

**SUPPLEMENTARY INFORMATION:** On December 6, 1996, the Department published the final results of its administrative review of the countervailing duty order on certain iron-metal castings from India for the period January 1, 1993 through December 31, 1993. *See Final Results of Countervailing Duty Administrative Review: Certain Iron-Metal Castings from India*, 61 FR 64687 (1993 *Iron-metal Castings*). Subsequently, respondents challenged the final results before the Court of International Trade (CIT). The primary complaint of their challenge involved the calculation of the program rates for the subsidies provided under section 80 HHC of India's Income Tax Act.

Under section 80HHC of India's Income Tax Act, exporters of iron-metal castings are eligible to claim tax exemptions based on their export profits. In 1993 *Iron-Metal Castings*, the Department calculated these subsidies without adjusting for other subsidies received under India's International Price Reimbursement Scheme (IPRS). As section 80HHC was also the subject of litigation for the review period 1991 in *Kajaria Iron Casting Pvt. v. United States*, Consolidated Court No. 95-09-01240 (*Kajaria*), litigation for the review period 1993 was stayed pending finalization of *Kajaria*. After the CIT affirmed the Department's remand determination for the 1991 administrative review (*see Kajaria*, slip op. 2001-5 (CIT Jan. 24, 2001)), the Department published a notice of amended final results in accordance with that opinion. *See Certain Iron-metal Castings from India: Amended Final Results of Countervailing Duty Administrative Review In Accordance With Decision Upon Remand* (66 FR 24115, May 11, 2001). In lieu of pursuing further litigation with respect to the administrative review of the review period 1993, the parties have entered into a settlement agreement. The parties agreed to countervailing duty rates that were calculated based on the methodology approved by the CIT in *Kajaria*. On March 8, 2002, the CIT approved the settlement agreement and dismissed the lawsuit. *See Siko Exports v. United States*, Consol. Ct. No., 97-01-00005 (CIT Mar. 8, 2002) (Order of Dismissal).

#### Final Results of Review

Pursuant to the settlement agreement, we recalculated the company-specific and all-other subsidy rates for the period January 1, 1993, through December 31, 1993. The amended final countervailing duty rates are:

Manufacturer/Exporter	Revised Rates
Delta .....	0.00%
Super Iron Foundry .....	<i>de minimis</i>
All Others .....	4.60%

The Department will instruct the U.S. Customs Service (Customs) to assess countervailing duties on all appropriate entries. The Department will issue liquidation instructions directly to Customs.

This amendment to the final results of countervailing duty administrative review notice is in accordance with sections 751(a)(1) and 777(i) of the Tariff Act, as amended, (19 U.S.C. 1675(a)(1) and 1677f(i)), and 19 CFR 351.221(b)(5).

Dated: May 7, 2002

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-533-063]

#### Certain Iron-metal Castings from India: Amended Final Results of Countervailing Duty Administrative Review Pursuant to Settlement

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

**ACTION:** Notice of amendment to final results of countervailing duty administrative review.

**SUMMARY:** On June 13, 1997, the Department of Commerce ("the Department") published in the Federal Register its final results of administrative review of the countervailing duty order on certain iron-metal castings from India for the period 1994 ( 62 FR 32297). Pursuant to a settlement agreement, the Department has recalculated the countervailing duty rates. The final countervailing duty rates for this review period are listed below in the *Final Results of Review* section of this notice.

**EFFECTIVE DATE:** May 16, 2002.

#### FOR FURTHER INFORMATION CONTACT:

Robert Copyak, Office of AD/CVD Enforcement VI, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W. Washington, D.C. 20230; telephone: (202) 482-2786.

**SUPPLEMENTARY INFORMATION:** On June 13, 1997, the Department published the

final results of its administrative review of the countervailing duty order on certain iron-metal castings from India for the period January 1, 1994 through December 31, 1994. *See Final Results of Countervailing Duty Administrative Review: Certain Iron-Metal Castings from India*, 62 FR 32297 (1994 *Iron-metal Castings*). Subsequently, respondents challenged the final results before the Court of International Trade (CIT). The primary complaint of their challenge involved the calculation of the program rates for the subsidies provided under section 80 HHC of India's Income Tax Act.

Under section 80HHC of India's Income Tax Act, exporters of iron-metal castings are eligible to claim tax exemptions based on their export profits. In 1994 *Iron-Metal Castings*, the Department calculated these subsidies without adjusting for other subsidies received under India's International Price Reimbursement Scheme (IPRS). As section 80HHC was also the subject of litigation for the review period 1991 in *Kajaria Iron Casting Pvt. v. United States*, Consolidated Court No. 95-09-01240 (*Kajaria*), litigation for the review period 1994 was stayed pending finalization of *Kajaria*. After the CIT affirmed the Department's remand determination for the 1991 administrative review (*see Kajaria*, slip op. 2001-5 (CIT Jan. 24, 2001)), the Department published a notice of amended final results in accordance with that opinion. *See Certain Iron-metal Castings from India: Amended Final Results of Countervailing Duty Administrative Review In Accordance With Decision Upon Remand* (66 FR 24115 May 11, 2001). In lieu of pursuing further litigation with respect to the administrative review of the review period 1994, the parties have entered into a settlement agreement. The parties agreed to countervailing duty rates that were calculated based on the methodology approved by the CIT in *Kajaria*. On March 7, 2002, the CIT approved the settlement agreement and dismissed the lawsuit. *See Shree Rama v. United States*, Consol. Ct. No., 97-07-01099 (CIT Mar. 7, 2002)(Order of Dismissal).

#### Final Results of Review

Pursuant to the settlement agreement, we recalculated the company-specific and all-other subsidy rates for the period January 1, 1994, through December 31, 1994. The amended final countervailing duty rates are:

Manufacturer/Exporter	Revised Rates
Calcutta Ferrous .....	3.21%

Manufacturer/Exporter	Revised Rates
Carnation Enterprises Pvt. Ltd. ....	de minimis
Commex Corporation .....	1.42%
Crescent Enterprise Pvt. Ltd. ....	7.22%
Dinesh .....	5.85%
Kajaria .....	12.82%
Kejriwal Iron & Steel Works .....	10.20%
Nandikeshwari .....	3.12%
R.B. Agarwalla .....	1.47%
RSI .....	3.95%
Serampore .....	7.37%
Shree Rama Enterprise ..	8.75%
Siko Exports .....	4.20%
Super Iron Foundry .....	de minimis
Victory Castings Ltd. ....	2.10%

The Department will instruct the U.S. Customs Service (Customs) to assess countervailing duties on all appropriate entries. The Department will issue liquidation instructions directly to Customs.

This amendment to the final results of countervailing duty administrative review notice is in accordance with sections 751(a)(1) and 777(i) of the Tariff Act, as amended, (19 U.S.C. 1675(a)(1) and 1677f(i)), and 19 CFR 351.221(b)(5).

Dated: May 7, 2002

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-533-825]

#### Notice of Final Affirmative Countervailing Duty Determination: Polyethylene Terephthalate Film, Sheet, and Strip (PET Film) From India

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

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

**SUMMARY:** The Department of Commerce has made a final determination that countervailable subsidies are being provided to certain producers and exporters of PET film from India. For information on the estimated countervailing duty rates, please see the "Suspension of Liquidation" section, below.

**EFFECTIVE DATE:** May 16, 2002.

#### FOR FURTHER INFORMATION CONTACT:

Mark Manning or Karine Gziryan, (202) 482-5253 and (202) 482-4081,

respectively, Office of AD/CVD Enforcement IV, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

#### SUPPLEMENTARY INFORMATION:

#### The Applicable Statute and Regulations

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

#### Case History

Since the publication of the preliminary determination in the **Federal Register** (see *Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determination: Polyethylene Terephthalate Film, Sheet, and Strip (PET film) from India*, 66 FR 53389 (October 22, 2001) (*Preliminary Determination*)), the following events have occurred:

From October 30, 2001 to November 9, 2001, we conducted a verification of the questionnaire responses submitted by the Government of India (GOI),<sup>1</sup> Ester Industries Ltd. (Ester), Garware Polyester Ltd. (Garware), Garware's affiliated input supplier, Garware Chemicals Ltd. (Garware Chemicals), and Polyplex Corporation Ltd. (Polyplex). On December 12, 2001, we published a notice postponing the final determination in the companion antidumping duty investigation until May 6, 2002. See *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 India*, 66 FR 65893 (December 12, 2001). Because of the alignment of this countervailing duty investigation with the companion antidumping duty investigation, the final determination in this countervailing duty investigation was also postponed until May 6, 2002.

On February 25 and 26, 2002, we received case briefs from the petitioners, DuPont Teijin Films, Mitsubishi

Polyester Film, and Toray Plastics (America) Inc. (collectively, the petitioners), the GOI, Ester, and Garware and Garware Chemicals. On March 7, 2002, we received rebuttal briefs from all parties that had submitted case briefs. On March 20, 2002, a public hearing was held at the Department of Commerce.

In addition, on October 22, 2001, six producers and exporters of PET film from India, Ester, Flex Industries Limited (Flex), Garware, Jindal Polyester Ltd. (Jindal), MTZ Polyfilms Ltd., and Polyplex, submitted a proposal for a suspension agreement in this investigation. Subsequently, on January 22, 2002, we met with counsel for the GOI, Ester, Flex, Jindal, and Polyplex to discuss this proposal, but no agreement resulted from this meeting. For further details, see Memorandum to the file dated May 6, 2002 on proposed suspension agreement.

#### Scope of the Investigation

For purposes of this investigation, 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 proceeding is dispositive.

#### Injury Test

Because India is a "Subsidy Agreement Country" within the meaning of section 701(b) of the Act, the International Trade Commission (ITC) is required to determine whether imports of the subject merchandise from India materially injure or threaten material injury to a U.S. industry. On July 11, 2001, the ITC published its preliminary determination finding that there is a reasonable indication that an industry in the United States is being materially injured by reason of imports from India of subject merchandise. See *Polyethylene Terephthalate Film, Sheet, and Strip From India and Taiwan*, 66 FR 36292 (July 11, 2001).

#### Period of Investigation

The period of investigation (POI) for which we are measuring subsidies is April 1, 2000, through March 31, 2001, which corresponds to the period for the

<sup>1</sup> We conducted a verification of the responses submitted by the GOI at the GOI, the Government of the State of Uttaranchal, and the Government of the State of Maharashtra.