

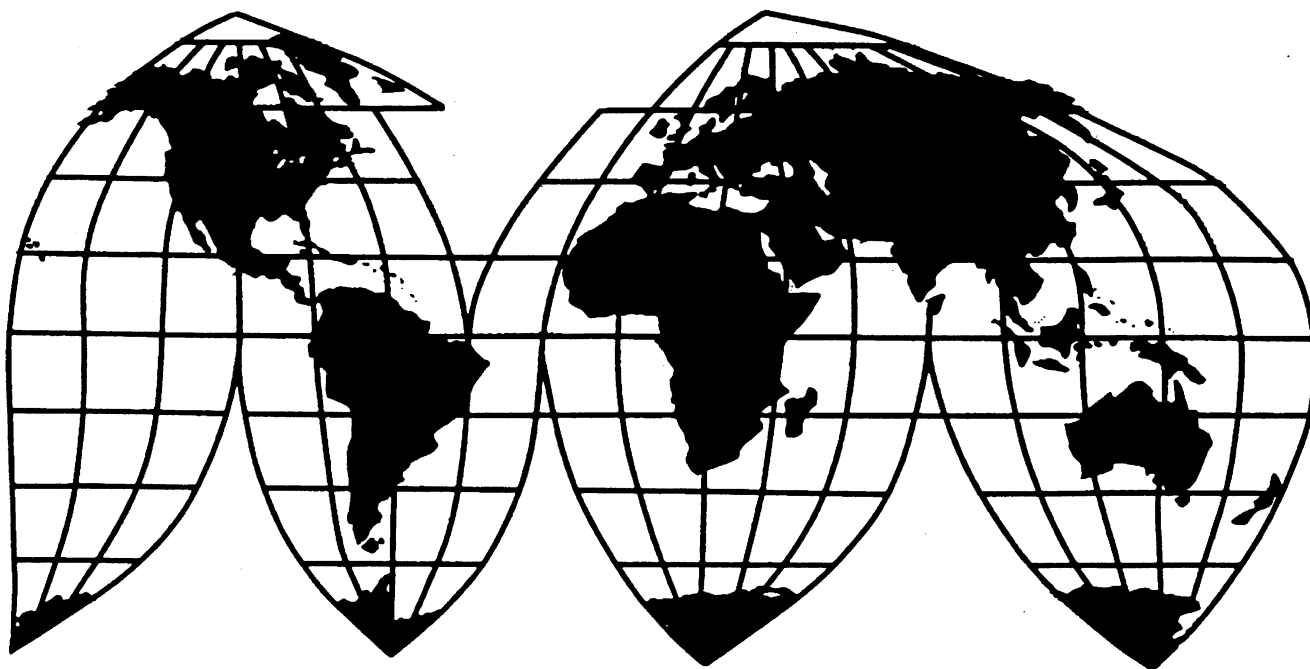
Static Random Access Memory Semiconductors From Taiwan (Views on Remand)

Investigation No. 731-TA-762 (Second Remand)

Publication 3319

June 2000

U.S. International Trade Commission



Washington, DC 20436

U.S. International Trade Commission

COMMISSIONERS

Stephen Koplan, Chairman
Deanna Tanner Okun, Vice Chairman

Lynn M. Bragg

Marcia E. Miller

Jennifer A. Hillman

Thelma J. Askey

Robert A. Rogowsky
Director of Operations

**Address all communications to
Secretary to the Commission
United States International Trade Commission
Washington, DC 20436**

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Dissenting Views on Remand of Commissioner Lynn M. Bragg

Appendix

Federal Register Notice

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COMMISSION'S DETERMINATION ON REMAND

On the basis of the record¹ developed in the subject investigation, as supplemented during the remand investigation, the United States International Trade Commission determines,^{2 3} pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. § 1673d(b)), that an industry in the United States is not materially injured or threatened with material injury by reason of imports of static random access semiconductors (SRAMs) from Taiwan that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

¹ The record is defined in sec. 207.2(f) of the Commission's Rule of Practice and Procedure (19 CFR § 207.2(f)).

² Commissioner Bragg dissenting.

³ Commissioner Askey not participating.

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VIEWS OF THE COMMISSION

A. Introduction

On April 9, 1998, the U.S. International Trade Commission (Commission) determined that an industry in the United States was materially injured by reason of imports of SRAMs from Taiwan. Static Random Access Semiconductors from the Republic of Korea and Taiwan, Inv. Nos. 731-TA-761 and 762 (Final) (May 1998).^{4 5} Commissioner Bragg voted in the affirmative, Commissioner Miller voted in the negative, and Commissioner Crawford was recused.^{6 7} Subsequently, respondents in the investigation filed with the U.S. Court of International Trade (CIT) a motion for judgment on the agency record reversing and remanding the Commission's determination.

On June 30, 1999, the CIT (Judge Pogue) remanded the determination to the Commission for further explanation. Taiwan Semiconductor Industry Assoc. et al. v. United States et al., 23 CIT __, 59 F. Supp. 2d 1324 (1999) ("Taiwan I"). By the date of the remand, Commissioner Crawford's term had expired, and new Commissioners Hillman, Koplun, and Askey had begun serving their terms. Based on Commission practice and CIT decisions, the Commission interpreted the court's order in Taiwan I to allow the Commission discretion in determining whether the new Commissioners would undertake a substantive review of the record or instead submit the further explained views of Commissioner Bragg as

⁴ The confidential Commission opinions appear at list 2, doc. 395 in the confidential appendix on file with the CIT, and are referred to hereinafter as "CD." The public Commission opinions are referred to as "PD" herein, and appear at list 1, doc. 342.

⁵ In the companion investigation, the Commission determined that an industry in the United States was not materially injured or threatened with material injury by reason of subject imports from the Republic of Korea.

⁶ From the date of the original determination until the present, several commissioners have served as Chairman and Vice Chairman of the Commission. For the sake simplicity, these views refer to all commissioners by the title "Commissioner."

⁷ Under 19 U.S.C. § 1677(11), an evenly divided Commission is deemed to have reached an affirmative determination.

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the Commission's response to the order. On August 30, 1999, the Commission submitted as its determination on remand the further views of Commissioner Bragg, the sole author of its original determination.

On April 11, 2000, the CIT remanded the further explained views of Commissioner Bragg for additional explanation. Taiwan Semiconductor Industry Assoc. et al. v. United States et al., Court No. 98-05-01460, slip Op. 00-37 (April 11, 2000) ("Taiwan II"). The remand order in Taiwan II explained that the remand order in Taiwan I required each Commissioner to conduct a substantive review of the record evidence. Taiwan II, slip Op. at 9, 14-17. By the date of the second remand, new Commissioner Okun had begun serving her term and Commissioner Askey had determined to recuse herself from participation in the investigation. In accord with the CIT's remand order, all participating Commissioners engaged in a substantive review of the record.

B. No Material Injury by Reason of Subject Imports⁸

After independent review of the record, including additional information placed on the record during the remand proceeding, Commissioners Hillman, Koplan and Okun adopt the Commission's original views on domestic like product and industry, negligible imports, cumulation, and the conditions of competition (sections I, II, III, and IV.a of the majority opinion); they also adopt the "Dissenting Views of Chairman Marcia E. Miller," issued at the time of the original final determination, as to both material injury and threat of material injury, as supplemented and modified below. Commissioner Miller reaffirms her original views and joins the following where indicated with regard to the information added to the record during this remand proceeding.

⁸ Commissioner Bragg finds that a domestic industry is materially injured by reason of subject imports from Taiwan. See her Dissenting Views.

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1. Volume of Subject Imports

We adopt the views of Commissioner Miller regarding the volume of subject imports and agree that, if considered apart from the other factors we are required to consider, the absolute increase in the volume of the subject imports is significant. When evaluated in the context of the conditions of competition, however, the volume of subject imports, and increase in volume, are not sufficient to demonstrate that the subject imports themselves made a material contribution to any injury experienced by the domestic industry.

2. Price Effects of the Subject Imports

We adopt Commissioner Miller's discussion of the price effects of the subject imports with the following elaboration and supplementation.⁹ As noted in Commissioner Miller's discussion, prices for the SRAM products on the record (identified as products 1 through 6)¹⁰ increased substantially during 1994 and through the third quarter of 1995. Prices then fell substantially beginning in the last quarter of 1995 and throughout 1996, before leveling off somewhat in 1997.

We do not find that the subject imports contributed significantly to the observed price trends.

The quantity and total value of the subject imports did not change significantly during the period of

⁹ Commissioner Miller's price discussion does not make an express finding on whether there was significant price underselling of the domestic product by the subject imports. As noted by the CIT (Taiwan I, 23 CIT at ___, 59 F. Supp. 2d at 1333) substantial evidence supports the conclusion that price underselling by the subject imports was significant. For the reasons discussed above and given in Commissioner Miller's discussion, however, we do not find that the subject imports from Taiwan had significant price depressing or suppressing effects.

¹⁰ As Commissioner Miller noted, these six products accounted for a substantial portion of the total U.S. shipments of domestic SRAMs and subject SRAMs from Korea and Taiwan. Compare tables V-1 to V-6 of the confidential version of the staff report ("CR") at V-6 to V-16 and of the public version ("PR") at V-5 to V-13 (showing units sold for products 1-6) with table IV-5, CR at IV-11 and PR at IV-10 (showing total shipments in billions of bits). The comparison is approximate because tables V-1 to V-6 show units sold, while table IV-5 shows bits shipped. To convert units to bits, see CR at I-7 n.15 and V-5 and PR at I-7 n.15 and V-4. The CR appears at list 2, doc. 26, and the PR at list 1, doc. 342.

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investigation, relative to the overall size of the market.¹¹ There is no indication on the record of any material changes in the nature or extent of competition from subject imports in late 1995 and 1996 that would cause them to suddenly exert a significant price depressing effect, when none had been evidenced up to that point. The imports held roughly the same market share in 1996 as in 1995, when prices increased.

More specifically, the pricing data in the record provide strong evidence of a lack of correlation and causative effect between the subject imports and domestic prices. With respect to products 3 and 5, which made up a greater share of the subject imports and of the domestic product than the rest of the identified products,¹² the subject imports consistently undersold the domestic product by substantial margins during the time that domestic prices rose, yet mostly oversold the domestic product in 1996 and 1997 when prices fell.¹³

Products 1 and 2 accounted for a small share of shipments of domestic and subject import products and product 2 was not shipped in significant quantities until 1997. While these factors limit the usefulness in assessing the effects of subject imports on domestic prices, the available data are consistent with our findings for products 3 and 5.¹⁴ These were relatively new products during the period of investigation, with significant volumes beginning in the fourth quarter of 1995 for product 1 and the first quarter of 1997 for product 2.¹⁵ The price of domestic product 1 fell at roughly the same rate as prices of

¹¹ Table IV-4, CR at IV-9 and PR at IV-8.

¹² Tables V-1 through V-6, CR at V-6 to V-16 and PR at V-5 to V-13. *See* CR at V-5 and PR at V-4 for a description, including an indication of the density (bits per unit), of products 1-6.

¹³ Tables V-3 and V-5, CR at V-9 to V-10 and V-13 to V-14, and PR at V-8 to V-9 and V-11 to V-12.

¹⁴ While we recognize that newly introduced products can have greater importance for the domestic industry since they represent the opportunity for greater profits, the data do not support a finding that subject imports have had a significant price depressing effect on these products, as discussed below.

¹⁵ Tables V-1 and V-2, CR at V-6 to V-8 and PR at V-5 to V-7.

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domestic products 3 and 5.¹⁶ Because prices for newly introduced SRAM products generally fall more rapidly than the prices for more established products, prices for product 1 would be expected to fall more rapidly in 1996 than prices for products 3 and 5.¹⁷ However, even though subject product 1 consistently undersold the domestic product by large margins, prices for domestic product 1 fell less than would be expected based on the price trends for products 3 and 5.

Finally, prices of domestic product 2 fluctuated upward from January through June of 1997, the only year for which we have comparable data, despite underselling by subject imports by margins ranging from [[]] to [[]] percent.¹⁸ Thus, the limited data for product 2 also demonstrates an absence of a significant price depressing or suppressing effect by subject imports.

We therefore find no evidence that the reversal in price trend in late 1995, or price declines thereafter, is attributable in significant part to the subject imports.¹⁹ Rather, the SRAM prices during the period of investigation, including price increases in 1994 and much of 1995, and price declines starting in the fourth quarter of 1995, are attributable to market factors other than the subject imports. As Commissioner Miller indicated in the views we adopt, forecasts of growth in demand for SRAMs were exaggerated in 1994 and 1995, largely based on an incorrect assumption as to the volume of Intel Pentium microprocessors projected to be shipped with SRAM cache memory. The incorrect forecasts

¹⁶ From January 1996 through January 1997, the prices of domestic products 1, 3 and 5 fell [[]] percent, [[]] percent, and [[]] percent, respectively. Tables V-1, V-3 and V-5, CR at V-6 to V-7, V-9 to V-10, and V-13 to V-14 and PR at V-6, V-8 to V-9, V-11 to V-12.

¹⁷ CD at 22 and PD at 17 (citing CR at I-20 and PR at I-17) (prices for newly introduced products initially are high, but are then driven down as other suppliers enter the market and production efficiencies are achieved) and Samsung's Prehearing Brief at Attachment 3 (also labeled "Figure 3") (showing steeper price declines immediately after the introduction of various SRAM products). Samsung's Prehearing brief appears at list 2, doc. 14.

¹⁸ Table V-2, CR at V-8 and PR at V-7.

¹⁹ Price data collected on products 4 and 6 are not useful in our analysis because of the very small quantities sold. CR at V-11 to V-12 and V-15 to V-16 and PR at V-10 and V-13. Product 6 is a 256k SRAM. CR at V-5 and PR at V-4.

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caused SRAM purchasers to accumulate large inventories in anticipation of an SRAM shortage in 1996. spurred significant increases in SRAM production, and led to an increase in prices. When it became apparent that a much smaller number of computer systems would use SRAMs than had been forecast, purchasers sold off inventories, or required vendors to take returns, at the same time that additional production capacity was coming on line. SRAM prices declined sharply as a result, in response to significantly greater supply relative to demand.

There also is a "learning curve" for each generation or type of SRAM, under which the cost of manufacture and prices for particular SRAM products normally fall over time as producers increase production yields and reduce defects. This price drop is normally steep when a product is first introduced to the market, and then becomes more gradual over time.²⁰ The learning curve normally exerts downward pressure on SRAM prices, although the decline was temporarily interrupted by the inaccurate forecast of demand growth in 1995 discussed above.²¹

²⁰ CD at 22 and PD at 17 (citing CR at I-20 and PR at I-17) (prices for newly introduced products initially are high, but are then driven down as other suppliers enter the market and production efficiencies are achieved) and Samsung's Prehearing Brief at Attachment 3 (also labeled "Figure 3") (showing steeper price declines immediately after the introduction of various SRAM products).

²¹ We note that nonsubject imports competed for sales in products 1, 2, 3 and 5 along with the subject imports and the domestic product. Tables V-1 to V-6, of the prehearing staff report, confidential and public versions at V-5 to V-15. The prehearing staff report appears at list 1, doc. 221 (public version) and list 2, doc. 11 (confidential version). Prices for the nonsubject Samsung product were generally lower than prices for the domestic product, and generally higher than the price of subject imports. Compare the prehearing staff report at tables V-1 to V-6, confidential and public versions at V-5 to V-15 (showing prices of Samsung nonsubject imports) with tables V-1 to V-6, CR at V-6 to V-16 and PR at V-5 and V-13 (showing prices for domestic product and subject imports). Although the Samsung product was generally priced higher than the subject imports from Taiwan, in product 1 Samsung undersold both the domestic product and the subject imports from Taiwan throughout most of 1995. Compare the prehearing staff report at tables V-1 to V-6, confidential and public versions at V-5 to V-15 (showing prices of Samsung nonsubject imports) with tables V-1 to V-6, CR at V-6 to V-16 and PR at V-5 and V-13 (showing prices for domestic product and subject imports).

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Based on the foregoing, and the discussion in Commissioner Miller's views, we do not find that the subject imports significantly depressed or suppressed domestic prices.

3. Impact of the Subject Imports

We adopt Commissioner Miller's views regarding the impact of subject imports on the domestic industry. In the absence of significant price depressing effects by the subject imports, we do not find that the subject imports had a significant impact on the domestic industry. The domestic industry's declining financial performance primarily is a result of price declines, which we do not attribute to the subject imports in significant part.

We find that the lost revenue allegations in this investigation do not constitute sufficient evidence to indicate that the subject imports had a significant impact on the domestic industry.²² By quantity and value, the great bulk of the lost revenue allegations involved sales to [[]], bearing the quote date "[[]]" Despite the additional information gathered in this remand investigation, we are unable precisely to quantify the amount of revenue implicated by these allegations, although they do not appear insubstantial.²³ Nevertheless, in the absence of significant price depressing or suppressing effects by the subject imports, we regard the lost revenue allegations alone as insufficient to demonstrate that the subject imports themselves had a significant impact on the domestic industry.

²² Commissioner Miller joins this discussion of lost revenue allegations.

²³ Because [[]] prices were negotiated on a quarterly basis, accurate calculations of the lost revenue would require the rejected and accepted price quotes for each quarter of the time period covered in the lost revenue allegation (from the [[]]), especially in light of the sharp declines in prices during this time period. May 25, 2000 memorandum INV-X-115, from Lynn Featherstone to the Commission, at 2 (at list 2, doc. 409) ([[]] "typically negotiated prices on a quarterly basis"). A representative of [[]] was unable to provide these quotes, indicating only that the [[]]. *Id.*

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C. No Threat of Material Injury by Reason of Subject Imports

We adopt Commissioner Miller's discussion of threat of material injury. Additionally, we conclude that despite underselling, the subject imports had no significant price effects during the time of oversupply or undersupply during the period of investigation. We find nothing in the record suggesting an imminent change that would cause future subject imports to enter the United States in substantially increased volumes, or at prices that are likely to have a significant depressing or suppressing effect on domestic prices, or that would otherwise indicate that a domestic industry in the United States is threatened with material injury by reason of subject imports. Instead, we believe that domestic prices will continue to move in reaction to other market factors.

Conclusion

For the reasons provided above, we determine that an industry in the United States is not materially injured or threatened with material injury by reason of imports of SRAMs from Taiwan found by the Department of Commerce to be sold at LTFV.

DISSENTING VIEWS ON REMAND OF COMMISSIONER LYNN M. BRAGG

Static Random Access Memory Semiconductors from Taiwan
Inv. No. 731-TA-762 (Remand)

In response to the second remand order of the United States Court of International Trade dated April 11, 2000, I again determine that the industry in the United States producing static random access memory semiconductors ("SRAMs") is materially injured by reason of subject SRAM imports from Taiwan. I respectfully dissent from the negative determination rendered by the Commission majority, and provide my dissenting views in response to the remand order of the Court below.

BACKGROUND

On April 9, 1998, I rendered an affirmative determination of present material injury by reason of subject SRAM imports from Taiwan; my affirmative vote constituted the Commission's determination at that time. On June 30, 1999, the United States Court of International Trade ordered a remand in order for the Commission to provide additional explanation with regard to certain aspects of the original determination. On August 30, 1999, the Commission forwarded my views on remand as the views of the Commission in response to the Court's first remand order. On April 11, 2000, the Court ordered a second remand in order for the entire Commission to provide greater explanation with regard to certain aspects of the Commission's views responding to the first remand order.

QUESTIONS PRESENTED

I note that in its second order of remand, the Court affirmed most aspects of my views responding to the first remand order. The Court concluded, however, that my remand views and affirmative determination could not be fully sustained absent greater explanation of the following:

- (1) Acknowledging that the record indicates there were negative price effects by reason of subject imports, the Court requested further discussion of why such price effects were significant; in particular, the Court requested further explanation for how the Commission avoided attributing to subject imports the harm caused by non-subject imports and by oversupply in the market.
- (2) The Court also questioned the Commission's reliance on four confirmed lost revenue allegations in performing its impact analysis; specifically, the Court found that the Commission should have explained how it was reasonable to rely on these allegations, considering that they bear the quote date "4Q95-1Q97." In particular, the court expressed concern that prices for the product fell during that extended period, and that the calculated revenue loss was potentially inflated as a result.

ANALYSIS

To begin, I note that I readopt both my original views and my views on first remand, as further elaborated herein. I base my determination in this second remand upon the record developed in the original investigation, and on the additional evidence introduced into the record in this second remand proceeding.

1. Price Effects:

In requesting further explanation for how the Commission avoided attributing to subject imports the harm caused by non-subject imports and by oversupply in the market, the Court's second order of remand states that "{a}bsent greater explanation, the Court cannot sustain the Commission's determination that the subject imports had significant price depressing effects *inasmuch as the Commission based that determination on its finding that non-subject imports were less competitive than the subject imports in the U.S. market for fast SRAMs.*" (Emphasis added). It thus appears that the Court may have misapprehended my views in response to the first remand order, as I did not find that non-subject imports were less competitive than subject imports in the U.S. market for fast SRAMs.

In finding the volume of subject imports to be significant notwithstanding the presence of non-subject imports, I concluded that the volume of non-subject imports in the "fast" segment of the SRAMs market did not render insignificant the effects of subject imports, taking into account the fact that "slow" SRAMs accounted for most of the increase in volume of non-subject SRAM imports. I did not, however, find that non-subject imports were less competitive than subject imports in the fast segment of the U.S. market for SRAMs; indeed, even within the fast segment of the market, the volume of non-subject imports exceeded the volume of subject imports from Taiwan. Nevertheless, for the reasons set forth fully in my remand views, I concluded that the volume of non-subject imports was not so great as to render the volume of subject imports insignificant.

Important to the analysis of price effects is the fact that in the fast segment of the market, subject imports undersold both non-subject imports and the domestic like product, thus exerting negative pricing pressure on both non-subject and the domestic like product alike. Indeed, the Court has already affirmed my determination that underselling by subject imports was significant. As the Court also observes, certain sub-markets for fast SRAMs are dominated by non-subject imports; at the same time, however, heightened competition between the domestic like product and lower-priced subject imports within the remaining sub-markets for fast SRAMs would serve to magnify the significance of underselling by subject imports in the U.S. market.

I also find that the significance of underselling is magnified in an environment of oversupply because purchasers already enjoy a market advantage over suppliers, and this advantage is only strengthened by the increasing availability of lower-priced imports. I note that

the explosive growth in the volume of subject imports in the fast segment of the market occurred during a period of oversupply, thereby magnifying the significance of the underselling by such increasing volumes of subject imports. Accordingly, I find that subject imports, themselves, were chiefly responsible for the price depression evident in the U.S. market. Based upon all the foregoing, I conclude that, taking into account the presence of non-subject imports and an environment of oversupply, subject imports themselves caused significant negative price effects in the U.S. market.

2. Adverse Impact:

First, to the extent the Court calls into question my reliance upon a finding of significant negative price effects in determining that the domestic SRAMs industry experienced a significant adverse impact by reason of subject imports, I believe the additional explanation provided above demonstrates that such reliance is warranted.

Second, to the extent that I relied upon four confirmed lost revenue allegations in performing my impact analysis, I would begin by noting that lost revenue allegations are but one piece of evidence to be evaluated in assessing whether the domestic industry has experienced a significant adverse impact by reason of subject imports. Indeed, in the original determination, I noted that the significant volume of imports, and the significant negative price effects by reason of subject imports, had a significant adverse impact on the domestic industry's operating performance as measured by operating income and operating margins, capital expenditures, and research and development expenditures. In particular, I note that the increasing U.S. market share held by subject imports evidences an adverse impact on the domestic industry which cannot be attributed to non-subject imports.

Specifically with regard to the lost revenue allegations, I note that the Commission reopened the record in this second remand proceeding to develop additional information concerning these allegations. As a result of reopening the record, the Commission learned that the purchaser's records concerning the actual dates of the transactions were destroyed. However, Commission staff spoke with the purchaser's employee who completed the questionnaire in the original investigation, and this employee again confirmed the accuracy of the lost revenue allegations made by U.S. producer [[]] in the original investigation.

Notably, the purchaser's employee also stated that the differential in price quotes between subject imports and the domestic like product remained the same over the period October 1995 through March 1997, notwithstanding the overall trend of declining prices during this period. In addition, I note that the purchaser's employee indicated that [[]] typically negotiated prices with suppliers on a quarterly basis; consequently, I find that the "4Q95-1Q97" notation referenced by the Court does not indicate that an offer had been made in the fourth quarter of 1995, with acceptance coming in the first quarter of 1997.

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Finally, with regard to the credibility of the lost revenue allegations, I find probative the fact that the purchaser's employee indicated that [[]] probably did use import quotes to leverage other bid prices lower in order to maximize profitability, and that [[]] did not necessarily seek the lowest price bid, but instead sought the most competitive bid that would offer reliability of supply.

Based upon all the foregoing, I conclude that a significant volume of subject imports, sold at prices that caused significant negative price effects in the U.S. market, further resulted in a significant adverse impact to the domestic industry, as is reflected in confirmed instances of sizable lost revenue allegations.

CONCLUSION

For the reasons set forth herein, as well as the reasons set forth in the original determination and in the response to the first remand order of the Court, I reaffirm my determination that the domestic industry producing SRAMs is materially injured by reason of subject SRAM imports from Taiwan.

APPENDIX

FEDERAL REGISTER NOTICE

INTERNATIONAL TRADE COMMISSION

[Inv. No. 731-TA-762 (Remand)]

Static Random Access Memory Semiconductors From Taiwan; Notice and Scheduling of Remand Proceedings

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The U.S. International Trade Commission (the Commission) hereby gives notice of the second remand of its final antidumping investigation No. 731-TA-762 (Final) for reconsideration in light of the order of the Court of International Trade.

EFFECTIVE DATE: May 12, 2000.

FOR FURTHER INFORMATION CONTACT: Diane Mazur, Office of Investigations, telephone 202-205-3184, or Michael Diehl, Esq., Office of the General Counsel, telephone 202-205-3095, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>).

SUPPLEMENTARY INFORMATION:

Background

In April 1998, the Commission, by a one-to-one vote, determined that the domestic industry producing static random access memory semiconductors (SRAMS) was materially injured by subject imports from Taiwan. On June 30, 1999, the Court of International Trade (CIT) remanded the determination to the Commission with instructions to explain how it ensured that it did not attribute the price depressing effects from other known factors to the subject

imports. In September 1999, the Commission submitted Chairman Bragg's remand views as its "Views on Remand" in response to the order, again finding material injury to the domestic industry. On April 11, 2000, Judge Pogue remanded the Commission's remand determination for further explanation of certain matters including whether the Commission properly relied on several lost revenue allegations. On April 26, 2000, the CIT granted a consent motion setting the due date for the submission of the Commission's remand views to the CIT to Monday, June 26, 2000.

Scheduling the Vote

The Commission will vote on the remand determination at a public meeting to be held on Monday, June 12, 2000. The meeting is tentatively scheduled for 2:00 p.m.

Reopening the Record

In order to assist it in making its determination on remand, the Commission is reopening the record on remand in this investigation for the limited purpose of gathering information regarding those lost revenue allegations discussed by the court. The Commission is not reopening the record for any other purpose, except to receive any comments from the parties on new information gathered regarding the lost revenue allegations.

Participation in These Proceedings

Only those persons who were interested parties to the original administrative proceedings (i.e., persons listed on the Commission Secretary service list) may participate in these remand proceedings.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Information obtained during the remand investigation will be released to parties under the administrative protective order ("APO") in effect in the original investigation on May 24, 2000. Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make business proprietary information gathered in the final investigation and this remand investigation available to additional authorized applicants, that are not covered under the original APO, provided that the application is made not later than seven (7) days after publication of the Commission's notice or reopening the record on remand in the Federal Register. Applications must be filed for any persons on the Judicial Protective Order in the related CIT case,

but not covered under the original APO
A separate service list will be
maintained by the Secretary for those
parties authorized to receive BPI under
the APO in this remand investigation

Written Submissions

The parties will be permitted to
submit comments not to exceed 10
pages double spaced and single sided
on stationery measuring 8½ x 11 inches
addressing the accuracy reliability or
probative value of new information
gathered in the remand investigation
regarding the lost revenue allegations
Any material in these comments that
does not address these limited issues
will be stricken from the record The
due date for the party comments is June
7 2000

All written submissions must conform
with the provisions of section 201.8 of
the Commission's rules; any
submissions that contain BPI must also
conform with the requirements of
section 201.6, 207.3 and 207.7 of the
Commission's rules In accordance with
section 201.16(c) and 207.3 of the rules
each document filed by a party to the
investigation must be served on all other
parties to the investigation (as identified
by either the public or BPI service list)
and a certificate of service must be
timely filed The Secretary will not
accept a document for filing without a
certificate of service

Authority: This action is taken under the
authority of the Tariff Act of 1930 title VII

Issued: May 15 2000

By order of the Commission

Donna R. Kohne

Secretary

[FR Doc 00-12678 Filed 5-18-00; 8:45 am]

BILLING CODE 7020-02-P

