

Report notes that the company's name change is meant to reflect its recent expansion in the film business, specifically mentioning its acquisition of Rexor in France. See Jindal's December 6, 2004, questionnaire response at Exhibit N-3 (page 20 of Jindal Poly Films Limited's 2003-2004 Annual Report). However, we found no evidence of any material change in Jindal's management structure that was associated with the name change. We compared lists of Jindal's upper and lower level managers before and after the acquisition of Rexor and found the management to be substantially the same. See Jindal's January 7, 2005, questionnaire response at Exhibits 10 and 11. Furthermore, Jindal reported that the new production line at Nashik was managed by the same upper and lower level managers that ran its existing production line at Nashik. See Jindal's February 8, 2005, questionnaire response at 3. Additionally, the record indicates that there have been no changes in Jindal's supplier relationships and no significant changes to Jindal's customer base in the United States or India. Thus, despite the expansion that was associated with the name change (the new PET film production line at Nashik increased Jindal's production capacity by more than 60 percent), the Department finds that Jindal continued to essentially operate as it had prior to the addition of the new production line.

Further, we did not find any evidence that Jindal's acquisition of Rexor affected its operations with respect to the sale of subject merchandise to the United States. See the Memorandum to the File from Jeff Pedersen regarding Rexor's Impact on Jindal Poly Films Limited's Sales Operations, dated concurrently with this notice. Also, Rexor's descriptions of its product lines at its Web site (<http://www.rexor.com/>) almost exclusively concern non-subject merchandise and the intended audience appears to be European customers. Thus, with respect to subject merchandise, the record does not indicate that Jindal's expansion of its film business has transformed its operations to such an extent that Jindal Poly Films Limited should not be viewed as a continuation of Jindal Polyester Limited for antidumping purposes.

*Results of Antidumping Duty Changed Circumstances Review*, 59 FR 6944, 6945 (February 14, 1994) wherein the Department stated "that an inquiry into the validity of a claim of successorship to a respondent company should focus on that company's sales and production of the merchandise encompassed by the order."

Therefore, we preliminarily determine that Jindal Poly Films Limited is the successor-in-interest for purposes of antidumping duties to Jindal Polyester Limited and should receive the same antidumping duty rate as Jindal Polyester Limited. If these preliminary results are adopted in our final results of this changed circumstances review, we will instruct U.S. Customs and Border Protection to suspend shipments of subject merchandise made by Jindal Poly Films Limited, entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this changed circumstances review at Jindal Polyester Limited's cash deposit rate. See *Granular Polytetrafluoroethylene Resin from Italy; Final Results of Antidumping Duty Changed Circumstances Review*, 68 FR 25327 (May 12, 2003). This deposit rate shall remain in effect until publication of the final results of the next administrative review in which Jindal Poly Films Limited participates.

#### Public Comment

Any interested party may request a hearing within 10 days of publication of this notice. See 19 CFR 351.310(c). Any hearing, if requested, will be held 21 days after the date of publication of this notice, or the first working day thereafter. Interested parties may submit case briefs and/or written comments no later than 14 days after the date of publication of this notice. See 19 CFR 351.309(c)(ii). Rebuttal briefs and rebuttals to written comments, which must be limited to issues raised in such briefs or comments, may be filed no later than 19 days after the date of publication of this notice. See 19 CFR 351.309(d). Parties who submit arguments are requested to submit with the argument (1) a statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities.

Consistent with 19 CFR 351.216(e), we will issue the final results of this changed circumstances review no later than 270 days after the date on which this review was initiated.

We are issuing and publishing this determination and notice in accordance with sections 751(b)(1) and 777(i)(1) of the Act and 19 CFR 351.216.

Dated: April 15, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-533-842]

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

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

**SUMMARY:** On March 21, 2005, the Department of Commerce (Department) published in the **Federal Register** the final affirmative countervailing duty determination on bottle-grade polyethylene terephthalate (PET) resin from India for the period from April 1, 2003, to March 31, 2004. *Final Affirmative Countervailing Duty Determination: Bottle-Grade Polyethylene Terephthalate (PET) Resin from India*, 70 FR 13460 (March 21, 2005) (*Final Determination*). We are amending our *Final Determination* to correct certain ministerial errors alleged by Reliance Industries Ltd. (Reliance) pursuant to section 751(h) of the Tariff Act of 1930, as amended (the Act). See "Amended Final Results of Review" section, below.

**EFFECTIVE DATE:** April 22, 2005.

**FOR FURTHER INFORMATION CONTACT:** Douglas Kirby or Sean Carey at (202) 482-3782 and (202) 482-3964, respectively; AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

#### SUPPLEMENTARY INFORMATION:

##### Scope of the Investigation

The merchandise covered in this investigation is polyethylene terephthalate (PET) bottle-grade resin, defined as having an intrinsic viscosity of at least 0.68 deciliters per gram but not more than 0.86 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 0.68 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.

### Background

On March 21, 2005, the Department published the *Final Determination* for its countervailing duty investigation of bottle grade PET Resin from India. On March 25, 2005, in accordance with section 751(h) of the Act and 19 CFR 351.224(c)(2), Reliance filed timely allegations that the Department erred in calculating the countervailing duty rate for the *Final Determination*. First, according to Reliance, the Department erred by using an incorrect benchmark interest rate for calculating the countervailing benefits from the State of Maharashtra and State of Gujarat Programs. Second, Reliance alleged that the Department made several typographical errors by incorrectly transcribing the benchmark interest rate for certain imports made pursuant to the Export Promotion Capital Goods Scheme (EPCGS) program during the first quarter of 2003.

After reviewing Reliance's allegations, we have determined that the Department did make the errors alleged by Reliance and that those errors are ministerial errors as defined in section 751(h) of the Act and 19 CFR 351.224(f). Therefore, we are amending the *Final Determination* to correct the above-described ministerial errors. We agree with Reliance that the Department stated in the *Final Determination* that it would use the company-specific lending rate for the POI as the benchmark interest rate for the State of Maharashtra and State of Gujarat Programs but in the calculations, we used a different benchmark interest rate. We also agree with Reliance that we made a few typographical errors in transcribing the benchmark interest rate for the EPCGS program that was applied to certain imports under this program during the first quarter of 2003. Accordingly, in this amended final determination we have corrected these errors. See *Analysis Memorandum for Amended Final Countervailing Duty Determination; PET Resin from India*, dated April 18, 2005.

### Amended Final Results of Review

In the *Final Determination*, the Department determined the countervailing duty rate for Reliance to be 20.26 percent *ad valorem*, and the "All Others" rate to be 14.63 percent *ad valorem*. As a result of correcting the ministerial errors, the Department has amended the countervailing duty rate for Reliance and the "All Others" rate. The rates for Elque Polyesters Ltd., Futura Polyesters Ltd., and South Asia Petrochem Ltd. have not changed since the *Final Determination*. The correct countervailing duty rates are shown below:

Producer/exporter	Subsidy rate
Reliance Industries Ltd.	19.97% <i>ad valorem</i> .
South Asia Petrochem Ltd..	19.08% <i>ad valorem</i> .
Futura Polyesters Ltd. ...	6.15% <i>ad valorem</i> .
Elque Polyesters Ltd. ...	12.41% <i>ad valorem</i> .
All Others .....	14.55% <i>ad valorem</i> .

### Suspension of Liquidation

In accordance with our preliminary 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 amended final countervailing duty determination. In addition, we are mailing 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: April 18, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

#### Notice of Licensing

**AGENCY:** National Institute of Standards and Technology, Commerce.

**ACTION:** Notice of jointly owned inventions available for licensing.

**SUMMARY:** The inventions listed below are jointly owned by the U.S. Government, as represented by the Department of Commerce. The Department of Commerce's interest in these inventions is available for licensing in accordance with 35 U.S.C. 207 and 37 CFR Part 404 to achieve expeditious commercialization of results of federally funded research and development.

**FOR FURTHER INFORMATION CONTACT:** Technical and licensing information on these inventions may be obtained by writing to: National Institute of Standards and Technology, Office of Technology Partnerships, Attn: Teresa Bradshaw, Building 820, Room 213, Gaithersburg, MD 20899. Information is also available via telephone: 301-975-2624, fax 301-869-2751, or e-mail: [teresa.bradshaw@nist.gov](mailto:teresa.bradshaw@nist.gov). Any request for information should include the NIST Docket number and title for the invention as indicated below.