ("Ispat"), a division of Ispat Inland Flat Products, (collectively "domestic interested parties").<sup>2</sup> The domestic

<sup>1</sup> See *Initiation of Five-Year ("Sunset") Reviews*, 69 FR 24118 (May 3, 2004) ("Notice of Initiation").

<sup>2</sup> Gallatin, IPSCO, SDI, U.S. Steel and Ispat were petitioners in the original investigation.