

with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: September 3, 2002.

**Faryar Shirzad,**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-451-801]

#### **Notice of Initiation of Inquiry Into the Status of Lithuania as a Non-Market Economy Country for Purposes of the Antidumping and Countervailing Duty Laws Under a Changed Circumstances Review of the Solid Urea Order Against Lithuania**

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

**ACTION:** Notice of initiation and request for comments.

**DATES:** September 10, 2002.

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

George Smolik, Office of Policy, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-1843.

**SUMMARY:** The Department of Commerce is initiating an inquiry into the status of Lithuania as a non-market economy country for purposes of the antidumping and countervailing duty laws under a changed circumstances review of the solid urea order against Lithuania.

#### **The Applicable Statute**

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended ("the Act") are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department of Commerce's ("Department") regulations are to 19 CFR part 351 (2002).

#### **Background**

On May 15, 2002, the Department received a letter from the Embassy of Lithuania requesting a review of Lithuania's status as a non-market economy ("NME") country. On June 5, 2002, the Government of Lithuania submitted a document supporting its request for market economy status. On August 20, 2002, the Department

received a letter from the Embassy of Lithuania requesting that the Department review this issue under a changed circumstances review of the solid urea order against Lithuania. In response to this latter request, the Department is initiating an inquiry into Lithuania's status as an NME in the context of a changed circumstances review of the solid urea order against Lithuania pursuant to sections 751(b) and 771(18)(C)(ii) of the Act.

The Department has treated Lithuania as a NME country in all past antidumping duty investigations and administrative reviews. *See, e.g., Urea From the Union of Soviet Socialist Republics; Final Determination of Sales at Less Than Fair Value*, 52 FR 19557 (May 26, 1987); and, *Solid Urea from the Union of Soviet Socialist Republics; Transfer of the Antidumping Duty Order on Solid Urea From the Union of Soviet Socialist Republics to the Commonwealth of Independent States and the Baltic States and Opportunity to Comment*, 57 FR 28828 (June 29, 1992). A designation as a NME remains in effect until it is revoked by the Department. *See* section 771(18)(C)(i) of the Act.

#### **Opportunity for Public Comment**

As part of this inquiry to determine whether to revoke Lithuania's NME status, the Department is interested in receiving public comment with respect to Lithuania on the factors listed in section 771(18)(B) of the Act, which the Department must take into account in making a market/non-market economy determination: (i) The extent to which the currency of the foreign country is convertible into the currency of other countries; (ii) the extent to which wage rates in the foreign country are determined by free bargaining between labor and management; (iii) the extent to which joint ventures or other investments by firms of other foreign countries are permitted in the foreign country; (iv) the extent of government ownership or control of the means of production; (v) the extent of government control over allocation of resources and over price and output decisions of enterprises; and, (vi) such other factors as the administering authority considers appropriate.

#### **Comments—Deadline, Format, and Number of Copies**

The deadline for submission of comments will be 45 days after the date of publication of this notice in the **Federal Register**. All comments should be filed at the Department of Commerce Central Records Unit located at the address listed below. Rebuttal

comments may be submitted up to 30 days after the date initial comments are due. Each person submitting comments should include his or her name and address, and give reasons for any recommendation. To facilitate their consideration by the Department, comments should be submitted in the following format: (1) Begin each comment on a separate page; (2) concisely state the issue identified and discussed in the comment and include any supporting documentation in exhibits or appendices; (3) provide a brief summary of the comment (a maximum of 3 sentences) and label this section "summary of comment;" (4) provide an index or table of contents; and (5) include the case number A-451-801 in the top right hand corner of the submission. To simplify the processing and distribution of comments, the Department requires the submission of documents in electronic form accompanied by an original and six copies in paper form. We require that documents filed in electronic form be on DOS formatted 3.5" diskettes and prepared in either WordPerfect 9 format or a format that the WordPerfect program can convert and import into Word Perfect 9. Please submit comments in separate files on the diskette. Comments received on diskette will be made available to the public on the Internet at Import Administration's Web site, <http://ia.ita.doc.gov>. Paper copies will be available for reading and photocopying in the Central Records Unit, Room B-099, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street, NW., Washington, DC 20230. Any questions concerning file formatting, document conversion, access on the Internet, or other file requirements should be addressed to Andrew Lee Beller, Import Administration Webmaster, (202) 482-0866.

#### **Hearing**

After reviewing all comments and rebuttal comments, the Department will determine if a public hearing on the NME country issue is warranted, if one is requested in the initial or rebuttal comments on this issue, and, if so, will announce a place and time for that hearing.

This determination is issued and published in accordance with sections 751(b) and 771(18)(C)(ii).

Dated: August 30, 2002.

**Faryar Shirzad,**

*Assistant Secretary for Import Administration.*

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