

should use in determining the appropriate "conditions and practices." Thus, the Department, "in its discretion, chooses how best to analyze the many factors involved in a determination of whether sales are made within the ordinary course of trade." *Id.* at 14-17. As an example of sales which would be considered outside the ordinary course of trade, the Department's regulations cite "merchandise sold at aberrational prices." 19 CFR 351.102.

Concerning whether all of Bhansali's home market sales were made in the ordinary course of trade, the record evidence indicates that in one case, Bhansali purchased merchandise the same week as it made its U.S. sale of the identical model, then re-sold the home market merchandise two months later at a significant loss, to the same party who had supplied it. We preliminarily determine that because of the exceptional circumstances surrounding this transaction, it was made outside the ordinary course of trade, and we therefore have excluded it from comparison with the U.S. merchandise. See the Analysis Memo.

#### Constructed Value

In accordance with section 773(e) of the Tariff Act, we calculated CV based on the sum of Bhansali's cost of materials, SG&A, U.S. packing costs, and profits on home market sales. See the Analysis Memo.

#### Currency Conversion

Pursuant to section 773A(a) of the Tariff Act, we made currency conversions into U.S. dollars based on the exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank.

#### Preliminary Results

As a result of this review, we preliminarily determine that a dumping margin of 4.08% exists for Bhansali for the period August 1, 1998 through July 31, 1999.

The Department will disclose calculations performed within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). A party may request a hearing within thirty days of publication. See 19 CFR 351.310(c). Any hearing, if requested, will be held 37 days after the date of publication, or the first working day thereafter. Interested parties may submit case briefs and/or written comments no later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in such briefs or comments, may be filed no later than 35 days after the date of publication. The

Department will issue the final results of this new shipper review, which will include the results of its analysis of issues raised in the briefs, within 90 days of issuance of these preliminary results, unless the time limit is extended.

Upon completion of this new shipper review, the Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. The Department will issue appraisal instructions directly to Customs. Bhansali did not report entered value; we will calculate Bhansali's duty assessment rate based on the ratio of the total amount of antidumping duties calculated for the examined sales, calculated as the difference between NV and EP, to the total quantity of examined sales. The rate will be assessed uniformly on all entries made during the POR. The Department will issue appraisal instructions directly to Customs.

Furthermore, the following deposit requirements will be effective upon completion of the final results of this new shipper review for all shipments of flanges from India entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this new shipper review, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for Bhansali will be the rate established in the final results of this new shipper review; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in the original less-than-fair-value (LTFV) investigation or a previous review, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review, the cash deposit rate will be 162.14 percent, the "all-others" rate established in the LTFV investigation.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative or new shipper review for a subsequent review period.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period.

Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This new shipper review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 351.213 and 351.214.

**Troy H. Cribb,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-580-841]

#### Structural Steel Beams From Korea: Initiation of Changed Circumstances Antidumping Duty Administrative Review

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

**ACTION:** Notice of Initiation of Changed Circumstances Antidumping Duty Review.

**SUMMARY:** In accordance with 19 CFR 351.216(b), Northwestern Steel & Wire Company, Nucor-Yamato Steel Company, and TXI-Chaparral Steel, Inc. ("Petitioners"), interested parties in this proceeding and the petitioners in the less-than-fair value investigation of structural steel beams from Korea, requested a changed circumstances review. In response to this request, the Department of Commerce is initiating a changed circumstances review on structural steel beams from Korea.

**EFFECTIVE DATE:** September 15, 2000.

**FOR FURTHER INFORMATION CONTACT:** Stephen Shin or Laurel LaCivita, Office of AD/CVD Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-0413 or (202) 482-4243, respectively.

#### The Applicable Statute and Regulations

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 ("URAA"). In addition, unless otherwise indicated, all citations

to the Department of Commerce's ("the Department's") regulations are to the regulations at 19 CFR Part 351 (1999).

**SUPPLEMENTARY INFORMATION:**

**Background**

On July, 5 2000, the Department published the final determination of sales at less than fair value of structural steel beams from Korea. *See Final Determination of Sales at Less Than Fair Value: Structural Steel Beams from Korea*, 65 FR 41437 (July 5, 2000) (as amended 65 FR 50501 (August 18, 2000)) ("Final Determination"). On August 18, 2000, the Department published the antidumping duty order on this product. *See Structural Steel Beams from Korea: Notice of Antidumping Duty Order* 65 FR 50502 (August 18, 2000). In an August 30, 2000 letter to the Department, petitioners requested that the Department conduct a changed circumstances review pursuant to section 751(b)(1) of the Act. Petitioners state that Incheon Iron & Steel Co. Ltd. ("Inchon") and Kangwon Industries, Ltd. ("Kangwon"), respondents in the original investigation in the above-mentioned proceeding, completed a merger of their steel-making operations during the Department's antidumping duty investigation, but subsequent to the period of investigation. Petitioners state that the newly formed company is the successor-in-interest to Incheon and Kangwon, and hence, should be subject to a new duty deposit rate.

**Scope of Review**

The products covered by this investigation are doubly-symmetric shapes, whether hot-or cold-rolled, drawn, extruded, formed or finished, having at least one dimension of at least 80 mm (3.2 inches or more), whether of carbon or alloy (other than stainless) steel, and whether or not drilled, punched, notched, painted, coated or clad. These products include, but are not limited to, wide-flange beams ("W" shapes), bearing piles ("HP" shapes), standard beams ("S" or "I" shapes), and M-shapes.

All products that meet the physical and metallurgical descriptions provided above are within the scope of this investigation unless otherwise excluded. The following products are outside and/or specifically excluded from the scope of this investigation: structural steel beams greater than 400 pounds per linear foot or with a web or section height (also known as depth) over 40 inches.

The merchandise subject to this investigation is classified in the Harmonized Tariff Schedule of the

United States ("HTSUS") at subheadings: 7216.32.0000, 7216.33.0030, 7216.33.0060, 7216.33.0090, 7216.50.0000, 7216.61.0000, 7216.69.0000, 7216.91.0000, 7216.99.0000, 7228.70.3040, 7228.70.6000. Although the HTSUS subheadings are provided for convenience and Customs purposes, the written description of the merchandise under investigation is dispositive.

**Initiation of Antidumping Duty Changed-Circumstances Review**

Pursuant to section 751(b)(1) of the Act, the Department will conduct a changed circumstances review upon receipt of information concerning, or a request from an interested party of, an antidumping duty order which shows changed circumstances sufficient to warrant a review of the order.

In its request for a changed circumstances review, petitioners indicate that the newly formed corporation is the successor in interest to Incheon and Kangwon due to the merger of their operations. In addition, the Department noted in its Issues and Decision Memorandum that accompanied the Final Determination that "Since the merger between Incheon and Kangwon took place after the POI, and after the preliminary determination in this investigation, the Department has not addressed the issue of successorship at this time \* \* \* however, in light of the information obtained in this investigation regarding the issue of successorship, we would consider a request for a changed circumstances review in the event that an antidumping order is issued in this case." *See the Issues and Decision Memorandum at Comment 29*, which accompanied the Final Determination. Because deposit rates established in an investigation are company-specific, and because the merger raises the question of whether the deposit rates set in the investigation are appropriate given the merger of operations between Incheon and Kangwon, we find good cause to conduct a changed circumstances review. *See 19 CFR 351.216(c)*. Therefore, in accordance with section 751(b)(1) of the Act and 19 CFR 351.216(b) and 351.221(b)(1), we are initiating a changed circumstances review based upon the information contained in petitioners' August 30, 2000 request for this review.

In making a successor-in-interest determination, the Department examines several factors including, but not limited to, the following changes: (1) Management; (2) production facilities; (3) supplier relationships; and (4)

customer base. *See, e.g., Brass Sheet and Strip from Canada; Final Results of Antidumping Duty Administrative Review*, 57 FR 20460 (May 13, 1992) (*Canadian Brass*). Although petitioners claim that the newly merged company is the successor-in-interest, petitioners have not, at this stage, provided any supporting documentation relevant to the factors described above. Therefore, we will consider additional information concerning Incheon's and Kangwon's merger.

We will publish in the **Federal Register** a notice of preliminary results of antidumping duty changed circumstances review, in accordance with 19 CFR 351.221(b)(4) and 351.221(c)(3)(i), which will set forth the factual and legal conclusions upon which our preliminary results are based and a description of any action proposed based on those results. As per 351.221(b)(4), interested parties will have an opportunity to comment. The Department will issue its final results of review not later than 270 days after publication of this notice of initiation. All written comments must be submitted to the Department and served on all interested parties on the Department's service list in accordance with 19 CFR 351.303.

During the course of this changed circumstances review, the current requirement for a cash deposit of estimated antidumping duties on all subject merchandise, including the merchandise subject to this changed-circumstances review, will continue unless and until it is modified pursuant to the final results of this changed circumstances review.

This notice is in accordance with section 751(b)(1) of the Act and 19 CFR 351.216 and 351.221.

**Troy H. Cribb,**

*Acting Assistant Secretary for Import Administration.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[I.D. 091200A]

**Submission For OMB Review; Comment Request.**

The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the