

presented, thus we could not pursue the most accurate margin possible for these sales. Pursuant to 776(a)(2) of the Act, we have determined that it is necessary to use facts available for these transactions. There is no evidence on the record that Essar has not acted to the best of its ability. Therefore, we have assigned to these sales a neutral facts available rate based upon the weighted-average dumping margin calculated for Essar's remaining U.S. sales. See Decision Memorandum at Comment 10.

#### 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.

#### Suspension of Liquidation

Pursuant to section 735(c)(1)(B) of the Act, we are instructing the U.S. Customs Service (Customs) to continue to suspend liquidation of all entries of hot-rolled carbon steel flat products from India that are entered, or withdrawn from warehouse, for consumption on or after May 3, 2001 (the date of publication of the *Preliminary Determination* in the **Federal Register**). Customs shall continue to require a cash deposit or the posting of a bond equal to the estimated amount by which the normal value exceeds the U.S. price as shown above. We will adjust the deposit requirements to account for any export subsidies found in the companion countervailing duty investigation. The suspension of liquidation instructions will remain in effect until further notice.

Manufacturer/ exporter	Margin (per- cent)
Ispat Industries Ltd .....	43.07
Essar Steel Ltd .....	29.35
All Others .....	33.17

#### 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order directing Customs officials to assess antidumping duties on all imports of the subject merchandise entered or withdrawn from warehouse for consumption on or after the effective date of the suspension of liquidation.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—Issues in Decision Memorandum

##### Common Issues

1. Duty Drawback Adjustment—DEPB Program
2. The Appropriate Date of U.S. Sales
3. Inclusion of Excise Taxes in Reported Costs

##### Essar Steel Ltd.

4. Duty Drawback Adjustment—Verification
5. Duty Drawback Adjustment—Advance License Program
6. U.S. Imputed Credit Expenses Disallowed in the Preliminary Determination
7. Treatment of Pre-Operative Expenses
8. Treatment of Cost of Services Provided by an Affiliated Party
9. Use of the Revised Interest Expense Ratio
10. Unreported U.S. Sales
11. Use of Updated Credit Periods to Calculate Home Market Credit Expenses

##### Ispat Industries Ltd.

12. Capitalization of Production Costs
13. Start-Up Adjustment—Hot-Strip Mill
14. Exclusion of Costs Related to Start-Up
15. IMIL “Learning Curve”/Start-Up Adjustment
16. Overstated General and Administrative (G&A) Expenses
17. Scrap Revenue Offset to Costs
18. Proper Classification of Bad Debt Expense
19. Adjusting Home Market Price in the Cost Test for Imputed Credit Expense
20. Identifying the Proper Quality Characteristics
21. Calculating Credit Expenses Based on Home Market Price and Excise Tax
22. Verification Corrections
23. Ministerial Corrections

[FR Doc. 01–24752 Filed 10–2–01; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–421–807]

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

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

**EFFECTIVE DATE:** October 3, 2001.

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

#### FOR FURTHER INFORMATION CONTACT:

Melissa Blackledge, Mike Heaney, or Robert James at (202) 482–3518, (202) 482–4475, 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. In addition, unless otherwise indicated, all citations to Department of Commerce (Department) regulations refer to the regulations codified at 19 CFR part 351 (April 1, 2000).

#### Final Determinations

We determine that certain hot-rolled carbon steel flat products (hot-rolled steel) from the Netherlands 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 3, 2001. See *Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products from the Netherlands*, 66 FR 22146 (May 3, 2000) (*Preliminary Determination*). Since the publication of the Preliminary Determination the following events have occurred.

On May 22, 2001, the Corus Group plc (Corus), the respondent, requested that the Department postpone the final

determination the full sixty days as permitted by the statute and the Department's regulations. On June 4, 2001, the Department postponed the final determination until no later than 135 days after publication of the preliminary determination in the **Federal Register**. See 66 FR 32600 (June 15, 2001).

The Department verified sections A through C of Corus Staal BV (Corus Staal's) responses from May 7 through May 11, 2001, at Corus Staal's headquarters in IJmuiden, the Netherlands. The Department also verified section D of Corus Staal's response from May 1 through May 5, 2001, at Corus Staal's headquarters. See Memorandum To The File; "Home Market Verification of the Corus Group plc's Questionnaire Response," July 2, 2001 (Home Market Sales Verification Report) and Memorandum To Neal M. Halper, Acting Director, Office of Accounting; "Verification of the Cost of Production and Constructed Value Data Submitted by Corus Staal BV," June 15, 2001 (Home Market Cost Verification Report). From June 6 through June 7, 2001, the Department verified the responses submitted by Corus Staal relating to Rafferty-Brown of North Carolina (RBN) and Rafferty-Brown of Connecticut (collectively, the Rafferty-Brown Companies), at RBN's offices in Greensboro, North Carolina. See Memorandum To The File; "U.S. Verification of the Corus Group plc's Questionnaire Response", July 5, 2001 (U.S. Market 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 June 4, 2001, respondent and petitioners requested a public hearing. Petitioners submitted a letter on June 15, 2001, requesting that a product referred to as "battery-quality hot-rolled steel" continue to be included in the scope of the investigation and in any antidumping order to be issued in this case. On July 30, 2001, both the respondent and petitioners filed their case briefs with the Department. On July 31, 2001, petitioners submitted a letter informing the Department of a change in the name of one of the petitioners, from "U.S. Steel Group, a unit of USX Corporation" to "United States Steel LLC". We received rebuttal briefs from all parties on August 6, 2001. The hearing scheduled for August 9, 2001, was cancelled on August 8, 2001, at the request of both parties. 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 time frame 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.

#### *Export Price Sales*

As a result of our findings at verification we have reclassified certain sales as export price sales because we determined the sales were concluded between Corus Staal in the Netherlands and the first unaffiliated U.S. customer before the date of importation into the United States. See "Final Determination Analysis Memorandum," dated September 21, 2001.

#### *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 and incorporated by reference into this notice. A list of the issues which parties have raised and to which we have responded 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 decision 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 [ia.ita.doc.gov/frn/frnhome](http://ia.ita.doc.gov/frn/frnhome). The paper copy and electronic version of the Decision Memorandum are identical in content.

#### *Scope of Investigation*

For a description of the scope of this investigation, see the "Scope of Investigation" section of the Decision Memorandum, which is on file in B-099 and available on the Web at [ia.ita.doc.gov/frn/frnhome](http://ia.ita.doc.gov/frn/frnhome).

#### *Use of Facts Available*

For a discussion of our application of facts available, see the "Facts Available" section of the Decision Memorandum, which is on file in B-099 and available on the Web at [ia.ita.doc.gov/frn/frnhome](http://ia.ita.doc.gov/frn/frnhome).

#### *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. We have also corrected certain programming and clerical errors in our preliminary results, where applicable. Any allegations of programming or clerical errors with which we do not agree are discussed in the relevant sections of the "Decision Memorandum," accessible in B-099 and on the Web at [ia.ita.doc.gov/frn/](http://ia.ita.doc.gov/frn/).

#### *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 certain hot-rolled carbon steel flat products from the Netherlands that are entered, or withdrawn from warehouse, for consumption on or after May 3, 2001, 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 October 1, 1999 through September 30, 2000:

Exporter/ Manufacturer	Weighted-average margin (percent)
Corus Staal BV .....	3.06
All Others .....	3.06

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

Dated: September 21, 2001.

**Faryar Shirzad,**

*Assistant Secretary for Import Administration.*

## Appendix I—Issues in Decision Memo

### Comments and Responses

1. The Zeroing Methodology
2. Affiliation
3. Ordinary Course of Trade
4. Level of Trade
5. Interest Factor
6. Scope of the Order
7. Rebates
8. Inventory Carrying Costs
9. Non-prime Merchandise
10. Further Manufacturing Expenses
11. Gross Unit Price
12. Affiliated Party Inputs
13. Allocation of Costs
14. Unreported U.S. Sales
15. Interest Revenue

[FR Doc. 01–24754 Filed 10–2–01; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C–549–818]

### Final Affirmative Countervailing Duty Determination: Certain Hot-Rolled Carbon Steel Flat Products From Thailand

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

**ACTION:** Notice of final affirmative countervailing duty investigation.

**SUMMARY:** On April 20, 2001, the Department of Commerce (the Department) published in the **Federal Register** its preliminary affirmative determination in the countervailing duty investigation of certain hot-rolled carbon steel flat products from Thailand. Based on our analysis of the questionnaire responses, verification, and comments submitted by interested parties, we determine that subsidies are being conferred on the manufacture, production and export of certain hot-rolled carbon steel flat products in Thailand. 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, 2001.

**FOR FURTHER INFORMATION CONTACT:** Dana Mermelstein at (202) 482–1391,

Sean Carey at (202) 482–3964, Javier Barrientos at (202) 482–2243, or Scott Lindsay at (202) 482–3782, 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 Tariff Act of 1930, as amended (the Act). In addition, unless otherwise indicated, all citations to the Department’s regulations are to the regulations codified at 19 CFR part 351 (2000).

#### Background

On April 20, 2001, the Department published the results of its preliminary determination in the investigation of certain hot-rolled carbon steel flat products from Thailand. *See Notice of Preliminary Affirmative Countervailing Duty Determination and Alignment With Final Antidumping Duty Determinations: Certain Hot-Rolled Carbon Steel Flat Products From Thailand*, 66 FR 20251 (April 20, 2001) (*Preliminary Determination*). We invited interested parties to comment on the preliminary determination.

In early May, we issued a supplemental questionnaire to the Royal Thai Government (RTG) and Sahaviriya Steel Industries Public Company Limited (SSI) (the respondents). On May 30, 2001, we received questionnaire responses from SSI and the RTG. On June 13, 2001, the Department published its notice, postponing the final determination in this investigation until September 17, 2001, pursuant to the postponement of the final determination in the companion antidumping duty investigation of certain hot-rolled carbon steel flat products from Thailand, with which this investigation is aligned. *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).

On June 14, 2001, Bethlehem Steel Corporation, Gallatin Steel Company, IPSCO Steel Inc., LTV Steel Company, Inc., National Steel Corporation, Nucor Corporation, Steel Dynamics, Inc., U.S. Steel Group, a unit of USX Corporation, Weirton Steel Corporation, Independent

Steelworkers Union, and the United Steelworkers of America (the petitioners), submitted a new subsidy allegation in this investigation pursuant to section 351.311 of the Department’s regulations. *See* section 775 of the Act and 19 CFR 351.311(b). Petitioners alleged that benefits were provided to Thai hot-rolled steel producers under the Ministry of Industry’s (MOI’s) Steel Industrial Restructuring Plan (SIRP). On June 28, 2001, the Department decided to initiate on this program. *See Memorandum to the File Regarding MOI’s SIP Allegation*. We subsequently issued supplemental questionnaires to the RTG and SSI. On July 9, 2001, we received the RTG’s and SSI’s responses to these supplemental questionnaires.

On July 9, 2001, we received comments from the petitioners regarding the verification of the questionnaire responses. Verification of the questionnaire responses submitted by the RTG and SSI took place from July 16 through 27, 2001. Respondents and petitioners submitted timely case and rebuttal briefs in this investigation. A public hearing was held on September 6, 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 the Investigation

The merchandise subject to this investigation is 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 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