

This determination is issued and published pursuant to section 733(f) and 777(i)(1) of the Tariff Act.

Dated: May 21, 2002

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 02-13389 Filed 5-28-02; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-427-822]

Notice of Amended Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from France

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

ACTION: Notice of Amended Preliminary Determination of Sales at Less Than Fair Value.

EFFECTIVE DATE: May 29, 2002.

FOR FURTHER INFORMATION CONTACT:

Angelica Mendoza, John Drury or Abdelali Elouaradia at (202) 482-3019, (202) 482-0195 and (202) 482-1374, respectively; AD/CVD Enforcement, Office 8, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

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 ("Department") regulations are to 19 CFR part 351 (April 2001).

Amendment of Preliminary Determination

The Department of Commerce (the Department) is amending the preliminary determination in the antidumping investigation of certain cold-rolled carbon steel flat products from France. This amended preliminary determination results in a revised antidumping rate for the single respondent in this case.

Scope of Investigations

For purposes of this investigation, the products covered are certain cold-rolled

(cold-reduced) flat-rolled carbon-quality steel products. For a full description of the scope of this investigation, as well as a complete discussion of all scope exclusion requests submitted in the context of the on-going cold-rolled steel investigations, please see the "Scope Appendix" attached to the *Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina*, 67 FR 31204 (May 9, 2002).

Background

On May 4, 2001, the Department issued its negative preliminary determination in this proceeding. See *Notice of Preliminary Determination of Sales at Not Less than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from France*, 67 FR 31204 (May 9, 2002) ("Preliminary Determination"). That preliminary determination covered the following manufacturer/exporter, Usinor Group ("Usinor").

On May 6, 2002, the Department received from the petitioners a timely allegation of ministerial errors in the preliminary determination.¹ The petitioners alleged that the Department made a number of ministerial errors. The alleged ministerial errors include:

- the creation of a temporary, rather than permanent, dataset in the Model Match program;
- use of multiple producers' costs rather than a single, weighted-average cost for each product;

- exclusion of certain United States sales from the margin calculation;
- exclusion of certain billing adjustments to revenue;
- reintroduction, into the home market dataset, of sales made to affiliated resellers that failed the arm's-length test;
- failure to correct warranty expenses in the home market;
- failure to implement weighted-average movement expenses;
- failure to use the proper customer codes in the arm's-length test program;
- improper specification of the sorting macro for U.S. variables ("USBYVARS");

- failure to exclude as intended all sales between affiliates in the model match and arm's-length test programs where downstream sales were reported;
- improper calculation of credit for all non-cash sales;
- failure to exclude all home market commissions paid to affiliates;
- failure to exclude certain rebates;

¹ The petitioners in this investigation are Bethlehem Steel Corporation, LTV Steel Company, National Steel Corporation, Nucor Corporation, Steel Dynamics, Inc., WCI Steel, Inc., Weirton Steel Corporation, and United States Steel Corporation.

- failure to correct the cost of minor inputs in the cost of production;
- failure to convert certain adjustments stated in Euros to U.S. dollars;
- failure to correct U.S. sales with respect to non-prime merchandise; and
- improper merger of COP and home market data files.

See letters from petitioners alleging ministerial errors in the preliminary determination (May 6, 2002).

On May 6, 2002, the respondent alleged one clerical error. The respondent stated, as did the petitioners, that the model match program created a temporary, rather than a permanent, dataset.

Significant Ministerial Error

A significant ministerial error is defined as an error, the correction of which, singly or in combination with other errors, would result in (1) a change of at least five absolute percentage points in, but not less than 25 percent of, the weighted-average dumping margin calculated in the original (erroneous) preliminary determination; or (2) a difference between a weighted-average dumping margin of zero or *de minimis* and a weighted-average dumping margin of greater than *de minimis* or vice versa. See 19 CFR 351.224(g).

In this instance, the original preliminary determination resulted in a weighted-average margin which was *de minimis*. Implementation of the corrections of the ministerial errors results in a weighted-average dumping margin which is greater than *de minimis*, thus meeting the requirements under 19 CFR 351.224(g)(2).

Amended Determination

The Department has reviewed its preliminary calculations and agrees that most of the items identified as ministerial errors do constitute ministerial errors within the meaning of 19 CFR 351.224(f). For a detailed analysis and the Department's determinations, see the May 15, 2002 Memorandum to Richard O. Weible from Angelica Mendoza regarding *Ministerial Error Allegations* on file in room B-099 of the main Commerce building. As a result of our analysis of petitioners' and respondent's allegations, we are amending our preliminary determination to revise the antidumping rates in accordance with 19 CFR 351.224(e). Specifically, we corrected all of the points raised by all parties with the following exception:

we did not include freight revenue as a billing adjustment in the definition of home market revenue for sales by Etilam.

In addition to the ministerial errors reported by petitioners and respondent, the Department separately identified and corrected another ministerial error. With respect to revised home market imputed credit expense calculations for sales with missing payment dates, we inadvertently defined the billing adjustment variable ("BILADJH") after the programming code specifying the revised credit calculations, thereby omitting this adjustment from the credit expense calculation. See the analysis memorandum.

Suspension of liquidation will be revised in accordance with section 733(d) of the Act.

The following weighted-average dumping margins apply:

Manufacturer/exporter	Margin (percent)
Usinor Group	5.17
All Others	5.17

The all others rate has been amended, and applies to all entries of the subject merchandise except for entries from exporters/producers that are identified individually above.

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, we are directing the U.S. Customs Service ("Customs") to suspend liquidation of all imports of certain cold-rolled carbon steel flat products from France entered, or withdrawn from warehouse, for consumption on or after the date of publication of this amended preliminary determination in the **Federal Register**. Customs shall require a cash deposit or the posting of a bond equal to the weighted-average amount by which the normal value exceeds the export price, as indicated in the chart above. These suspension of liquidation instructions will remain in effect until further notice.

This determination is issued and published pursuant to section 733(f) and 777(i)(1) of the Tariff Act.

Dated: May 21, 2002

Faryar Shirzad,

Assistant Secretary for Import Administration.
[FR Doc. 02-13390 Filed 5-28-02; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-877]

Notice of Initiation of Antidumping Duty Investigation: Lawn and Garden Steel Fence Posts From the People's Republic of China

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

ACTION: Initiation of an antidumping duty investigation.

EFFECTIVE DATE: May 29, 2002.

FOR FURTHER INFORMATION CONTACT:

David Salkeld at (202) 482-1168; AD/CVD Enforcement, Office VI, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

Initiation of Investigation

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 ("URAA"). In addition, unless otherwise indicated, all citations to the Department of Commerce's ("the Department's") regulations are references to the provisions codified at 19 CFR Part 351 (2001).

The Petition

On May 1, 2002, the Department received a petition filed in proper form by Steel City Corporation ("the petitioner"). On May 9, 2002, we sent the petitioner a letter with questions regarding the petition. The Department received information supplementing the petition on May 14, 2002 and May 21, 2002.

In accordance with section 732(b) of the Act, the petitioner alleges that imports of lawn and garden steel fence posts ("steel fence posts") from the People's Republic of China ("PRC") are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports are materially injuring, or are threatening to materially injure, an industry in the United States.

The Department finds that the petitioner filed this petition on behalf of the domestic industry because it is an interested party, as defined in section 771(9)(C) of the Act and has

demonstrated sufficient industry support with respect to the antidumping investigation that it is requesting the Department to initiate. (See the *Determination of Industry Support for the Petition* section below.)

Scope of Investigation

The scope of the investigation includes all lawn and garden steel fence posts, in whatever form, shape, or size, that are produced in the PRC. The fence posts included within the scope of this investigation weigh up to 1 pound per foot and are made of steel and/or any other metal. Imports of these products are classified under the following categories: fence posts, studded with corrugations, knobs, studs, notches or similar protrusions with or without anchor posts. These posts are normally "U" shaped or "hat" shaped or any other similar shape excluding round or square tubing or pipes.

These posts are normally made in two different classes, light and heavy duty. Light duty lawn and garden posts are normally made of 14 gauge steel (0.068 inches–0.082 inches thick), 1.75 inches wide, in 3, 4, 5, or 6 foot lengths. These posts normally weigh approximately 0.45 pounds per foot and are packaged in mini-bundles of 10 posts and master bundles of 400 posts. Heavy duty lawn and garden fence posts are normally made of 13 gauge steel (0.082 inches–0.095 inches thick), 3 inches wide, in 5, 6, 7, and 8 foot lengths. Heavy duty posts normally weigh approximately 0.90 pounds per foot and are packaged in mini-bundles of 5 and master bundles of 200. Both light duty and heavy duty posts are included within the scope of the investigation.

Imports of these products are classified under the following Harmonized Tariff Schedules of the United States (HTSUS) subheading: 7326.90.85.35. Fence posts classified under subheading 7308.90 are also included within the scope of the investigation if the fence posts are made of steel and/or metal.

Specifically excluded from the scope are "tee" posts, farm posts, and sign posts, provided that the posts weigh over 1 pound per foot.¹ Although the HTSUS subheadings are provided for convenience and U.S. Customs Service ("Customs") purposes, the written description of the merchandise under investigation is dispositive.

During our review of the petition, we discussed the scope with the petitioner

¹ Tee posts are made by rolling red hot steel into a "T" shape. These posts do not have tabs or holes to help secure fencing to them and have primarily farm and industrial uses.