

International Trade Commission (ITC) of our determination. As our final determination is affirmative, the ITC will determine, within 75 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 duty order directing Customs officials to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

This notice serves as the only 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(a)(3). Timely written 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.

We are issuing and publishing this determination and notice in accordance with sections section 735(d) and 777(i) of the Act.

Dated: May 13, 2002

**Faryar Shirzad,**

*Assistant Secretary for Import Administration.*

#### **Appendix Issues in the Decision Memorandum**

*Comment 1:*Level of Trade in the Home Market

*Comment 2:*Level of Trade for U.S. Sales/CEP Offset

*Comment 3:*Arm's Length Test

*Comment 4:*Strength Codes

*Comment 5:*Billing Adjustments

*Comment 6:*Home Market Rebates

*Comment 7:* Home Market and U.S. Freight Expenses

*Comment 8:*Inland Freight Expenses of the Affiliated Resellers

*Comment 9:*Home Market Credit Expenses

*Comment 10:*U.S. Rebates

*Comment 11:*U.S. Brokerage and Handling Expenses

*Comment 12:*U.S. Indirect Selling Expenses of Arbed Americas

*Comment 13:*Interest Expenses Included in U.S. Indirect Selling Expenses

*Comment 14:*Clerical Errors in the Preliminary Determination

*Comment 15:*Calculation of the Overall Dumping Margin

*Comment 16:*Calculation of Raw Materials Costs

*Comment 17:*Exchange Gains and Losses

*Comment 18:*Acceptance of Revised Sales Databases

[FR Doc. 02-12592 Filed 5-17-02; 8:45 am]

**BILLING CODE 3510-DS-S**

## **DEPARTMENT OF COMMERCE**

### **International Trade Administration**

**[A-583-838]**

#### **Notice of Final Determination of Sales at Less Than Fair Value: Structural Steel Beams from Taiwan**

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

**ACTION:** Notice of final determination of sales at less than fair value.

**SUMMARY:** On December 28, 2001, the Department of Commerce published its preliminary determination of sales at less than fair value of structural steel beams from Taiwan. The period of investigation is April 1, 2000, through March 31, 2001.

Based on our analysis of the comments received, we have made changes in the margin calculations. Therefore, the final determination differs from the preliminary determination. The final weighted-average dumping margins for the investigated companies are listed below in the section entitled "Final Determination Margins."

**EFFECTIVE DATE:** May 20, 2002.

**FOR FURTHER INFORMATION CONTACT:** Rebecca Trainor or Kate Johnson, AD/CVD Enforcement Group I, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-4007 or (202) 482-4929, respectively.

#### **SUPPLEMENTARY INFORMATION:**

##### **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 regulations of the Department of Commerce (the Department) are to 19 CFR Part 351 (April 2001).

#### **Final Determination:**

We determine that structural steel beams from Taiwan 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 Act.

#### **Case History**

The preliminary determination in this investigation was issued on December 19, 2001. *See Notice of Preliminary Determination of Sales at Not Less Than Fair Value and Postponement of Final Determination: Structural Steel Beams From Taiwan*, 66 FR 67202 (December 28, 2001) (*Preliminary Determination*).

During the period January 19 - 30, 2002, we conducted verification of the questionnaire responses of Tung Ho Enterprise Corp. (Tung Ho), and Kuei Yi Industrial Co., Ltd. (Kuei Yi), the respondents in this case.

We received case and rebuttal briefs on April 18 and 24, 2002, respectively, from the petitioners (*i.e.*, the Committee for Fair Beam Imports and its individual members) and the respondents. On January 4, 11, and 28, 2002, Tung Ho, Kuei Yi, and the petitioners, respectively, requested a hearing. On April 15, 2002, Kuei Yi withdrew its request for a hearing. Both Tung Ho and the petitioners withdrew their requests on April 16, 2002.

#### **Scope of Investigation**

The scope of this investigation covers 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 structural steel beams 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 the 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: (1) structural steel beams greater than 400 pounds per linear foot, (2) structural steel beams that have a web or section height (also known as depth) over 40 inches, and (3) structural steel beams that have additional weldments, connectors, or attachments to I-sections, H-sections, or pilings; however, if the only additional weldment, connector or attachment on the beam is a shipping brace attached to maintain stability during transportation,

the beam is not removed from the scope definition by reason of such additional weldment, connector, or attachment.

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, and 7228.70.6000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

### Scope Comments

Prior to the preliminary determination in this case, interested parties in several of the concurrent structural steel beams investigations requested that the following products be excluded from the scope of the investigations: (1) beams of grade A913/65 and (2) forklift mast profiles. We preliminarily found that both products fell within the scope of this investigation. Because we have received no further scope comments in this proceeding, we are making a final determination that these products fall within the scope of this investigation.

### Period of Investigation

The period of investigation is April 1, 2000, through March 31, 2001, which corresponds to the respondents' four most recent fiscal quarters prior to the month of the filing of the petition (*i.e.*, May 2001).

### Analysis of Comments Received

All issues raised in the case briefs by parties to this proceeding and to which we have responded are listed in the Appendix to this notice and addressed in the "Issues and Decision Memorandum" (Decision Memorandum) from Richard W. Moreland, Deputy Assistant Secretary for Import Administration, to Faryar Shirzad, Assistant Secretary for Import Administration, dated May 13, 2002, which is adopted by this notice. Parties can find a complete discussion of the issues raised in this investigation and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit, room B-099 of the main Commerce Building. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at <http://ia.ita.doc.gov/frn/index.html>. The paper copy and electronic version of the Decision Memorandum are identical in content.

### Changes Since the Preliminary Determination

Based on our analysis of comments received, we have made certain changes to the margin calculations. For a discussion of these changes, see the "Margin Calculations" section of the Decision Memorandum.

### Verification

As provided in section 782(i) of the Act, we verified the information submitted by the respondent for use in our final determination. We used standard verification procedures including examination of relevant accounting and production records, and original source documents provided by the respondent.

### Final Determination Margins

The weighted-average dumping margins are as follows:

| Manufacturer/exporter               | Margin (percent) |
|-------------------------------------|------------------|
| Kuei Yi Industrial Co., Ltd. ....   | 15.32            |
| Tung Ho Steel Enterprise Corp. .... | 5.21             |
| All Others .....                    | 12.24            |

In accordance with section 735(c)(5)(A), we have based the "all others" rate on the dumping margins found for the producers/exporters investigated in this proceeding, Kuei Yi and Tung Ho.

### Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we are directing the Customs Service to continue to suspend liquidation of all entries of structural steel beams from Taiwan that are entered, or withdrawn from warehouse, for consumption on or after December 28, 2001, the publication date of the preliminary determination in the **Federal Register**. The Customs Service shall continue to require a cash deposit or the posting of a bond based on the estimated weighted-average dumping margins shown above. The suspension of liquidation instructions will remain in effect until further notice.

### 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 duty order directing Customs officials 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.

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We are issuing and publishing this determination and notice in accordance with sections section 735(d) and 777(i) of the Act.

Dated: May 13, 2002

**Faryar Shirzad,**

*Assistant Secretary for Import Administration.*

### Appendix Issues in the Decision Memorandum

#### Comments

*Comment 1:*Total Cost of Manufacturing Reconciliation

*Comment 2:*Scrap Offset

*Comment 3:*General and Administrative Expense Ratio

*Comment 4:*Home Market Payment Dates

*Comment 5:*Interest Expense

*Comment 6:*Correction to Interest Expense Ratio

*Comment 7:*Rental Expenses

*Comment 8:*Minor Correction to Rental Expenses

*Comment 9:*U.S. Imputed Credit Expenses

*Comment 10:*Correction of Clerical Error

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### DEPARTMENT OF COMMERCE

#### International Trade Administration

[A-791-811]

#### Notice of Final Determination of Sales at Less Than Fair Value: Structural Steel Beams from South Africa

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