

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-423-808]

**Stainless Steel Plate in Coils From Belgium; Final Results of Antidumping Duty Administrative Review**

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

**SUMMARY:** On June 7, 2002, the Department of Commerce (“the Department”) published in the **Federal Register** the preliminary results of its administrative review of the antidumping duty order on stainless steel plate in coils from Belgium (67 FR 39354). This review covers imports of subject merchandise from ALZ, N.V. (ALZ) and its affiliated U.S. importer TrefilARBED, Inc. (TrefilARBED). The period of review (“POR”) is May 1, 2000 through April 30, 2001.

Based on our analysis of the comments received, we have made changes in the margin calculations. Therefore, the final results differ from the preliminary results of review. The final weighted-average dumping margin is listed below in the section entitled “Final Results of the Review.”

**EFFECTIVE DATE:** October 18, 2002.

**FOR FURTHER INFORMATION CONTACT:** Sally C. Gannon at (202) 482-0162, Javier Barrientos at (202) 482-2243, or Brett Royce at (202) 482-4106, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:**

**Applicable Statute & Regulations**

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

**Background**

Since the issuance of the preliminary results of review, (see *Stainless Steel Plate in Coils From Belgium: Preliminary Results of Antidumping Duty Administrative Review*, 67 FR 39354 (June 7, 2002) (“*Preliminary Results*”), the following events have occurred. On July 8, 2002, we received a timely written case brief from Allegheny Ludlum, Corp., AK Steel Corporation, Butler Armco Independent Union, North American Stainless, Zanesville Armco Independent Union,

and the United Steelworkers of America, AFL-CIO/CLC (collectively, petitioners). On July 9, 2002, we received a timely written case brief from the respondent ALZ and its affiliated U.S. importer TrefilARBED.<sup>1</sup> On July 16, 2002, we received a timely rebuttal brief from the respondent. We have now completed the administrative review in accordance with section 751 of the Act.

**Scope of the Antidumping Duty Order**

The product covered by this order is certain stainless steel plate in coils. Stainless steel is an alloy steel containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. The subject plate products are flat-rolled products, 254 mm or over in width and 4.75 mm or more in thickness, in coils, and annealed or otherwise heat treated and pickled or otherwise descaled. The subject plate may also be further processed (e.g., cold-rolled, polished, etc.) provided that it maintains the specified dimensions of plate following such processing. Excluded from the scope of this order are the following: (1) Plate not in coils, (2) plate that is not annealed or otherwise heat treated and pickled or otherwise descaled, (3) sheet and strip, and (4) flat bars. In addition, certain cold-rolled stainless steel plate in coils is also excluded from the scope of these orders. The excluded cold-rolled stainless steel plate in coils is defined as that merchandise which meets the physical characteristics described above that has undergone a cold-reduction process that reduced the thickness of the steel by 25 percent or more, and has been annealed and pickled after this cold reduction process.

The merchandise subject to this order is currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) at subheadings: 7219.11.00.30, 7219.11.00.60, 7219.12.00.06, 7219.12.00.21, 7219.12.00.26, 7219.12.00.51, 7219.12.00.56, 7219.12.00.66, 7219.12.00.71, 7219.12.00.81, 7219.31.00.10, 7219.90.00.10, 7219.90.00.20, 7219.90.00.25, 7219.90.00.60, 7219.90.00.80, 7220.11.00.00, 7220.20.10.10, 7220.20.10.15, 7220.20.10.60, 7220.20.10.80, 7220.20.60.05, 7220.20.60.10, 7220.20.60.15, 7220.20.60.60, 7220.20.60.80, 7220.90.00.10, 7220.90.00.15, 7220.90.00.60, and 7220.90.00.80.

<sup>1</sup> On July 8, 2002, the Department received the “non-final” business proprietary version of respondent’s case brief. The following day, July 9, 2002, respondent submitted the “final” business proprietary version.

Although the HTSUS subheadings are provided for convenience and Customs purposes, the written description of the scope of this order is dispositive.

**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 October 7, 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 the Central Records Unit, Room B-099 of the main Department building. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Web at <http://ia.ita.doc.gov>. The paper copy and electronic version of the *Decision Memorandum* are identical in content.

**Changes Since the Preliminary Results**

Based on our analysis of comments received, we have made changes in the margin calculations. The changes are listed below:

- We added Billing Adjustment 2 to U.S. price;
- For the purpose of deriving CEP profit, we deducted billing adjustments from both home market and U.S. price;
- We did not deduct indirect selling expenses incurred in Belgium for U.S. sales from U.S. price;
- We have reallocated U.S. warranty expenses reported by TrefilARBED at verification on a CONNUM-specific basis.

**Final Results of Review**

We determine that the following percentage margin exists for the period May 1, 2000 through April 30, 2001:

Manufacturer/exporter	Margin (percent)
ALZ, N.V .....	3.84

**Assessment**

The Department will determine, and the U.S. Customs Service (Customs) shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we have calculated an importer-specific

assessment rate for merchandise subject to this review. The Department will issue appropriate assessment instructions directly to Customs within 15 days of publication of these final results of review. We will direct Customs to assess the resulting assessment rates against the entered Customs values for the subject merchandise on each of the importer's entries during the review period.

#### Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of the final results of this administrative review for all shipments of stainless steel plate in coils from Belgium entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed company will be the rate listed above; (2) for previously reviewed or investigated companies not listed above, 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, a prior review, or the original less-than-fair-value (LTFV) 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) the cash deposit rate for all other manufacturers or exporters will continue to be 9.86 percent, which is the "all others" rate established in the LTFV investigation (*see Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Plate in Coil From Belgium*, 64 FR 15476 (March 31, 1999)). These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

#### Notification of Interested Parties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) 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 the antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders ("APOs") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance

with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(1) and 771(i) of the Act.

Dated: October 7, 2002.

**Faryar Shirzad,**

*Assistant Secretary for Import Administration.*

#### Appendix

##### List of Issues

Comment 1: U.S. Billing Adjustment 2  
 Comment 2: CEP Profit Calculation  
 Comment 3: Indirect Selling Expenses  
 Comment 4: Date of Sale  
 Comment 5: Warranty Expenses

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

[I.D. 101002B]

##### New England Fishery Management Council; Public Meetings

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) is scheduling a public meeting of its Whiting Oversight Committee and Advisory Panel in November, 2002. Recommendations from the committee will be brought to the full Council for formal consideration and action, if appropriate.

**DATES:** The meeting will held on Monday, November 4, 2002 at 9:30 a.m.

**ADDRESSES:** The meeting will be held at the Sheraton Ferncroft, 50 Ferncroft Road, Danvers, MA 01923; telephone: (978) 465-0492.

*Council address:* New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Howard, Executive Director, New England Fishery Management Council (978) 465-0492.

**SUPPLEMENTARY INFORMATION:** The committee and panel will review information and analyses included in Framework 37 to the Northeast Multispecies Fishery Management Plan (FMP). They will provide recommendations for Council consideration for final selection of management measures to be included in Framework 37; measures in Framework 37 may eliminate the Year 4 default measure in both whiting stock areas, increase opportunities for whiting fishing in the Cultivator Shoal Whiting Fishery and other fisheries in the northern stock area, and adjust other whiting management measures. They will also consider a new control date for small mesh multispecies (whiting, red hake, offshore hake) and development of related recommendations for Council consideration.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

#### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: October 11, 2002.

**Richard W. Surdi,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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**BILLING CODE 3510-22-S**

#### CONSUMER PRODUCT SAFETY COMMISSION

##### Petition Requesting Ban of All-Terrain Vehicles Sold for Use by Children Under 16 Years Old

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission has received a petition (CP-02-4/ HP-02-1) requesting that the Commission ban the sale of adult-size four wheel all-terrain vehicles ("ATVs") sold for the use of children under 16 years of age. The