

The revised weighted-average dumping margin for the period August 1, 2002, through July 31, 2003, are listed below:

Manufacturer/exporter	Revised margin (percent)
V&M do Brasil, S.A	7.96

Cash Deposit Rates

The following antidumping duty deposits will be required on all shipments of seamless line pipe products from Brazil entered, or withdrawn from warehouse, for consumption, effective on or after the publication date of the amended final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed company will be the rate listed above; (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, the previous review, or the original 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 this or any previous reviews, the cash deposit rate will be 124.94 percent, the "All Others" rate established in the less-than-fair-value investigation. These cash deposit requirements shall remain in effect until publication of the final results of the next administrative review.

Assessment Rates

In accordance with section 19 CFR 356.8(a), the Department will issue appropriate assessment instructions directly to U.S. Customs and Border Protection (CBP) on or after 41 days following the publication of these amended final results of review to effect the *Final Results* and these amended final results.

We are issuing and publishing these amended final results and notice in accordance with sections 751(a)(1), 751(h) and 771(i) of the Act.

Dated: March 14, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. E5-1223 Filed 3-18-05; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-533-842]

Final Affirmative Countervailing Duty Determination: Bottle-Grade Polyethylene Terephthalate (PET) Resin From India

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

SUMMARY: The Department of Commerce (the Department) has reached a final determination that countervailable subsidies are being provided to producers and exporters of Bottle-Grade (BG) Polyethylene Terephthalate (PET) Resin from India. For information on the estimated countervailable subsidy rates, please see the "Final Determination" section of this notice.

EFFECTIVE DATE: March 21, 2005.

FOR FURTHER INFORMATION CONTACT: Douglas Kirby or Addilyn Chams-Eddine, AD/CVD Operations, Office 6, Import Administration, U.S. Department of Commerce, Room 7866, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-3782 or (202) 482-0648, respectively.

SUPPLEMENTARY INFORMATION:

Case History

On August 30, 2004 the Department published the *Notice of Preliminary Affirmative Countervailing Duty Determination and Alignment with Final Antidumping Duty Determination: Bottle-Grade Polyethylene Terephthalate (PET) Resin from India*, 69 FR 52866 (August 30, 2004) (*Preliminary Determination*). Since the issuance of the *Preliminary Determination*, the following events have occurred. Between September 9 and November 17, 2004, the Department issued supplemental questionnaires to each of the respondent parties and all parties submitted timely responses to the questionnaires. On September 29, 2004, the United States PET Resin Producers Coalition (Petitioner) requested a hearing pursuant to 19 CFR 351.310(c) and the Department's *Preliminary Determination*.

From December 2 through December 17, 2004, the Department conducted verification of the questionnaire responses provided by the Government of India (GOI) and the four respondent parties: Reliance Industries, Ltd. (Reliance), Futura Polyesters, Ltd. (Futura), South Asia Petrochem Ltd. (SAPL), and Elque Polyesters Ltd. (Elque). The Department issued the GOI

and the Reliance Industries Ltd. (Reliance) verification reports on January 25, 2005. See Memoranda to the File, *Countervailing Duty Investigation of Polyethylene Terephthalate (PET) Resin from India: Verification of the Government of India's (GOI) Questionnaire Responses (GOI Verification Report)*; and *Countervailing Duty Investigation of Polyethylene Terephthalate (PET) Resin from India: Verification of Reliance Industries Ltd. (Reliance Verification Report)*. The Department issued the Elque, Futura, and SAPL verification reports on January 26, 2004. See Memoranda to the File, *Countervailing Duty Investigation of PET Resin from India: Verification of Elque Ltd. (Elque Verification Report)*; *Countervailing Duty Investigation of Polyethylene Terephthalate (PET) Resin from India: Verification of Futura Polyesters Ltd. (Futura Verification Report)*; and *Countervailing Duty Investigation of PET Resin from India: Verification of South Asia Petrochem Ltd. (SAPL Verification Report)*. In addition, on February 14, 2005, the Department issued a memorandum containing our preliminary analysis of the Export Oriented Unit (EOU) programs which we had noted in the *Preliminary Determination* were programs for which additional information was needed. See Memoranda to the File from Sean Carey, Acting Program Manager, through Dana S. Mermelstein, Acting Director, AD/CVD Operations, Office 6, to Barbara E. Tillman, Acting Deputy Assistant Secretary, for Import Administration, *Countervailing Duty Investigation of Polyethylene Terephthalate (PET) Resin from India: Preliminary Analysis of the Export Oriented Unit (EOU) Program on Duty Drawback on Furnace Oil Procured from Domestic Oil Companies Program and Purchases of Materials and Other Inputs Free of Central Excise Duty (EOU Program Memorandum)*.

On February 4, 2005, case briefs were filed by the Petitioner, the GOI, Reliance, and SAPL. On February 9, 2005, the Petitioner, Reliance, and SAPL filed rebuttal briefs. Neither Futura nor Elque filed case or rebuttal briefs. On February 11, 2005, the Petitioner withdrew its request for a hearing.

The Department also allowed parties a separate opportunity to file comments and rebuttal comments on our *EOU Program Memorandum*. On February 17, 2005, such comments were filed by the Petitioner, the GOI, Reliance and SAPL. On February 22, 2005, the Petitioner submitted rebuttal comments. Also, on February 17, 2005, Reliance requested that the Department proceed with a hearing. On February 18, and February

22, 2005, the Petitioner requested that the Department reject Reliance's request for a hearing as untimely. The Department concurred with the Petitioner that under section 351.310 of the Department's regulations, the request for a hearing was untimely. See Memorandum to the File from Douglas M. Kirby, Case Analyst, Office 6, Import Administration, to Dana S. Mermelstein, Acting Director, AD/CVD Operations, Office 6, *Countervailing Duty Investigation: Polyethylene Terephthalate (PET) Resin from India; Response to the February 17, 2005 Submission of Reliance Industries Limited (Reliance)*, dated February 24, 2005.

Period of Investigation

The period of investigation (POI) for which we are measuring subsidies is April 1, 2003, through March 31, 2004, which corresponds to the most recently completed fiscal year for all of the respondent companies. See section 351.204(b)(2) of the Department's regulations.

Scope of the Investigation

The merchandise covered by this investigation is polyethylene terephthalate (PET) bottle-grade resin, defined as having an intrinsic viscosity of at least .68 deciliters per gram but not more than .86 deciliters per gram. The scope includes bottle-grade PET resin that contains various additives introduced in the manufacturing process. The scope does not include post-consumer recycle (PCR) or post-industrial recycle (PIR) PET resin; however, included in the scope is any bottle-grade PET resin blend of virgin PET bottle-grade resin and recycled PET (RPET). Waste and scrap PET are outside the scope of the investigation. Fiber-grade PET resin, which has an intrinsic viscosity of less than .68 deciliters per gram, is also outside the scope of the investigation.

The merchandise subject to this investigation is properly classified under subheading 3907.60.0010 of the Harmonized Tariff Schedule of the United States (HTSUS); however, merchandise classified under HTSUS subheading 3907.60.0050 that otherwise meets the written description of the scope is also subject to these investigations. 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

All issues raised by the interested parties in their case and rebuttal briefs,

as well as their comments on our *EOU Program Memorandum* are addressed in the "Issues and Decision Memorandum" (*Decision Memorandum*), dated March 14, 2005, which is hereby adopted by this notice. A list of the issues which parties have raised is attached to this notice as Appendix I. Parties can find a complete discussion of all issues raised in this investigation and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit (CRU) at Room B099 of the main Commerce building. A complete version of the *Decision Memorandum* is available at <http://www.ia.ita.doc.gov> under the heading "Federal Register Notices." The paper copy and the electronic version of the *Decision Memorandum* are identical in content.

Final Determination

In accordance with section 705(c)(1)(B)(i) of the Act, we have determined individual rates for Reliance, SAPL, Futura, and Elque. To calculate the "all others" rate, we weight-averaged the individual company rates by each company's respective sales of subject merchandise made to the United States during the POI. These rates are summarized in the table below:

Producer/exporter	Subsidy rate (percent ad valorem)
Reliance Industries Ltd	20.26
South Asia Petrochem Ltd	19.08
Futura Polyesters Ltd	6.15
Elque Polyesters Ltd	12.41
All Others	14.63

Suspension of Liquidation

In accordance with our preliminary affirmative determination, we instructed U.S. Customs and Border Protection (CBP) to suspend liquidation of all entries of PET Resin from India, which were entered or withdrawn from warehouse, for consumption on or after August 30, 2004, the date of the publication of our *Preliminary Determination* in the **Federal Register**. In accordance with section 703(d) of the Act, we instructed CBP to discontinue the suspension of liquidation for merchandise entered on or after December 28, 2004, but to continue the suspension of liquidation of entries made between August 30, 2004, through December 27, 2004.

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 at the rates 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 issued and published pursuant to sections 705(d) and 777(i) of the Act.

Dated: March 14, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

Appendix I: Issues and Decision Memorandum

I. List of Comments

- Comment 1: Futura's Debonding and Adjustment to Duty Free Exemptions
- Comment 2: Futura's Central Sales Tax Reimbursement
- Comment 3: WBIDC Investment in SAPL
- Comment 4: DEPS Credit Offset
- Comment 5: EOU Exemptions on Raw Materials
- Comment 6: Program-Wide Change of DEPS Rate
- Comment 7: Numerator and Denominator for the EPCGS Subsidy Calculation
- Comment 8: Benchmark Interest Rates for EPCGS
- Comment 9: EPCGS Benefits Received in the POI
- Comment 10: Allocation of EPCGS Benefits and 0.5 Percent Test
- Comment 11: Reliance's Loan Benchmarks

- for State of Maharashtra (SOM) and State of Gujarat (SOG) Sales Tax Incentive Programs
- Comment 12: Average Useful Life (AUL) for SAPL's Assets
- Comment 13: Effective Interest Rate of SAPL's Pre-Shipment Export Loans
- Comment 14: Treatment of Exemptions on Imported Capital Goods
- Comment 15: SAPL's Cash Deposit Rate
- Comment 16: Central Sales Tax Reimbursements on Raw Materials
- Comment 17: EOU Duty Drawback on Furnace Oil

II. Subsidies Valuation Information

- A. Loan Benchmarks
- B. Allocation Period
- C. Trading Company Subsidies

III. Analysis of Programs

A. Programs Determined To Confer Subsidies

1. GOI Programs

- a. Pre- and Post-Shipment Export Financing
 - b. Duty Entitlement Passbook Scheme (DEPS)
 - c. Income Tax Exemption Scheme, Section 80 HHC
 - d. Export Promotion Capital Goods Scheme (EPCGS)
 - e. Export Oriented Units (EOUs) Program: Duty Drawback on Furnace Oil Procured From Domestic Oil Companies
 - f. Export Oriented Units (EOUs) Program: Duty-Free Import of Capital Goods and Raw Materials
 - g. Export Oriented Units (EOUs) Program: Reimbursement of Central Sales Tax (CST) Paid on Materials Procured Domestically
2. State Programs
- a. State of Gujarat (SOG) Program: Sales Tax Incentive Scheme
 - b. State of Maharashtra (SOM) Program: Sales Tax Incentive Scheme
 - c. State of West Bengal (SWB) Sales Tax Incentive Scheme

B. GOI Program Determined To Be Not Countervailable

- Export Oriented Units (EOUs) Programs: Purchase of Material and Other Inputs Free of Central Excise Duty

C. Programs Determined To Be Not Used

GOI Programs

- a. Status Certificate Program
 - b. Market Development Assistance
 - c. Income Tax Exemption Scheme (Sections 10A and 10B)
 - d. Loan Guarantees from the GOI
 - e. Special Economic Zones (SEZs) formerly called Export Processing Zones (EPZs)
- D. Program Determined To Be Terminated
- Exemption of Export Credit From Interest Taxes GOI Programs

IV. Analysis of Comments

V. Recommendation

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-549-824]

Final Negative Countervailing Duty Determination: Bottle-Grade Polyethylene Terephthalate (PET) Resin From Thailand

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

SUMMARY: The Department of Commerce (the Department) has reached a final determination that countervailable subsidies are not being provided to producers of bottle-grade (BG) PET Resin from Thailand. For information on the estimated countervailable subsidy rates, please see the "Final Determination" section of this notice.

DATES: *Effective Date:* March 21, 2005.

FOR FURTHER INFORMATION CONTACT: Dara Iserson or Thomas Gilgunn, AD/CVD Operations, Office 6, Import Administration, U.S. Department of Commerce, Room 7866, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-4052 and (202) 482-4236, respectively.

SUPPLEMENTARY INFORMATION:

Case History

On August 30, 2004, the Department published the *Preliminary Negative Countervailing Duty Determination and Alignment With Final Antidumping Duty Determination: Bottle-Grade Polyethylene Terephthalate (PET) Resin From Thailand*, 69 FR 52862 (August 30, 2004) (*Preliminary Determination*). Since the *Preliminary Determination*, the Department issued additional supplemental questionnaires to, and conducted verification of the responses provided by, the Royal Thai Government (RTG), Bangkok Polyester Company (BPC), Thai Shinkong Industry Corporation Limited (Thai Shinkong), Indopet Thailand Limited (Indopet), and Asiapet Thailand Limited (Asiapet) (collectively—"Respondents").

The Department issued the RTG, Indopet, Thai Shinkong, and BPC verification reports on January 10, 2005. See Memoranda to the File from Thomas Gilgunn to Dana Mermelstein, *Countervailing Duty Investigation of Bottle Grade Polyethylene Terephthalate (PET) Resin from Thailand: Verification of the Questionnaire Responses Submitted by the Royal Thai Government (RTG); Countervailing Duty Investigation of Bottle Grade Polyethylene Terephthalate (PET) Resin from Thailand: Verification of the*

Questionnaire Responses Submitted by Indopet (Thailand) Limited (Indopet); Countervailing Duty Investigation of Bottle Grade Polyethylene Terephthalate (PET) Resin from Thailand: Verification of the Questionnaire Responses Submitted by Thai Shinkong Industry Company Limited (Thai Shinkong); and Countervailing Duty Investigation of Bottle Grade Polyethylene Terephthalate (PET) Resin from Thailand: Verification of the Questionnaire Responses Submitted by Bangkok Polyester Public Company Limited (BPC). On January 18, 2005, the Department issued the Asiapet verification report. see *Countervailing Duty Investigation of Bottle Grade Polyethylene Terephthalate (PET) Resin from Thailand: Verification of the Questionnaire Responses Submitted by Asiapet Thailand Limited (Asiapet).*

On January 21, 2005, case briefs were filed by Petitioner and by all Respondents: RTG, Indopet, Asiapet, Thai Shinkong, and BPC. On January 26, 2005, Respondents and Petitioner filed their respective rebuttal briefs. On February 3, 2005, Respondents filed letter objecting to "untimely legal information" filed in the Petitioner's January 26, 2005, rebuttal brief. On February 7, 2005, Petitioners responded to the arguments raised in Respondent's February 3, 2005, letter. On February 9, 2005, the Department notified Petitioners that certain legal information raised in its January 26, 2005, rebuttal brief did not comply with section 351.309(d)(2) of the regulations. On February 10, 2005, Petitioner refiled its rebuttal brief.

Period of Investigation

The period of investigation (POI) for which we are measuring subsidies is January 1, 2003, through December 31, 2003, which corresponds to the most recently completed fiscal year for the respondent companies. See section 351.204(b)(2) of the Department's regulations.

Scope of the Investigation

The merchandise covered by this investigation is polyethylene terephthalate (PET) bottle-grade resin, defined as having an intrinsic viscosity of at least .68 deciliters per gram but not more than .86 deciliters per gram. The scope includes bottle-grade PET resin that contains various additives introduced in the manufacturing process. The scope does not include post-consumer recycle (PCR) or post-industrial recycle (PIR) PET resin; however, included in the scope is any bottle-grade PET resin blend of virgin PET bottle-grade resin and recycled PET (RPET). Waste and scrap PET are