

information contained in the petition, and in accordance with section 776(c) of the Act, we consider the margins in the petition to be corroborated to the extent practicable for purposes of this final determination. Accordingly, in selecting AFA with respect to NZS, the Department applied the petition rate of 21.72 percent.

#### All Others

Section 735(c)(5)(B) of the Act provides that, where the estimated weighted-average dumping margins established for all exporters and producers individually investigated are zero or *de minimis*, or are determined entirely under section 776 of the Act, the Department may use any reasonable method to establish the estimated "All Others" rate for exporters and producers not individually investigated. This provision contemplates that the Department may weight-average margins other than zero, *de minimis*, and FA margins to establish the "All Others" rate. Where the data do not permit weight-averaging such rates, the SAA, at 873, provides that we may use other reasonable methods. As noted above, there was only one estimated margin derived from the petition. Therefore, we applied that margin of 21.72 percent as the "All Others" rate. See, e.g., *Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products From Indonesia*, 66 FR 22163 (May 3, 2001).

#### Continuation of 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(Customs) to continue to suspend liquidation of all imports of cold-rolled steel from New Zealand that are entered, or withdrawn from warehouse, for consumption on or after May 9, 2002 (the date of publication of the *Preliminary Determination* in the **Federal Register**). 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 below. The 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)
BHP New Zealand Steel Limited (NZS) .....	21.72
All Others .....	21.72

#### 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 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.*

[FR Doc. 02-24784 Filed 10-2-02; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-580-849]

#### Notice of Final Affirmative Countervailing Duty Determination: Certain Cold-Rolled Carbon Steel Flat Products From the Republic of Korea

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

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

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

#### FOR FURTHER INFORMATION CONTACT:

Tipten Troidl at (202) 482-1767 or Darla Brown at (202) 482-2849, Office of AD/

CVD Enforcement VI, Import Administration, U.S. Department of Commerce, Room 4012, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

**SUMMARY:** On March 4, 2002, the Department of Commerce (the Department) published in the **Federal Register** its preliminary affirmative determination in the countervailing duty investigation of certain cold-rolled carbon steel flat products (subject merchandise) from the Republic of Korea for the period of investigation (POI) calendar year 2000 (67 FR 9685).

The net subsidy rate in the final determination differs from that of the preliminary determination. The revised final net subsidy rate is listed below in the "Suspension of Liquidation" section of this notice.

#### SUPPLEMENTARY INFORMATION:

##### 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's regulations are to the regulations codified at 19 CFR part 351 (2001).

##### Background

On March 4, 2002, the Department of Commerce (the Department) published in the **Federal Register** its preliminary affirmative determination in the countervailing duty investigation of certain cold-rolled carbon steel flat products from the Republic of Korea. See *Notice of Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Countervailing Duty Determination with Final Antidumping Duty Determination: Certain Cold-Rolled Carbon Steel Flat Products from the Republic of Korea*, 67 FR 9685 (March 4, 2002) (*Preliminary Determination*). This investigation covers the POI calendar year 2000.

We invited interested parties to comment on the *Preliminary Determination*. We received both case briefs and rebuttal briefs from interested parties. A public hearing was held on August 27, 2002. All issues raised in the case and rebuttal briefs by parties to this investigation are addressed in the "Issues and Decision Memorandum" (*Decision Memorandum*) dated September 23, 2002, which is hereby adopted by this notice.

With respect to scope, in the *Preliminary Determinations* in these cases, 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*, 67 FR 31181 (May 9, 2002) (*Scope Appendix—Argentina Preliminary LTFV Determination*). On June 13, 2002, we issued a preliminary decision on the remaining 75 scope exclusion requests filed in a number of the on-going cold-rolled steel investigations (see the June 13, 2002, memorandum regarding “Preliminary Scope Rulings in the Antidumping 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” (*Preliminary Scope Rulings*), which is on file in the Department’s Central Records Unit (CRU), room B–099 of the main Department building. We gave parties until June 20, 2002, to comment on the preliminary scope rulings, and until June 27, 2002, to submit rebuttal comments. We received comments and/or rebuttal comments from petitioners and respondents from various countries subject to these investigations of cold-rolled steel. In addition, on June 13, 2002, the North American Metals Company (an interested party in the Japanese proceeding) filed a request that the Department issue a “correction” for an already excluded product. On July 8, 2002, the petitioners objected to this request.

At the request of multiple respondents, the Department held a public hearing with respect to the *Preliminary Scope Rulings* on July 1, 2002. The Department’s final decisions on the scope exclusion requests are addressed in the “Scope of Investigation” section below.

### 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.

### Period of Investigation

The period of investigation (POI) for which we are measuring subsidies is calendar year 2000.

### Verification

As provided in section 782(i) of the Act, we conducted verification of the government responses from April 15 through 18, 2002. We also conducted verification of the responses of companies from April 17 through 25, 2002. We used standard verification procedures, including meeting with government and company officials and examining relevant accounting records and original source documents provided by the respondents. Our verification results are outlined in detail in the public versions of the verification reports, which are on file in the Central Records Unit of the Department of Commerce (Room B–099).

### Analysis of Comments Received

A list of 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 Appendix I. Parties can find a complete discussion of all issues raised in this investigation and the corresponding recommendations in this public memorandum which is on file in room B–099 of the Main Commerce Building. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the World Wide Web at <http://ia.ita.doc.gov>, under the heading “Federal Register Notices.” The paper copy and electronic version of the *Decision Memorandum* are identical in content.

### Suspension of Liquidation

In accordance with section 705(c)(1)(B)(i)(I) of the Act, we have calculated individual rates for the companies under investigation. For the

period calendar year 2000, we determine the net subsidy rates for the investigated companies to be as follows:

Producer/exporter	Net subsidy rate
Dongbu Steel Co., Ltd. (Dongbu) .....	1.09 percent <i>ad valorem</i>
Hyundai Hysco (Hysco) .....	0.36 percent <i>ad valorem</i>
Pohang Iron & Steel Co., Ltd. (POSCO) .....	0.76 percent <i>ad valorem</i>
Union Steel Manufacturing Co., Ltd. (Union) .....	3.43 percent <i>ad valorem</i>
All Others Rate .....	1.09 percent <i>ad valorem</i>

In accordance with our preliminary affirmative determination, we instructed the U.S. Customs Service to suspend liquidation of all entries of certain cold-rolled carbon steel flat products from Korea, which were entered or withdrawn from warehouse, for consumption on or after March 4, 2002, the date of the publication of our preliminary determination in the **Federal Register**. In accordance with section 703(d) of the Act, we instructed the U.S. Customs Service to discontinue the suspension of liquidation for merchandise entered on or after July 2, 2002, but to continue the suspension of liquidation of entries made between March 4, 2002 and July 1, 2002.

We will reinstate suspension of liquidation under section 706(a) of the Act for all entries if the ITC issues a final affirmative injury determination and will require a cash deposit of estimated countervailing duties for such entries of merchandise in the amounts indicated above. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

### ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided that the ITC confirms that it will not disclose such information, either publically or under an administrative protective order (APO), without the written consent of the Assistant Secretary for Import Administration.

If the ITC determines that material injury, or threat of material injury, does not exist, these proceedings will be terminated. If however, the ITC determines that such injury does exist, we will issue a countervailing duty order.

### Return or Destruction of Proprietary Information

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to comply is a violation of the APO.

This determination is published pursuant to sections 705(d) and 777(i) of the Act.

Dated: September 23, 2002.

**Faryar Shirzad,**

*Assistant Secretary for Import Administration.*

### Appendix I—Issues and Decision Memorandum

#### Methodology and Background Information

- I. The Net Subsidy Rate Attributable to Union Steel Manufacturing Co., Ltd. (Union)
- II. Subsidies Valuation Information
  - A. Allocation Period
  - B. Benchmarks for Loans and Discount Rate
  - C. Treatment of Subsidies Received by Trading Companies

#### Analysis of Programs

- I. Programs Conferring Subsidies
  - A. Pre-Shipment and Post-Shipment Export Financing
  - B. GOK Infrastructure Investment at Kwangyang Bay Through 1991
  - C. Research and Development (R&D)
  - D. Provision of Land at Asan Bay
  - E. POSCO's Exemption of Bond Requirement for Port Use at Asan Bay
  - F. Investment Tax Credits
  - G. Reserve for Export Loss—Article 16 of the TERCL
  - H. Reserve for Overseas Market Development under TERCL Article 17
  - I. Asset Revaluation Under Article 56(2) of the TERCL
  - J. Tax Reserve for Balanced Development under TERCL Article 41/ RSTA Article 58
  - K. Short-term Export Financing
  - L. Local Tax Exemption on Land outside of Metropolitan Area
  - M. Electricity Discounts under the Requested Load Adjustment Program
  - N. POSCO's Provision of Steel Inputs at Less than Adequate Remuneration
  - O. Dongbu's Excessive Exemptions under the Harbor Act
  - P. Exemption of VAT on Imports of Anthracite Coal
- II. Programs Determined To Be Not Countervailable
  - A. GOK Infrastructure Investments at Kwangyang Bay

- B. R&D Aid for Anthracite Coal Technology
- C. Asan Bay Infrastructure Subsidies
- D. Reserve for Energy-Saving Equipment (RSTA Article 30)
- III. Programs Determined To Be Not Used
  - A. Anthracite Coal for Less than Adequate Remuneration
  - B. Grants to Dongbu
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  - D. Export Insurance
- IV. Total Ad Valorem Rate
- V. Analysis of Comments
  - Comment 1: GOK Control of POSCO
  - Comment 2: POSCO's Provision of Hot-rolled Coil at Less than Adequate Remuneration
  - Comment 3: Exemption of VAT
  - Comment 4: Direction of Credit
  - Comment 5: Tax Programs
  - Comment 6: Research and Development Subsidies
  - Comment 7: The GOK's Provision of Infrastructure at Kwangyang Bay
  - Comment 8: The GOK's Provision of Infrastructure at Asan Bay
  - Comment 9: Provision of Land at Asan Bay: Land Price and Benchmark
  - Comment 10: Provision of Land at Asan Bay: Fees Waived
  - Comment 11: Exemption of Port Fees under the Harbor Act
  - Comment 12: POSCO's donation to POSTECH

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-583-839]

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

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

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

#### FOR FURTHER INFORMATION CONTACT:

Magd Zalok at (202) 482-4162, or Martin Claessens at (202) 482-5451, Office of AD/CVD Enforcement V, Group II, 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 Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce (Department)

regulations are to the regulations at 19 CFR part 351 (April 2002).

### Final Determination

We determine that certain cold-rolled carbon steel flat products (cold-rolled steel) 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. The estimated margins of sales at LTFV are shown in the *Continuation of Suspension of Liquidation* section of this notice.

### Case History

On May 9, 2002, the Department published its preliminary determination in the above-captioned antidumping duty investigation. *See Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Certain Cold-Rolled Carbon Steel Flat Products from Taiwan*, 67 FR 31255 (May 9, 2002) (*Preliminary Determination*). Since the preliminary determination, the following events have occurred. In May and June 2002, the Department verified the responses submitted by the sole participating respondent in this investigation, China Steel Corporation (CSC) and Yieh Loong Enterprise Co., Ltd (YL) (collectively CSC/YL). On August 29, 2002, we received case briefs from the petitioners<sup>1</sup> and CSC/YL. On September 4, 2002, we received rebuttal briefs from the petitioners and the respondent. A public hearing was not requested.

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*, 67 FR 31181 (May 9, 2002) (*Scope Appendix—Argentina Preliminary LTFV Determination*). On June 13, 2002, we issued a preliminary decision on the remaining 75 scope exclusion requests filed in a number of the on-going cold-rolled steel investigations (*see the June 13, 2002, memorandum regarding "Preliminary Scope Rulings in the Antidumping Investigations on Certain Cold-Rolled Carbon Steel Flat Products from Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan,*

<sup>1</sup> The petitioners in this investigation are Bethlehem Steel Corporation, LTV Steel Company, Inc., Nucor Corporation, Steel Dynamics, Inc., United States Steel Corporation, WCI Steel, Inc., and Weirton Steel Corporation (collectively, the petitioners).