

and Border Protection (CBP) to assess antidumping duties on NSA's and Renesas's imports of LG DRAMs during POR 1 and POR 2 at the cash deposit rate imposed upon entry rather than the rates determined for the manufacturer in POR 1 and POR 2.

NSA and Renesas filed a complaint with the CIT challenging the Department's liquidation instructions to CBP concerning entries produced and exported by LG and imported by NSA and Renesas during POR 1 and POR 2. On August 18, 2003, the CIT remanded these cases ordering the Department to rescind the liquidation instructions and issue new instructions instructing CBP to liquidate or re-liquidate NSA's and Renesas's entries at the antidumping rates covering LG for POR 1 and POR 2.

As noted above, on September 15, 2003, Micron filed a motion for reconsideration with the Court and on May 3, 2004, the motion for reconsideration was denied. On July 1, 2004, a motion of appeal was filed by the Department with the CAFC.

#### Timken Notice

In its decision in *Timken*, the CAFC held that pursuant to 516a(c)(1) and (e) of the Tariff Act of 1930, as amended, the Department must publish notice of a decision of the CIT which is not in harmony with the Department's determination. The CIT's decision in *NSA* and *Renesas* were not in harmony with the Department's liquidation instructions. Therefore, publication of this notice fulfills the statutory obligation.

#### Suspension of Liquidation

This notice will serve to continue the suspension of liquidation pending a final decision by the CAFC. Because the CIT issued an injunction on March 20, 2000, for NSA and on April 11, 2000, for Renesas, the Department will continue to suspend liquidation of entries of DRAMs from the Republic of Korea that (1) were produced and exported by LG, and imported by NSA and Renesas; (2) were entered or withdrawn from warehouse, for consumption, from October 29, 1992, through April 30, 1995. The Department will issue liquidation instructions covering these entries if the CIT's decision is affirmed on appeal.

Dated: July 12, 2004.

**Jeffrey A. May,**

*Deputy Assistant Secretary for Import Administration, Group I.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration (A-533-820)

#### Certain Hot-Rolled Carbon Steel Flat Products from India; Notice of Rescission of Antidumping Duty Administrative Review

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

**ACTION:** Notice of Rescission of Antidumping Duty Administrative Review.

**SUMMARY:** On January 22, 2004, the Department of Commerce (the Department) published in the **Federal Register** a notice announcing the initiation of an administrative review of the antidumping duty order on certain hot-rolled carbon steel flat products (HRS or subject merchandise) from India covering Essar Steel Ltd., (Essar) and the period December 1, 2002, through November 30, 2003. We are rescinding this review as a result of the absence of entries into the United States of subject merchandise from Essar during the period of review (POR).

**EFFECTIVE DATE:** July 19, 2004.

**FOR FURTHER INFORMATION CONTACT:** Kevin Williams or Howard Smith, Office IV, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-2371 or (202) 482-5193, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On December 3, 2001, the Department published in the **Federal Register** the antidumping duty order on HRS from India. See *Notice of Amended Final Antidumping Duty Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Hot-Rolled Carbon Steel Flat Products from India*, 66 FR 60194 (December 3, 2001). On December 2, 2003, the Department published in the **Federal Register** a notice of "Opportunity to Request Administrative Review" of the antidumping duty order on HRS from India. See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 68 FR 67401 (December 2, 2003). On December 30 and 31, 2003, petitioners, Nucor Corporation and U.S. Steel Corporation, respectively, requested an administrative review of the

antidumping duty order on HRS from India covering Essar. The Department initiated this review on January 22, 2004. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 69 FR 3117 (January 22, 2004). On February 10, 2004, Essar filed a letter certifying to the Department that it did not export any subject merchandise that was entered for consumption into the United States during the POR. The Department confirmed through U.S. Customs and Border Protection (CBP) data that there were no entries of subject merchandise from Essar during the POR. Moreover, the Department invited petitioners to comment on our intent to rescind this review with respect to Essar. We received no comments. See the May 17, 2004, memorandum to the file regarding "Intent to Rescind the Antidumping Duty Administrative Review on Certain Hot-Rolled Carbon Steel Flat Products From India."

#### Rescission of Review

Because the only firm for which a review was requested made no entries into the customs territory of the United States during the POR, the Department is rescinding this review. This determination is consistent with the Department's practice and 19 C.F.R. § 351.213(d)(3). As such, we will issue appropriate assessment instructions directly to CBP.

#### Notification to Interested Parties

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 C.F.R. § 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice is published in accordance with section 777(i) of the Tariff Act of 1930, as amended and 19 C.F.R. § 351.213(d)(4).

Dated: July 12, 2004.

**Jeffrey A. May,**

*Deputy Assistant Secretary for Import Administration, Group I.*

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