

amended final on January 12, 1998 (see *Amended Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate From the People's Republic of China*, 63 FR 1821 (January 12, 1998)). On December 17, 1997, the International Trade Commission ("ITC") determined that an industry in the United States was materially injured by reason of imports of CTL plate from China that were being sold at less than fair value (see *Certain Carbon Steel Plate from China, Russia, South Africa, and Ukraine*, 62 FR 66128, Investigation No. 731-TA-753-756 (Final) Publication 3076; December 17, 1997)).

Although notice of the opportunity to request an administrative review was issued in November 1998, November 1999, October 2000, October 2001, and October 2002, no review was ever requested by either petitioners or respondents (see *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation: Opportunity To Request Administrative Review*, 63 FR 63287 (November 12, 1998)); *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation: Opportunity To Request Administrative Review*, 64 FR 62167 (November 16, 1999)); *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation: Opportunity To Request Administrative Review*, 65 FR 63057 (October 20, 2000); *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation: Opportunity To Request Administrative Review*, 66 FR 49923 (October 1, 2001); and *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation: Opportunity To Request Administrative Review*, 67 FR 61849 (October 2, 2002)).

On September 3, 2002, the Department initiated (see *Notice of Initiation of Five-Year ("Sunset") Reviews*, 67 FR 56268 (September 3, 2002)) and the ITC instituted (see *Institution of Five-year Reviews Concerning the Suspended Investigations on Cut-to-length (CTL) Carbon Steel Plate from China, Russia, South Africa, and Ukraine*, 67 FR 56311 (September 3, 2002)) a sunset review of the agreement, pursuant to section 751(c) of the Act. On December 9, 2002, the ITC determined to conduct full five-year reviews pursuant to section 751(c)(5) of the Act (see *Notice of Commission Determinations to Conduct Full Five-year Reviews Concerning the Antidumping Duty Orders on Cut-to-length Carbon Steel Plate from China, Russia, South Africa, and Ukraine*, 67 FR 77803 (December 19, 2002)). As a result of its review, on January 8, 2003,

the Department determined that termination of the suspended investigation underlying the agreement would be likely to lead to continuation or recurrence of dumping and notified the ITC of the magnitude of the margin likely to prevail were the suspended investigation underlying the agreement terminated (see *Cut-to-Length Carbon Steel Plate From the People's Republic of China, the Russian Federation, and South Africa; Final Results of Expedited Sunset Review of Suspended Antidumping Duty Investigations*, 68 FR 1038 (January 8, 2003)).

On August 18, 2003, the ITC determined that termination of the suspended investigation on CTL plate from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time (see *Cut-to-Length Carbon Steel Plate From China, Russia, South Africa, and Ukraine*, 68 FR 52614; ITC Publication No. 3626 (September 4, 2003)). Pursuant to the ITC's affirmative determination in the five-year sunset review, the Department issued a notice of continuation on September 12, 2003, for the suspended investigation underlying the Agreement on CTL plate from China (see *Continuation of Suspended Antidumping Duty Investigations: Cut-to-length Carbon Steel Plate from the People's Republic of China, the Russian Federation, and Ukraine*).

On August 29, 2003, referencing Article XII of the Agreement, the Embassy of China in Washington, DC, submitted a facsimile request informing the Department that "the Chinese side has decided to withdraw from the Suspension Agreement on Cut-to-length Carbon Steel Plate, which will expire on October 30, 2003" (see *Memo to the File: Interested Parties Notified of the Withdrawal by the Government of the People's Republic of China ("GOC") from the Suspension Agreement ("the Agreement") on Certain Carbon Cut-to-length Plate ("CTL plate") from China*, (December 10, 2003)). On September 4, 2003, the letter was put on the public and official record in the Central Records Unit ("CRU") of the Department and interested parties were notified (see *Memo to the File: Interested Parties Notified of the Withdrawal by the Government of the People's Republic of China ("GOC") from the Suspension Agreement ("the Agreement") on Certain Carbon Cut-to-length Plate ("CTL plate") from China*, (December 10, 2003)).

Scope of Agreement

The merchandise covered by this agreement is Certain Cut-to-length Carbon Steel Plate from the People's Republic of China. Included in this description is hot-rolled iron and non-alloy steel universal mill plates (*i.e.*, flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm but not exceeding 1250 mm and of a thickness of not less than 4 mm, not in coils and without patterns in relief), of rectangular shape, neither clad, plated nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances; and certain iron and non-alloy steel flat-rolled products not in coils, of rectangular shape, hot-rolled, neither clad, plated, nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances, 4.75 mm or more in thickness and of a width which exceeds 150 mm and measures at least twice the thickness. Included as subject merchandise in this Agreement are flat-rolled products of nonrectangular cross-section where such cross-section is achieved subsequent to the rolling process (*i.e.*, products which have been "worked after rolling")—for example, products which have been bevelled or rounded at the edges. This merchandise is currently classified in the Harmonized Tariff Schedule of the United States (HTS) under item numbers 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000. Although the HTS subheadings are provided for convenience and customs purposes, the written description of the scope of this Agreement is dispositive. Specifically excluded from subject merchandise within the scope of this Agreement is grade X-70 steel plate.

Termination of Suspended Investigation and Issuance of Antidumping Duty Order

Article XII of the Agreement states, in part:

"The Government of the People's Republic of China may terminate this Agreement at any time upon notice to the Department. Termination shall be effective 60 days after such notice is given to the Department. Upon termination at the request of MOFTEC,