

- Excluding Corus' sales to its affiliate GalvPro from the U.S. sales database;
- Adding RBC galvanizing costs to the further manufacturing field;
- Calculating a revised bad debt expense for CSBV;
- Correcting clerical errors identified at verification;
- Revising the VCOM field in the cost of production and constructed value calculations;
- Revising further manufacturing general and administrative ("G&A") expenses; and
- Calculating a separate G&A rate for each further manufacturing company.

#### 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).

#### Critical Circumstances

Section 733(e)(1) of the Act provides that if a petitioner alleges critical circumstances, the Department will determine, on the basis of the information available at the time, whether there is a reasonable basis to believe or suspect that (i) there is a history of dumping and material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise, or (ii) the person by whom, or for whose account, the merchandise was imported knew, or should have known that the exporter was selling the subject merchandise at LTFV and that there would be material injury by reason of such sales (see 733(e)(1)(A)(i) and (ii)), and there have been massive imports of the subject merchandise over a relatively short period (section 733(e)(1)(B)).

In the *Notice of Preliminary Determinations of Critical Circumstances: Certain Cold-Rolled Carbon Steel Flat Products From Australia, the People's Republic of China, India, the Republic of Korea, the Netherlands, and the Russian Federation*, 67 FR 19157 (April 18, 2002), we preliminarily found that both criteria for critical circumstances, *i.e.*, a history of injurious dumping and massive imports of subject merchandise, exist. For the reasons discussed in the *Decision Memorandum*, we continue to find that critical circumstances exist in this final determination pursuant to section 735(a)(3) of the Act.

#### Continuation of Suspension of Liquidation

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liquidation of all entries of certain cold-rolled carbon steel flat products from The Netherlands that are entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days prior to the date of publication of the preliminary determination.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 Netherlands:

Manufacturer/exporter	Margin (percent)
Corus Staal BV .....	6.28
All Others .....	6.28

#### International Trade Commission Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our determinations. The ITC will determine, within 45 days, whether imports of subject merchandise from the Netherlands are causing material injury, or threaten material injury, to an industry in the United States. If the ITC determines that material injury or threat of injury does not exist, the proceedings 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 antidumping orders directing Customs Service 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 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 Shizad,**

*Assistant Secretary for Import Administration.*

#### Appendix—Issues Covered in Decision Memorandum

##### Sales Issues

1. Excusing Corus from reporting downstream sales by its bankrupt affiliate GalvPro, LP ("GalvPro")
2. Missing payment dates for certain U.S. sales
3. Rafferty-Brown Inc. of Connecticut ("RBC") galvanizing costs
4. Scrap Recovery Offset to U.S. warranty expenses
5. Applying adverse facts available to calculate Corus' less than fair value ("LTFV") margins
6. Sufficiency of petition to provide the basis for initiation
7. Classifying Corus' U.S. sales as export price ("EP") sales or constructed export price ("CEP") sales
8. CEP offset
9. Whether GalvPro's unpaid sales should be treated as a bad debt expense
10. Critical circumstances
11. "Zeroing" methodology
12. Clerical error in the margin program
13. Clerical Errors Identified at Verification
14. Variable Cost of Manufacture ("VCOM") Calculation

##### Cost Issues

15. Non-Prime Offset to Standard Costs
16. General and Administrative ("G&A") Expenses
17. Corporate Rationalization Charges—G&A Expenses
18. Extraordinary Charges—G&A Expenses
19. Further-Manufacturing Overhead
20. Further-Manufacturing G&A Expenses
21. Inter-company Charges—Further-Manufacturing G&A Expenses
22. Corporate Rationalization versus Group G&A—Further-Manufacturing G&A Expenses

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#### DEPARTMENT OF COMMERCE

##### International Trade Administration

[A-427-822]

#### Notice of Final 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.

**EFFECTIVE DATE:** October 3, 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.

### 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. In addition, unless otherwise indicated, all citations to the Department of Commerce (Department) regulations are to the regulations at 19 CFR part 351 (April 2001).

### Final Determination

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

### Case History

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). Since the publication of the Preliminary Determination the following events have occurred.

On May 21, 2002, the Department published in the **Federal Register** its amended preliminary determination. See Notice of Amended Preliminary Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from France, 67 FR 37387 (May 29, 2002) (Amended Prelim).

On May 23, 2002, Usinor requested that the Department postpone its final determination until not later than 135 days after the date of the publication of the preliminary determination in the **Federal Register** and requested an extension of the provisional measures. On June 6, 2002, we extended the final determination until not later than 135 days after the publication of the preliminary determination in the **Federal Register**. See Notice of Postponement of Final Determination of Antidumping Duty Investigation: Certain Cold-Rolled Carbon Steel Flat

Products from France, 67 FR 40911–01 (June 14, 2002).

The Department verified sections A and B of Usinor's responses from May 13, 2002, through May 24, 2002, at Usinor's facilities in Florange (for Sollac Atlantique S.A., Sollac Lorraine, S.A., and Usinor Packaging, S.A.), Montataire (Société Lorraine de Produits Metallurgiques (SLPM)), and Rheims, France (Produits d'Usines Metallurgiques (PUM)). From June 17, 2002, through June 19, 2002, the Department verified section C of Usinor's responses at Usinor Steel Corporation, Inc.'s (USC), its U.S. affiliate, headquarters in New York, New York. The Department also verified section D of Usinor's responses from June 19, 2002, through June 28, 2002, at Usinor's facilities in Florange, France. See Memorandum For the File; "Home Market Sales Verification of Section B Questionnaire Responses Submitted by Usinor in the Antidumping Duty Investigation of Certain Cold-Rolled Carbon Steel Flat Products," July 25, 2002 (Verification Report), to Richard Weible, Director, Office 8; "United States Sales Verification of Section C Questionnaire Responses Submitted by Usinor in the Antidumping Duty Investigation of Certain Cold-Rolled Carbon Steel Flat Products from France," July 24, 2002 (U.S. Verification Report), to Neal M. Halper, Director, Office of Accounting; "Verification Report on the Cost of Production and Constructed Value Data Submitted by Usinor," July 17, 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 20, 2002, one of the petitioners (Nucor Corporation) requested a public hearing in this investigation. The remaining petitioners (Bethlehem Steel Corporation, National Steel Corporation, United States Steel Corporation, Steel Dynamics, Inc., WCI Steel, Inc., and Weirton Steel Corporation) requested a public hearing on June 10, 2002. We did not receive a request for hearing from Usinor. On August 9, 2002, the petitioner which first requested a public hearing withdrew its request for a public hearing. On August 12, 2002, the remaining petitioners withdrew their request for a public hearing. On August 7, 2002, we received case briefs from Usinor and petitioners. We received rebuttal briefs from all parties on August 12, 2002.

With respect to scope, in the preliminary LTFV 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, 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.

### 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 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 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/frn>. 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.

### 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. These changes are noted in various sections of the Decision Memorandum, accessible in B-099 and on the Web at <http://www.ia.ita.doc.gov/frn>.

### Use of Facts Available

In accordance with section 776 of the Act, we have determined that the use of facts available is appropriate for certain portions of our analysis of Usinor. For a discussion of our determination with

respect to these matters, see the Decision Memorandum.

### Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B)(ii) of the Act, for Usinor, we are directing the Customs Service to continue to suspend liquidation of all entries of subject merchandise from France that are entered, or withdrawn from warehouses, for consumption on or after May 29, 2002, the date of publication of the Amended Preliminary Determination in the **Federal Register**. The Customs Service shall continue to require a cash deposit or posting of a bond equal to the estimated amount by which the normal value exceeds the U.S. price as shown below. This suspension-of-liquidation instruction 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, 2002:

Manufacturer/exporter	Margin (percent)
Usinor Group .....	11.59
All Others .....	11.59

### 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 23, 2002.

**Faryar Shirzad,**

*Assistant Secretary for Import Administration.*

### Appendix I—Issues in Decision Memorandum

1. Downstream Sales to Affiliated Parties
2. Collapsing of Downstream Producers
3. "Exempted" Steel Service Centers that Failed the Arm's-Length Test

4. Constructed Export Price (CEP) Offset
5. CEP Profit
6. Home Market Indirect Selling Expenses
7. Home Market Credit Expense
8. Home Market Credit Expense for Sales by SLPM
9. Home Market Inventory Carrying Cost
10. Home Market Movement Expenses
11. Home Market Warranty Expense
12. Home Market Adjustment to Normal Value
13. Commissions Paid to Affiliated Parties
14. Inland Freight to Warehouse Expense for Sales by SLPM
15. U.S. Indirect Selling Expense
16. USC's Accounts Receivables Securitization Program
17. U.S. Credit Expense Calculation
18. U.S. Movement Expenses
19. U.S. Sales Not Previously Reported
20. U.S. Sales of "Non-Prime" Merchandise
21. Weighted-Average Margin Calculation—Zeroing Negative Margins
22. Unreconcilable Differences
23. By-Product Offset
24. Rail Rental Revenues
25. Major Input Rule—Sales to Affiliated Resellers
26. Major Input Rule—Usinor Purchases from Affiliates
27. Disregarded Transactions
28. Miscellaneous Selling, General and Administrative (SG&A) Related Accruals and Provisions
29. SG&A Expenses—Accelerated Tax Depreciation
30. SG&A Expenses—Foreign Exchange Losses

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-428-834]

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

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

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

#### FOR FURTHER INFORMATION CONTACT:

Anya Naschak, Helen Kramer, or Abdelali Elouaradia at (202) 482-0405, (202) 482-6375, or (202) 482-1374, 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.

#### SUPPLEMENTARY INFORMATION:

#### Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to