

duty case is issued.<sup>3</sup> After the adjustment for the cash deposit rate attributed to export subsidies, the resulting cash deposit rate for Dongbu will be 11.02 percent. 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are directing the Customs Service to continue to suspend liquidation of all entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after May 9, 2002, the date of publication of the preliminary determination in the **Federal Register**. We will instruct the Customs Service to continue to require a cash deposit or the posting of a bond for each entry equal to the weighted-average amount by which 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 percentage margins exist for the period July 1, 2000, through June 30, 2001:

Manufacturer/exporter	Margin (percent) <sup>4</sup>
POSCO .....	5.15 <sup>5</sup>
Dongbu .....	11.13
All Others .....	8.90

#### ITC Notification

In accordance with section 735(d) of the Act, we have notified the ITC of our determination. As our final determination is affirmative, the ITC

<sup>3</sup> Because suspension of liquidation in *Cold-Rolled CVD* is currently discontinued and will not be resumed unless and until the Department issues a countervailing duty order, the antidumping cash deposit rates are the rates indicated below.

<sup>4</sup> If an order is issued in the companion countervailing duty investigation, suspension of liquidation in *Cold-Rolled CVD* will resume. Additionally, if an order is issued in this antidumping duty investigation, the Department will issue antidumping duty cash deposit instructions requiring a cash deposit rate for Dongbu equal to the dumping margin calculated for Dongbu less the export subsidy rate calculated for Dongbu in *Cold-Rolled CVD*. In *Cold-Rolled CVD*, Dongbu's *ad valorem* export subsidy rate is 0.11 percent. Therefore, we will adjust Dongbu's antidumping duty rate by the export subsidy rate, if necessary (*i.e.*, 11.13 - 0.11 = 11.02 percent). Furthermore, the Department will issue antidumping duty cash deposit instructions requiring an "All Others" cash deposit equal to the "All Others" antidumping duty rate less the "All Others" export subsidy rate calculated in *Cold-Rolled CVD*. In *Cold-Rolled CVD*, the "All Others" *ad valorem* export subsidy rate is 0.11 percent. Therefore, we will adjust the antidumping duty "All Others" margin by the export subsidy rate, if necessary (*i.e.*, 8.90 - 0.11 = 8.79 percent).

<sup>5</sup> In *Cold-Rolled CVD*, POSCO's *ad valorem* net subsidy rate is *de minimis*. Therefore, we will not adjust POSCO's antidumping duty rate by its export subsidy rate, because POSCO would be excluded from any resulting countervailing duty order on certain cold-rolled carbon steel flat products from Korea.

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 cancelled. 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.

#### Notification Regarding Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to 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 in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: September 23, 2002.

**Faryar Shirzad**,  
Assistant Secretary for Import Administration.

#### Appendix I—List of Comments and Issues in the Decision Memorandum

##### A. Issues

###### Scope

###### 1. Scope of the Investigation

*Pohang Iron & Steel Co., Ltd.* ("POSCO")

###### Sales Issues:

- Comment 1: U.S. "Channel 3" Sales
- Comment 2: Middleman Dumping Allegation
- Comment 3: Certifications of Completeness and Accuracy
- Comment 4: U.S. Indirect Selling Expenses
- Comment 5: Temper, Annealing, and Surface Finish Fields
- Comment 6: Constructed Export Price—CEP—Offset
- Comment 7: Critical Circumstances

###### Cost Issues:

- Comment 8: General and Administrative Expense Rate Calculation

*Dongbu Steel Co., Ltd.* ("Dongbu")

###### Sales Issues:

- Comment 9: U.S. Indirect Selling Expense Calculation Methodology
- Comment 10: Constructed Export Price—CEP—Offset
- Comment 11: Warranty Expenses

Comment 12: Submission of New Factual Information

Comment 13: Ministerial Errors

A. The Department's Preliminary Determination Failed to Distinguish Between Prime and Non-Prime Sales

B. The Department's Margin Program Incorrectly Converts the Variables HMMOVE and HMPACK

C. The Department's Preliminary Determination Double Counted Billing Adjustments

D. The Department Failed to Assign a Weight to Dongbu's "Stone Finish" Merchandise

###### Cost Issues:

Comment 14: Interest Expense/Financial Expense Ratio

Comment 15: General and Administrative Expense Rate

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-489-810]

#### Notice of Final Determination of Sales at Less Than Fair Value; Certain Cold-Rolled Carbon Steel Flat Products From Turkey

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

**EFFECTIVE DATE:** October 3, 2002.

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

#### FOR FURTHER INFORMATION CONTACT:

Melissa Blackledge, or Robert James at (202) 482-3518, or (202) 482-0649, 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 Tariff Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to Department of Commerce (Department) regulations refer to the regulations codified at 19 CFR part 351 (April 2001).

#### Final Determination

We determine that cold-rolled carbon steel flat products (cold-rolled steel) from Turkey 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 Tariff 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 9, 2002. See *Notice of Preliminary Determination of Sales at Less Than Fair Value: Cold-Rolled Carbon Steel Flat Products from Turkey*, 67 FR 31264 (May 9, 2002) (*Preliminary Determination*). Since the publication of the *Preliminary Determination* the following events have occurred.

On May 7, 2002, respondent in this investigation, Borçelik Çelik Sanayii Ticaret A.Ş. (Borçelik), timely submitted an allegation of several ministerial errors with respect to the preliminary determination and requested the Department correct the alleged errors and publish an amended preliminary determination. See 19 CFR 351.224(e) of the Department's regulations. The Department issued a memo addressing the allegations of ministerial errors and issued an amended preliminary determination on June 12, 2002. See *Notice of Amended Preliminary Determination of Sales at Less Than Fair Value: Cold-Rolled Carbon Steel Flat Products from Turkey*, 67 FR 41695 (June 19, 2002) (*Amended Preliminary Determination*).

The Department verified sections A-C of Borçelik's responses from May 13 through May 17, 2002, at its administrative headquarters in Gemlik, Turkey. The Department also verified section D of Borçelik's response from May 21 through May 25, 2002, at Borçelik's administrative headquarters. See Memorandum For the File; "Sales Verification of Borçelik", June 19, 2002 (Sales Verification Report) and Memorandum to Neal Halper, Acting Director, Office of Accounting; "Verification Report on the Cost of Production and Constructed Value Data—Borçelik," June 26, 2002 (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 31, 2002, the respondent, Borçelik, requested the Department postpone the final determination the full sixty days as permitted by the statute and the Department's regulations. On June 14, 2002, the Department postponed the final determination until no later than 135 days after publication of the preliminary

determination in the **Federal Register**. See *Notice of Postponement of Final Determination of Sales at Less Than Fair Value: Cold-Rolled Carbon Steel Flat Products from Turkey*, 67 FR 41955 (June 20, 2002).

On May 20, 2002, Nucor Corporation,<sup>1</sup> a petitioner in this investigation, requested a public hearing. On July 2, 2002, Nucor Corporation withdrew its request for a hearing. On July 12, 2002, respondent and petitioners filed case briefs. We received rebuttal briefs from all parties on July 17, 2002.

*Period of Investigation*

The period of investigation (POI) is July 1, 2000, through June 30, 2001.

*Analysis of Comments Received*

All issues raised in the case and rebuttal briefs by parties to this administrative review 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 23, 2002, 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 <http://www.ia.ita.doc.gov/>. 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 cold-rolled (cold-reduced) flat-rolled carbon-quality steel products. A full description of the scope of this investigation is contained in "Appendix I" attached to the *Notice of Correction to Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Australia*, 67 FR 52934 (August 14, 2002). For a complete discussion of the comments received on the *Preliminary Scope Rulings*, see the memorandum regarding "Issues and Decision

Memorandum for the Final Scope Rulings in the Antidumping Duty Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People's Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, and in the Countervailing Duty Investigations of Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Brazil, France, and Korea," dated July 10, 2002, which is on file in the CRU.

*Use of Facts Available*

For a discussion of our application of facts available, see the "Discussion of Issues" section of the Decision Memorandum, Comment 3, which is on file in B-099 and available on the Web at <http://www.ia.ita.doc.gov/>.

*Changes Since the Amended Preliminary Determination*

Based on our analysis of comments received and findings at verification, we have made certain changes in the margin calculations. Any allegations of errors are discussed in the relevant sections of the "Decision Memorandum," accessible in B-099 and on the Web at <http://www.ia.ita.doc.gov/>.

*Suspension of Liquidation*

Pursuant to section 735(c)(1)(B) of the Tariff Act, we are instructing Customs to continue to suspend liquidation of all entries of cold-rolled carbon steel flat products from Turkey that are entered, or withdrawn from warehouse, for consumption on or after May 9, 2002, the date of publication of the *Preliminary Determination*. 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 below. The suspension of liquidation instructions will remain in effect until further notice.

We determine that the following weighted-average dumping margins exist for the period July 1, 2000, through June 30, 2001:

Exporter/manufacturer	Weighted-average margin (percent)
Borçelik Çelik Sanayii Ticaret A.Ş. (Borçelik) .....	4.32
All Others .....	4.32

<sup>1</sup> Other petitioners include Bethlehem Steel Corporation, National Steel Corporation, Nucor Corporation, Steel Dynamics, Inc., United States Steel Corporation, WCI Steel, Inc., and Weirton Steel Corporation (collectively, petitioners).

*ITC Notification*

In accordance with section 735(d) of the Tariff 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 of the subject merchandise entered, or withdrawn from warehouse for consumption on or after the effective date of the suspension of liquidation.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of business proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or 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 in accordance with sections 735(d) and 777(i)(1) of the Tariff Act.

Dated: September 23, 2002.

**Faryar Shirzad,**

*Assistant Secretary for Import Administration.*

### **Appendix I—Issues in Decision Memorandum**

#### *Comments and Responses*

1. U.S. Dollars v. Turkish Lira for Home Market Prices
2. U.S. Warranty Expenses
3. Cost of Production of Major Input (Hot-Rolled Coil)
4. Depreciation Expenses
5. Scrap
6. G&A Expenses
7. Financial Expense
8. "Vade Farki" (Inflation/Due Date-Related Charges)
9. Surface Quality
10. Billing Adjustments
11. "Kur Farki" (Currency-Fluctuation Charges)
12. Credit Expenses

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**BILLING CODE 3510-DS-P**

## **DEPARTMENT OF COMMERCE**

### **International Trade Administration**

**[C-351-835]**

#### **Final Affirmative Countervailing Duty Determination: Certain Cold-Rolled Carbon Steel Flat Products From Brazil**

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

**SUMMARY:** The Department of Commerce (the Department) has made a final determination that countervailable subsidies are being provided to producers and exporters of certain cold-rolled carbon steel flat products from Brazil. The subsidy rates in this final determination differ from those in the preliminary determination. The revised final subsidy rates for the investigated producers/exporters are listed below in the "Suspension of Liquidation" section of this notice.

**EFFECTIVE DATE:** October 3, 2002.

**FOR FURTHER INFORMATION CONTACT:** Sean Carey at (202) 482-3964 or Holly Hawkins at (202) 482-0414, Office of AD/CVD Enforcement VII, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, Room 7866, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

#### **SUPPLEMENTARY INFORMATION:**

##### **Applicable Statute and Regulations**

Unless otherwise indicated, all citations to the statute are references to the provisions of the Tariff Act of 1930, as amended. In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR part 351 (2001).

##### **Petitioners**

The petition in this investigation was filed on September 28, 2001, by Bethlehem Steel Corporation; United States Steel LLC; LTV Steel Company, Inc.; Steel Dynamics, Inc.; National Steel Corporation; Nucor Corporation; WCI Steel, Inc.; and Weirton Steel Corporation (collectively, "the petitioners").

##### **Case History**

The following events have occurred since the publication of the preliminary determination in the **Federal Register**. See *Notice of Preliminary Affirmative Countervailing Duty Determination and Alignment with Final Antidumping Duty Determinations: Certain Cold-Rolled Carbon Steel Flat Products from Brazil*, March 4, 2002 (67 FR 9652).

On March 21, 2002, we issued a fourth supplemental questionnaire

requesting more information on the National Bank for Economic and Social Development (BNDES) loan programs and on the Program to Induce Industrial Modernization of the State of Minas Gerais (PROIM). On April 9, 2002, respondents filed a response to this supplemental questionnaire. We issued a fifth supplemental questionnaire on May 22, 2002 requesting further clarification on the BNDES programs, and we received a response to this questionnaire on June 3, 2002.

From June 10, 2002 to June 28, 2002, we conducted verification of the questionnaire responses submitted by the Government of Brazil (GOB), Companhia Siderurgica Nacional (CSN), Usinas Siderurgicas de Minas Gerais (USIMINAS), and Companhia Siderurgica Paulista (COSIPA).

On August 23, 2002, we received a combined case brief from the GOB, USIMINAS, COSIPA, and CSN. On this date, we also received a case brief filed by petitioners. On August 29, 2002, we received a combined rebuttal brief from the GOB, and the three respondent companies, USIMINAS, COSIPA, and CSN, as well as a rebuttal brief from the petitioners.

With respect to scope, in the preliminary LTFV determinations in this and the companion cold-rolled steel investigations, the Department preliminarily excluded certain porcelain enameling steel from the scope of these investigations. See *Scope Appendix to the Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina*,