

steel customers demand to know all of the physical characteristics in the Department's hierarchy in order to be sure that the product they are purchasing will meet the demands of their intended application. Even for an application as simple as covering a hole in the street, a customer must know the thickness and width in order to be sure that the hole will be covered and the steel will not bend.

China Steel has not reported the product characteristics of quality, carbon, yield strength, thickness, and width on a significant percentage of its home market sales; thus, none of these sales data can be used for cost tests, model match, or price comparisons. Yieh Loong, Yieh Phui, and Yieh Hsing resold merchandise purchased from China Steel without any further processing; therefore, the same deficiency affecting China Steel's sales to its affiliates carries through to the resales by affiliates. Because China Steel's sales to affiliates constituted approximately one-fifth of its total home market sales observations, its affiliated parties' resale product characteristics are severely incomplete. Sales of merchandise with the missing model characteristics constitute more than half of Yieh Loong's, Yieh Phui's, and Yieh Hsing's reported resales. Furthermore, the unaffiliated party sales are similarly affected. Sales of prime merchandise with the missing product characteristics totaled nearly one-fifth of total home market sales observations by China Steel to unaffiliated companies, and more than eight percent of the reported home market sales of China Steel/Yieh Loong.

Adverse Inferences

Pursuant to section 776(b) of the Tariff Act, we find that China Steel failed to cooperate to the best of its ability because it repeatedly ignored the Department's instructions to submit accurate downstream sales data as demonstrated by its selective submission of China Steel's affiliates' data, and never provided alternatives or reasonable explanations for why it could not report all downstream sales. Further, without this data, the information regarding home market sales is unusable. In addition, a significant quantity of China Steel's home market sales are made through affiliates. Without this information the Department's ability to calculate an accurate dumping margin would be severely hindered.

Moreover, we also find that China Steel failed to cooperate to the best of its ability because it repeatedly ignored the Department's instructions to submit complete physical characteristics for its

sales. Without this information, the Department cannot identify home market sales of identical or most similar products, thus rendering its entire home market database unusable. Nor can we properly perform a cost test for home market sales.

Because the deficiencies in China Steel/Yieh Loong's responses affect a significant portion of its responses, its data is unusable for purposes of calculating a margin. Accordingly, for the purpose of this final determination, we have assigned as adverse facts available the highest margin from the antidumping petition as recalculated by the Department. *See Notice of Initiation of Antidumping Duty Investigations: Certain Hot-Rolled Carbon Steel Flat Products from Argentina, India, Indonesia, Kazakhstan, the Netherlands, the People's Republic of China, Romania, South Africa, Taiwan, Thailand, Ukraine*, 65 FR 77568 (December 12, 2000).

All Others Rate

Pursuant to section 735(5)(B) of the Tariff Act, the estimated "all-others" rate is equal to the average of the dumping margins calculated in the antidumping duty petition as recalculated by the Department. *See Preliminary Determination at 22208.*

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Tariff Act, we are directing the Customs Service to continue to suspend the liquidation of all entries of hot-rolled carbon steel flat products from Taiwan that are entered, or withdrawn from warehouse, for consumption on or after May 3, 2001, the date of publication of the **Federal Register**. The Customs Service shall continue to require a cash deposit or the posting of a bond equal to the weighted average dumping margin, as indicated in the chart below. These cash deposit instructions will remain in effect until further notice.

Manufacturer/exporter	Margin (percent)
China Steel Corporation (including Yieh Loong).	29.14
An Feng Steel Co., Ltd	29.14
All Others	20.28

International Trade Commission Notification

In accordance with section 735(d) of the Tariff Act, we have notified the International Trade Commission (the Commission) of the determination. As

the final determination is affirmative, the Commission will, within 45 days, determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry. If the Commission determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the Commission determines that such injury does exist, the Department will issue an antidumping duty order directing the Customs Service to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding APO

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination is issued and published pursuant to section 735(d) and 777(i)(1) of the Tariff Act.

Dated: September 21, 2001.

Faryar Shirzad,

Assistant Secretary for Import Administration.

Appendix

Comments and Responses

1. Collapsing of China Steel and Yieh Loong
2. Affiliation
3. Time to Respond to Request for Information
4. Application of Facts Available & Adverse Facts Available

[FR Doc. 01-24409 Filed 9-27-01; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-549-817]

Notice of Final Determination of Sales at Less Than Fair Value; Certain Hot-Rolled Carbon Steel Flat Products From Thailand

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

EFFECTIVE DATE: September 28, 2001.

FOR FURTHER INFORMATION CONTACT:

Angelica Mendoza or Nancy Decker at (202) 482-3019 or (202) 482-0196, respectively; Antidumping and Countervailing Duty Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department of Commerce (Department) regulations are to the regulations at 19 CFR part 351 (April 2000).

Final Determination

We determine that certain hot-rolled carbon steel flat products (HR) from Thailand are being sold, or are likely to be sold, in the United States at less than fair value (LTFV), as provided in section 735 of the Act. The estimated margins of sales at LTFV are shown in the "Suspension of Liquidation" section of this notice.

Case History

We published in the **Federal Register** the preliminary determination in this investigation on May 3, 2001. See *Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products from Thailand*, 66 FR 22199 (May 3, 2001) (*Preliminary Determination*). Since the publication of the Preliminary Determination the following events have occurred.

On May 1, 2001, Sahaviriya Steel Industries Public Co., Ltd. (SSI), the sole responding company in this investigation, requested that the Department postpone its final determination until not later than 135 days after the date of the publication of the preliminary determination in the **Federal Register** and requested an extension of the provisional measures. On June 4, 2001, we extended the final determination until not later than 135 days after the publication of the preliminary determination in the **Federal Register**. See *Notice of Postponement of Final Antidumping Duty Determination: Certain Hot Rolled Carbon Steel Flat Products from Thailand and Notice of Postponement of Final Countervailing Duty Determinations: Certain Hot Rolled Carbon Steel Flat Products from*

Thailand and South Africa, 66 FR 31888 (June 13, 2001).

The Department verified sections A-C of SSI's responses from May 14, 2001 through May 21, 2001, at SSI's administrative headquarters in Bangkok, Thailand and at its production facility in Bangsaphan, Thailand. The Department also verified section D of SSI's response from May 28, 2001 through June 1, 2001, at SSI's administrative headquarters. See Memorandum For the File; "Sales Verification of Sections A-C Questionnaire Responses—SSI", July 11, 2001 (Sales Verification Report) and Memorandum to Neal Halper, Director, Office of Accounting; "Verification of the Cost of Production and Constructed Value Data—SSI," July 10, 2001 (Cost Verification Report). Public versions of these, and all other Departmental memoranda referred to herein, are on file in the Central Records Unit, room B-099 of the main Commerce building.

On May 23, 2001, some petitioners (Bethlehem Steel Corporation, LTV Steel Company, Inc., National Steel Corporation, and United States Steel LLC (formerly known as "U.S. Steel Group (a Unit of USX Corporation)")) requested a public hearing. The remaining petitioners (IPSCO Steel Inc., Gallatin Steel Company, Nucor Corporation, Steel Dynamics, Inc., Weirton Steel Corporation, and the Independent Steelworkers Union) also requested a public hearing on June 1, 2001. In addition, on June 4, 2001, SSI requested a public hearing. On July 24, 2001 the petitioners which first requested a hearing and SSI withdrew their requests for a public hearing. On July 26, 2001, the remaining petitioners withdrew their request for a public hearing. On July 25, 2001, we received case briefs from SSI and petitioners. We received rebuttal briefs from all parties on July 30, 2001.

Although the deadline for this determination was originally September 17, 2001, in light of the events of September 11, 2001 and the subsequent closure of the Federal Government for reasons of security, the timeframe for issuing this determination has been extended by four days.

Period of Investigation

The period of investigation (POI) is October 1, 1999 through September 30, 2000.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this investigation are addressed in the "Issues and Decision Memorandum" (Decision Memorandum) from Joseph A.

Spetrini, Deputy Assistant Secretary, Import Administration, to Faryar Shirzad, Assistant Secretary for Import Administration, dated September 21, 2001, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memorandum, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in B-099.

In addition, a complete version of the Decision Memorandum can be accessed directly on the World Wide Web at www.ia.ita.doc.gov/frn. The paper copy and electronic version of the Decision Memorandum are identical in content.

Scope of Investigation

For purposes of this investigation, the products covered are certain hot-rolled carbon steel flat products of a rectangular shape, of a width of 0.5 inch or greater, neither clad, plated, nor coated with metal and whether or not painted, varnished, or coated with plastics or other non-metallic substances, in coils (whether or not in successively superimposed layers), regardless of thickness, and in straight lengths of a thickness of less than 4.75 mm and of a width measuring at least 10 times the thickness. Universal mill plate (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 4.0 mm, not in coils and without patterns in relief) of a thickness not less than 4.0 mm is not included within the scope of this investigation. Specifically included within the scope of this investigation are vacuum degassed, fully stabilized (commonly referred to as interstitial-free (IF)) steels, high strength low alloy (HSLA) steels, and the substrate for motor lamination steels. IF steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium or niobium (also commonly referred to as columbium), or both, added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, vanadium, and molybdenum. The substrate for motor lamination steels contains micro-alloying levels of elements such as silicon and aluminum.

Steel products to be included in the scope of this investigation, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTS), are products in which: (i) iron

predominates, by weight, over each of the other contained elements; (ii) the carbon content is 2 percent or less, by weight; and (iii) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

- 1.80 percent of manganese, or
- 2.25 percent of silicon, or
- 1.00 percent of copper, or
- 0.50 percent of aluminum, or
- 1.25 percent of chromium, or
- 0.30 percent of cobalt, or
- 0.40 percent of lead, or
- 1.25 percent of nickel, or
- 0.30 percent of tungsten, or
- 0.10 percent of molybdenum, or
- 0.10 percent of niobium, or
- 0.15 percent of vanadium, or
- 0.15 percent of zirconium.

All products that meet the physical and chemical description provided above are within the scope of this investigation unless otherwise excluded. The following products, by way of example, are outside or specifically excluded from the scope of this investigation:

- Alloy hot-rolled steel products in which at least one of the chemical elements exceeds those listed above (including, e.g., ASTM specifications A543, A387, A514, A517, A506).
- Society of Automotive Engineers (SAE)/American Iron and Steel Institute (AISI) grades of series 2300 and higher.
- Ball bearings steels, as defined in the HTS.
- Tool steels, as defined in the HTS.
- Silico-manganese (as defined in the HTS) or silicon electrical steel with a silicon level exceeding 2.25 percent.
- ASTM specifications A710 and A736.
- USS Abrasion-resistant steels (USS AR 400, USS AR 500).
- All products (proprietary or otherwise) based on an alloy ASTM specification (sample specifications: ASTM A506, A507).
- Non-rectangular shapes, not in coils, which are the result of having been processed by cutting or stamping and which have assumed the character of articles or products classified outside chapter 72 of the HTS.

The merchandise subject to this investigation is classified in the HTS at subheadings: 7208.10.15.00, 7208.10.30.00, 7208.10.60.00, 7208.25.30.00, 7208.25.60.00, 7208.26.00.30, 7208.26.00.60, 7208.27.00.30, 7208.27.00.60, 7208.36.00.30, 7208.36.00.60, 7208.37.00.30, 7208.37.00.60, 7208.38.00.15, 7208.38.00.30, 7208.38.00.90, 7208.39.00.15, 7208.39.00.30, 7208.39.00.90, 7208.40.60.30, 7208.40.60.60,

7208.53.00.00, 7208.54.00.00, 7208.90.00.00, 7211.14.00.90, 7211.19.15.00, 7211.19.20.00, 7211.19.30.00, 7211.19.45.00, 7211.19.60.00, 7211.19.75.30, 7211.19.75.60, and 7211.19.75.90. Certain hot-rolled flat-rolled carbon steel flat products covered by this investigation, including: Vacuum degassed fully stabilized; high strength low alloy; and the substrate for motor lamination steel may also enter under the following tariff numbers: 7225.11.00.00, 7225.19.00.00, 7225.30.30.50, 7225.30.70.00, 7225.40.70.00, 7225.99.00.90, 7226.11.10.00, 7226.11.90.30, 7226.11.90.60, 7226.19.10.00, 7226.19.90.00, 7226.91.50.00, 7226.91.70.00, 7226.91.80.00, and 7226.99.00.00. Subject merchandise may also enter under 7210.70.30.00, 7210.90.90.00, 7211.14.00.30, 7212.40.10.00, 7212.40.50.00, and 7212.50.00.00. Although the HTS subheadings are provided for convenience and U.S. Customs purposes, the written description of the merchandise under investigation is dispositive.

Changes Since the Preliminary Determination

Based on our analysis of comments received and findings at verification, we have made certain changes in the margin calculations. These changes are noted in various sections of the Decision Memorandum, accessible in B-099 and on the Web at www.ia.ita.doc.gov/frn.

Use of Facts Available

SSM

In the preliminary determination, the Department determined that the application of total adverse facts available (AFA) was appropriate with respect to Siam Strip Mill Public Co., Ltd. (SSM), a mandatory respondent that failed to respond to the Department's questionnaire. As AFA, the Department applied a margin rate of 20.30 percent, the highest alleged margin based on our recalculation for Thailand in the petition. The interested parties did not object to the use of adverse facts available for SSM, or to the Department's choice of facts available, and no new facts were submitted which would cause the Department to revisit this decision. Therefore, for the reasons set out in the preliminary determination, we have continued to use the highest margin alleged by the petitioner (as recalculated by the Department at initiation) for the purposes of this final determination notice.

SSI

In accordance with section 776 of the Act, we have determined that the use of facts available is appropriate for certain portions of our analysis of SSI. For a discussion of our determination with respect to these matters, *see* the Decision Memorandum.

Suspension of Liquidation

Pursuant to section 735(c)(1)(B) of the Act, we are instructing Customs to continue to suspend liquidation of all entries of HR products from Thailand that are entered, or withdrawn from warehouse, for consumption on or after May 3, 2001, the date of publication of the Preliminary Determination.

Article VI.5 of the General Agreement on Tariffs and Trade (GATT 1994) provides that "[n]o product * * * shall be subject to both antidumping and countervailing duties to compensate for the same situation of dumping or export subsidization." This provision is implemented in section 772(c)(1)(C) of the Tariff Act. Since antidumping duties cannot be assessed on the portion of the margin attributed to export subsidies there is no reason to require a cash deposit or bond for that amount. The Department has determined in its Final Affirmative Countervailing Duty Determination: Certain Hot-Rolled Carbon Steel Flat Products from Thailand that the product under investigation benefitted from export subsidies. Normally, where the product under investigation is also subject to a concurrent countervailing duty investigation, we instruct the Customs Service to require a cash deposit or posting of a bond equal to the weighted-average amount by which the normal value exceeds the export price, as indicated below, minus the amount determined to constitute an export subsidy. *See, e.g., Notice of Antidumping Duty Order: Stainless Steel Wire Rod From Italy*, 63 FR 49327 (September 15, 1998). Accordingly, for cash deposit purposes we are subtracting from SSI's cash deposit rate that portion of the rate attributable to the export subsidies found in the countervailing duty investigation involving SSI (*i.e.*, 0.58 percent). We have made the same adjustment to the "All Others") and SSM cash deposit rate by subtracting the rate attributable to export subsidies found in the countervailing duty investigation of SSI. We will instruct the Customs Service to require a cash deposit or the posting of a bond for each entry equal to the weighted-average amount by the normal value exceeds the export price, adjusted for the export subsidy rate, as indicated

below. These suspension of liquidation instructions will remain in effect until further notice. We determine that the following weighted-average dumping margins exist for the period October 1, 1999 through September 30, 2000:

Export/manufacturer	Bonding/Cash Deposit Rate	
	Weighted-average margin percent	(Percent)
SSI	4.44	3.86
SSM	20.30	19.72
All Others	4.44	3.86

ITC Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our determination. As our final determination is affirmative, the ITC will determine, within 45 days, whether these imports are causing material injury, or threat of material injury, to an industry in the United States. If the ITC determines that material injury or threat of injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping order directing Customs officials to assess antidumping duties on all imports on the subject merchandise entered, or withdrawn from warehouse for consumption on or after the effective date of the suspension of liquidation.

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: September 21, 2001.

Faryar Shirzad,

Assistant Secretary for Import Administration.

Appendix I—Issues in Decision Memorandum

1. Depreciation
2. Refund of Import Duties on Slab
3. Cutting Costs
4. Scrap Sales Revenue
5. Use of Full Year 2000 Audited Financial Statements for G&A and Interest Expenses
6. Use of Exchange Rate Losses in Interest Expenses
7. Subsidiaries' G&A Expenses
8. Skin Passing Costs
9. U.S. Date of Sale
10. Indirect Selling Expenses (and G&A) of one of SSI's Affiliated Resellers
11. Home Market Credit Expense of one of SSI's Affiliated Resellers
12. Home Market Movement Expenses—Freight Adjustment of one of SSI's Affiliated Resellers
13. Warranty Expenses—Coding Sales as Prime Versus Non-Prime

14. Weighted Average Margin Calculation—Zeroing Negative Margins

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-485-806]

Notice of Final Determination of Antidumping Duty Investigation: Certain Hot-Rolled Carbon Steel Flat Products from Romania

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

SUMMARY: We determine that certain hot-rolled carbon steel flat products (HRS) from Romania are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 735 of the Tariff Act of 1930, as amended. On May 3, 2001, the Department of Commerce (the Department) published the preliminary determination of its investigation of HRS from Romania, and on June 6, 2001, the Department published its amended preliminary determination. The period of investigation (POI) is April 1, 2000, through September 30, 2000. This period corresponds to the two most recent fiscal quarters prior to the month of the filing of the petition (*i.e.*, November 2000). Based on our analysis of comments received, the final determination differs from the preliminary determination. The estimated margins of sales at LTFV is listed below in the "Suspension of Liquidation" section.

EFFECTIVE DATE: September 28, 2001.

FOR FURTHER INFORMATION CONTACT: Christopher Riker or Charles Riggle, Office 5, Group II, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-0186 and (202) 482-0650, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce (the Department) regulations are references

to the provisions codified at 19 CFR Part 351 (2000).

Case History

On May 3, 2001, the Department published its preliminary determination of this investigation. See *Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Certain Hot-Rolled Carbon Steel Flat Products from Romania*, 66 FR 22194 (*Preliminary Determination*). On June 6, 2001, the Department amended its preliminary determination in this investigation. See *Notice of Amended Preliminary Antidumping Duty Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products from Romania*, 66 FR 30411 (*Amended Preliminary Determination*). After the *Amended Preliminary Determination*, the Department verified the information submitted on the record by the respondents. See the verification report from the verification of the Questionnaire Responses of Sidex S.A. and Sidex Trading SRL (August 2, 2001). See also, the verification reports from the verifications of the Questionnaire Responses of MEI, Metanef, Metagrimes and Sidex International, Plc (August 2, 2001). On August 17, 2001, certain petitioners¹ and the respondents² submitted case briefs. Furthermore, on August 24, 2001, we received rebuttal briefs from both parties as well as additional petitioners³ in this proceeding. The department received requests for a public hearing from Bethlehem Steel Corporation, LTC Steel Company, Inc., National Steel Corporation, and United States Steel LLC as well as the respondents. The hearing was held on August 28, 2001.

Although the deadline for this determination was originally September 17, 2001, in light of the events of September 11, 2001 and the subsequent closure of the Federal Government for reasons of security, the timeframe for issuing this determination has been extended by four days.

Scope of Investigation

For purposes of this investigation, the products covered are certain hot-rolled carbon steel flat products of a

¹ These petitioners are Bethlehem Steel Corporation, Inc., National Steel Corporation, and United States Steel LLC.

² The respondents are Sidex, S.A. (Sidex), Sidex Trading SRL, Sidex International Plc (collectively, the Sidex Exporters), Metalexportimport S.A. (MEI), Metanef S.A. (Metanef) and Metagrimes Business Group S.A. (Metagrimes).

³ These Petitioners are Gallatin Steel Company, IPSCO Steel Inc., Nucor Corporation, Steel Dynamics, Inc., Weirton Steel Corporation and the Independent Steelworkers Union.