**Analysis of Comments Received**

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the Decision Memo, 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 Memo, 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 Memo can be accessed directly on the Web at *http://ia.ita.doc.gov.* The paper copy and electronic version of the Decision Memo are identical in content.

**Changes Since the Preliminary Results**

Based on our analysis of comments received, we have made certain changes in the margin calculations. These changes are discussed in the relevant sections of the Decision Memo.

**Final Results of Review**

We determine that the following weighted-average margin percentages exist for the period April 1, 2000, through March 31, 2001:

| Manufacturer/producer/exporter | Margin percentage |
|---|---|
| Colakoglu Metalurji A.S. ..... | 5.31 |
| Ekinciler Holding A.S./Ekinciler Demir Celik A.S. ..... | 0.04 |
| HABAS Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S. ..... | 0.27 |

The Department will determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), for Habas, we have calculated an importer-specific assessment rate based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of those sales. Regarding Colakoglu and Ekinciler, for assessment purposes, we do not have the information to calculate entered value because these companies are not the importers of record for the subject merchandise. Accordingly, we have calculated importer-specific duty assessment rates for the merchandise in question by aggregating the dumping margins calculated for all U.S. sales to each importer and dividing this amount by the total quantity of those sales. To determine whether the duty assessment rates were *de minimis*, in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we calculated importer-specific *ad valorem* ratios based on the export prices. We will direct the Customs Service to assess the resulting assessment rates uniformly on all entries of that particular importer made during the POR. Pursuant to 19 CFR 351.106(c)(2), we will instruct the Customs Service to liquidate without regard to antidumping duties any entries for which the assessment rate is *de minimis* (*i.e.*, less than 0.50 percent). The Department will issue appropriate assessment instructions directly to the Customs Service within 15 days of publication of these final results of review.

**Cash Deposit Requirements**

The following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of rebar from Turkey 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 rates for the reviewed companies will be the rates indicated above; (2) for previously 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, or the 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 16.06 percent, the all others rate established in the LTFV investigation.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

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

This notice also serves as the only 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(a)(3). 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.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: October 24, 2002.

**Faryar Shirzad,**

*Assistant Secretary for Import Administration.*

**Appendix—Issues in Decision Memo**

**Comments**

1. Model Matching Hierarchy
2. Clerical Errors in the Preliminary Results
3. Treatment of Ekinciler's U.S. Sales
4. Financing Expenses for Ekinciler
5. Depreciation Expenses for Ekinciler

[FR Doc. 02–27631 Filed 10–29–02; 8:45 am]

BILLING CODE 3510–DS–P

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## DEPARTMENT OF COMMERCE

## International Trade Administration

**[C–427–817]**

## Certain Cut-to-Length Carbon-Quality Steel Plate from France: Notice of Court Decision and Suspension of Liquidation

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

**SUMMARY:** On September 24, 2002, in *GTS Industries S.A. v. United States*, Consol. Court No. 00–03–00118, Slip Op. 02–115 (CIT 2002), a lawsuit challenging the Department of Commerce's (''the Department's'') *Final Affirmative Countervailing Duty Determination: Certain Cut-to-Length Carbon-Quality Steel Plate from France*, 64 FR 73277 (December 29, 1999) (''*French Plate*''), the Court of International Trade (''CIT'') affirmed the Department's second remand redetermination and entered a judgment order. In this redetermination, the Department reviewed the record evidence regarding the facts and circumstances, including the terms of the sale, of the privatization of Usinor (which owned a majority interest in GTS Industries S.A. (''GTS'') prior to 1996 and a minority interest during the period of investigation (''POI'')), and concluded that no countervailable subsidies were attributable to GTS following the privatization transaction.

As a result of the redetermination, the countervailable subsidy rate for the subject merchandise produced and sold by GTS during the POI was reduced

from 6.86 percent to 0.00 percent *ad valorem*.

This redetermination was not in harmony with the Department's original final determination in *French Plate*. Consistent with the decision of the U.S. Court of Appeals for the Federal Circuit (''CAFC'') in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (''*Timken*''), the Department will continue to order the suspension of liquidation of the subject merchandise until there is a ''conclusive'' decision in this case. If the case is not appealed, or if it is affirmed on appeal, the Department will instruct the U.S. Customs Service to terminate the suspension of liquidation for all entries of certain cut-to-length carbon-quality steel plate from France.

**EFFECTIVE DATE:** October 30, 2002.

**FOR FURTHER INFORMATION CONTACT:** Jesse Cortes, AD/CVD Enforcement Group I, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone: (202) 482–3986.

**SUPPLEMENTARY INFORMATION:**

## Background

In *French Plate*, using the change-in-ownership methodology in place at that time, the Department determined that countervailable subsidies were being provided to producers and exporters of certain cut-to-length carbon-quality steel plate from France. GTS challenged this determination before the CIT.

On February 2, 2000, the CAFC ruled in *Delverde SRL v. United States*, 202 F.3d 1360 (Fed. Cir. 2000), *reh'g granted in part*, (June 20, 2000) (''*Delverde III*''), that:

the Tariff Act as amended does not allow Commerce to presume conclusively, pursuant to a *per se* rule, that the subsidies granted to the former owner of Delverde's corporate assets automatically 'passed through' to Delverde following the sale. Rather, the Tariff Act requires that Commerce make such a determination by examining the particular facts and circumstances of the sale and determining whether Delverde directly or indirectly received both a financial contribution and benefit from the government.

202 F.3d at 1364. The methodology analyzing Delverde's change in ownership and struck down by the CAFC in *Delverde III* was similar to that employed in *French Plate*. Accordingly, the Department asked the CIT to remand the *French Plate* proceeding for reconsideration in light of Delverde III. The parties consented to this remand.

On August 9, 2000, the CIT remanded the French Plate proceeding to the Department with instructions to: (1) ''determine the applicability, if any, of [*Delverde III*] to this proceeding, and (2) embark upon further fact finding, if appropriate.'' *GTS Industries S.A. v. United States*, Court No. 00–03–00118, Remand Order August 9, 2000, modified by Order August 24, 2000.

On December 22, 2000, following a comment period, the Department issued the *Final Results of Redetermination Pursuant to Court Remand*. In that redetermination, in light of *Delverde III*, the Department analyzed the facts and circumstances of the privatization transaction to determine whether the person to whom countervailable subsides had been given in the past was essentially the same person after privatization. Among the facts and circumstances considered, the Department examined the continuity of general business operations, the continuity of production facilities, continuity of assets and liabilities, and retention of personnel before and after the privatization. Based on these factors, the Department determined that post-privatization Usinor was essentially the same person as pre-privatization Usinor. Consequently, because the Department had attributed a portion of Usinor's pre-privatization subsidies to GTS, these subsidies remained attributable to GTS following Usinor's privatization.

After briefing and a hearing, the CIT, on January 4, 2002[1], again remanded the *French Plate* proceeding to the Department. *GTS Industries S.A. v. United States*, 182 F. Supp. 2d 1369 (CIT 2002). The court explained that the central question was whether the Department's remand decision was consistent with the statute, as interpreted by the CAFC in *Delverde III*. The court found that *Delverde III's* requirements were as follows:

1.Section 1677(5) prohibits the Department from adopting any per se rule that a subsidy passes through, or is eliminated, as a result of a change in ownership. *Id.* at 1377.

2.The statute requires that the Department must look at the facts and circumstances of the entire transaction, including the terms of the sale, to determine if the purchaser/new owner received, directly or indirectly, a subsidy for which it did not pay adequate compensation. In other words, the Department must find that the purchaser/new owner indirectly received a subsidy from the government. *Id.* at 1377–1380.

The Court specifically rejected, as contrary to *Delverde III*, the Department's argument that, if the pre and post-privatization companies are, in substance, the same legal person, the Department is not required to determine anew whether that same person has received a subsidy.

On June 3, 2002, following a comment period, the Department issued its *Results of Redetermination Pursuant to Court Remand*. In this second redetermination, the Department re-analyzed certain facts and circumstances of the privatization of Usinor, including the terms of the sale. The Department determined that: 1) some purchasers of Usinor's shares paid full, fair-market value for those shares and, thus, received no subsidy from the privatization transaction; and 2) other purchasers that did not pay full, fair-market value did receive a subsidy from the privatization transaction. However, regarding the purchasers that did not pay full, fair-market value, while they did receive a subsidy, the Department determined that this subsidy was not countervailable because it was conferred on the owners of the company, and not on the company itself. Consequently, the Department concluded that Usinor (and, thus, GTS) received no countervailable subsidies as a result of the privatization transaction. Accordingly, the Department recalculated a subsidy rate of 0.00 percent *ad valorem* for GTS for the POI.

The CIT affirmed the *Results of Redetermination Pursuant to Court Remand* on September 24, 2002. See GTS Industries S.A. v. United States, Consol. Court No. 00–03–00118, Slip Op. 02–115 (CIT 2002).

## Suspension of Liquidation

The CAFC, in *Timken*, held that the Department must publish notice of a decision of the CIT or the CAFC which is not ''in harmony'' with the Department's final determination. Publication of this notice fulfills that obligation. The CAFC also held that the Department must suspend liquidation of the subject merchandise until there is a ''conclusive'' decision in the case. Therefore, pursuant to *Timken*, the Department must continue to suspend liquidation pending the expiration of the period to appeal the CIT's September 24, 2002, decision or, if that decision is appealed, pending a final decision by the CAFC. The Department will instruct the Customs Service to liquidate relevant entries covering the subject merchandise effective October 30, 2002, in the event that the CIT's

[1] The Court's Memorandum Opinion and Order is dated January 4, 2002, however, the order establishing the time frame for the remand is dated January 7, 2002.

ruling is not appealed, or if appealed and upheld by the CAFC.

Dated: October 23, 2002.

**Faryar Shirzad,**

*Assistant Secretary for Import Administration.*

[FR Doc. 02–27630 Filed 10–29–02; 8:45 am]

**BILLING CODE 3510–DS–S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[C–427–815]**

### Stainless Steel Sheet and Strip in Coils from France: Notice of Court Decision and Suspension of Liquidation

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

**SUMMARY:** On September 24, 2002, in *Allegheny Ludlum Corp. v. United States*, Consol. Court No. 99–09–00566, Slip Op. 02–114, a lawsuit challenging the Department of Commerce's (''the Department's'') *Final Affirmative Countervailing Duty Determination: Stainless Steel Sheet and Strip in Coils from France*, 64 FR 30774 (June 8, 1999) (''*French Stainless*''), the Court of International Trade (''CIT'') affirmed the Department's second remand redetermination and entered a judgment order. In this redetermination, the Department reviewed the record evidence regarding the facts and circumstances of the privatization of Usinor, Ugine S.A., and Uginox Sales Corporation (collectively ''Usinor''), including the terms of the sale, and concluded that Usinor received no countervailable subsidies as a result of the privatization transaction.

As a result of the redetermination, the countervailable subsidy rate for the subject merchandise produced and sold by Usinor during the period of investigation (''POI'') was reduced from 5.38 percent to 0.00 percent *ad valorem*.

This redetermination was not in harmony with the Department's original final determination in *French Stainless*. Consistent with the decision of the U.S. Court of Appeals for the Federal Circuit (''CAFC'') in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (''*Timken*''), the Department will continue to order the suspension of liquidation of the subject merchandise until there is a ''conclusive'' decision in this case. If the case is not appealed, or if it is affirmed on appeal, the Department will instruct the U.S. Customs Service to terminate the suspension of liquidation for all entries of stainless steel sheet and strip in coils from France.

**EFFECTIVE DATE:** October 30, 2002.

**FOR FURTHER INFORMATION CONTACT:** Jesse Cortes, AD/CVD Enforcement Group I, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone: (202) 482–3986.

**SUPPLEMENTARY INFORMATION:**

#### Background

In *French Stainless*, using the change-in-ownership methodology in place at that time, the Department determined that countervailable subsidies were being provided to producers and exporters of stainless steel sheet and strip in coils from France. Usinor challenged this determination before the CIT.

On February 2, 2000, the CAFC ruled in Delverde SRL v. United States, 202 F.3d 1360 (Fed. Cir. 2000), *reh'g granted in part*, (June 20, 2000) (''*Delverde III*''), that:

the Tariff Act as amended does not allow Commerce to presume conclusively, pursuant to a per se rule, that the subsidies granted to the former owner of Delverde's corporate assets automatically 'passed through' to Delverde following the sale. Rather, the Tariff Act requires that Commerce make such a determination by examining the particular facts and circumstances of the sale and determining whether Delverde directly or indirectly received both a financial contribution and benefit from the government.

202 F.3d at 1364. The methodology analyzing Delverde's change in ownership and struck down by the CAFC in *Delverde III* was similar to that employed in *French Stainless*. Accordingly, the Department asked the CIT to remand the *French Stainless* proceeding for reconsideration in light of *Delverde III*. The parties consented to this remand.

On August 15, 2000, the CIT remanded the *French Stainless* proceeding to the Department with instructions to issue a determination consistent with United States law, interpreted pursuant to all relevant authority, including the CAFC decision in *Delverde III. Allegheny Ludlum Corp., et al v. United States*, Court No. 99–09–00566, Remand Order dated August 15, 2000.

On December 20, 2000, following a comment period, the Department issued the *Final Results of Redetermination Pursuant to Court Remand*. In that redetermination, in light of *Delverde III*, the Department analyzed the facts and circumstances of Usinor's privatization transaction to determine whether the person to whom countervailable subsidies had been given in the past was essentially the same person after privatization. Among the facts and circumstances considered, the Department examined the continuity of general business operations, the continuity of production facilities, continuity of assets and liabilities, and retention of personnel before and after the privatization. Based on these factors, the Department determined that post-privatization Usinor was essentially the same person as pre-privatization Usinor. Consequently, the pre-privatization subsidies remained attributable to Usinor following its privatization.

After briefing and a hearing, the CIT, on January 4, 2002[1], again remanded the *French Stainless* proceeding to the Department. *Allegheny Ludlum Corp. v. United States*, 182 F. Supp. 2d 1357 (CIT 2002). The court explained that the central question was whether the Department's remand redetermination was consistent with the statute, as interpreted by the CAFC in *Delverde III*. The court found that *Delverde III's* requirements were as follows:

1. Section 1677(5) prohibits the Department from adopting any per se rule that a subsidy passes through, or is eliminated, as a result of a change in ownership. *Id.* at 1377.
2. The statute requires that the Department must look at the facts and circumstances of the entire transaction, including the terms of the sale, to determine if the purchaser/new owner received, directly or indirectly, a subsidy for which it did not pay adequate compensation. In other words, the Department must find that the purchaser/new owner indirectly received a subsidy from the government. *Id.* at 1377–1380.

The Court specifically rejected, as contrary to *Delverde III*, the Department's argument that, if the pre- and post-privatization companies are, in substance, the same legal person, the Department is not required to determine anew whether that same person has received a subsidy.

On June 3, 2002, following a comment period, the Department issued its *Results of Redetermination Pursuant to Court Remand*. In this second redetermination, the Department re-analyzed certain facts and circumstances of the privatization of Usinor, including the terms of the sale. The Department determined that: 1)

[1] The Court's Memorandum Opinion and Order is dated January 4, 2002, however, the order establishing the time frame for the remand is dated January 7, 2002.