

sections section 751(a)(1) and 777(i)(1) of the Act.

Dated: December 31, 2001.

**Susan Kuhbach,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-588-846]

#### Hot-Rolled Flat-Rolled Carbon-Quality Steel Products from Japan: Final Results of Antidumping Duty Administrative Review

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

**SUMMARY:** On July 10, 2001, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping duty order on Hot-Rolled Flat-Rolled Carbon-Quality Steel Products from Japan. *See Hot-Rolled Flat-Rolled Carbon-Quality Steel Products from Japan: Preliminary Results of Antidumping Administrative Review*, 66 FR 35928 (*Preliminary Results*). The period of review (POR) is February 19, 1999 through May 31, 2000. We gave interested parties an opportunity to comment on the preliminary results. Based on our analysis of the comments received, we have made changes in the margin calculations. We have determined that Kawasaki did not make sales to the U.S. below normal value during the POR. *See Final Results of the Review* section, below.

**EFFECTIVE DATE:** January 17, 2002.

**FOR FURTHER INFORMATION CONTACT:** Doug Campau or Maureen Flannery, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-1395 or (202) 482-3020, respectively.

#### Applicable Statute

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's regulations are to the provisions codified at 19 CFR part 351 (2000).

#### Case History

On June 29, 1999, the Department published in the **Federal Register** an antidumping duty order on certain hot-rolled, flat-rolled, carbon-quality steel products (hot-rolled steel) from Japan. *See Antidumping Duty Order; Certain Hot-Rolled Flat-Rolled Carbon-Quality Steel Products From Japan*, 64 FR 34778. On June 30, 2000, the Department received a timely request from Kawasaki Steel Corporation (Kawasaki) to conduct an administrative review pursuant to section 351.213(b)(2) of the Department's regulations. On July 31, 2000, the Department published its notice of initiation of this antidumping duty administrative review. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 64 FR 46687. As noted above, on July 10, 2001, the Department published the preliminary results of this antidumping administrative review. *See Preliminary Results*. The Department determined that it was impracticable to complete this antidumping administrative review within the standard time frame, and extended the due date for the final results from November 7, 2001 to January 7, 2002. *See Hot-Rolled Flat-Rolled Carbon-Quality Steel Products from Japan: Extension of Time Limit for Final Results of Antidumping Administrative Review*, 66 FR 57423 (November 15, 2001).

#### Scope of the Antidumping Duty Order

The products covered by this antidumping duty order are certain hot-rolled flat-rolled carbon-quality steel 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 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 order.

Specifically included in this scope 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 carbon steels with micro-alloying levels of elements such as titanium and/or niobium added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, titanium, vanadium, and molybdenum. The substrate for motor lamination steels contains micro-alloying levels of elements such as silicon and aluminum.

Steel products to be included in the scope of this investigation, regardless of Harmonized Tariff Schedule of the United States (HTSUS) definitions, are products in which: (1) Iron predominates, by weight, over each of the other contained elements; (2) the carbon content is 2 percent or less, by weight; and (3) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

1.80 percent of manganese, or  
1.50 percent of silicon, or  
1.00 percent of copper, or  
0.50 percent of aluminum, or  
1.25 percent of chromium, or  
0.30 percent of cobalt, or  
0.40 percent of lead, or  
1.25 percent of nickel, or  
0.30 percent of tungsten, or  
0.012 percent of boron, or  
0.10 percent of molybdenum, or  
0.10 percent of niobium, or  
0.41 percent of titanium, or  
0.15 percent of vanadium, or  
0.15 percent of zirconium.

All products that meet the physical and chemical description provided above are within the scope of this order unless otherwise excluded. The following products, by way of example, are outside and/or specifically excluded from the scope of this order:

- Alloy hot-rolled steel products in which at least one of the chemical elements exceeds those listed above (including e.g., ASTM specifications A543, A387, A514, A517, and A506).
- SAE/AISI grades of series 2300 and higher.
- Ball bearing steels, as defined in the HTSUS.
- Tool steels, as defined in the HTSUS.
- Silico-manganese (as defined in the HTSUS) or silicon electrical steel with a silicon level exceeding 1.50 percent.
- ASTM specifications A710 and A736.
- USS abrasion-resistant steels (USS AR 400, USS AR 500).
- Hot-rolled steel coil which meets the following chemical, physical and mechanical specifications:

| C                | Mn        | P          | S          | Si         | Cr         | Cu         | Ni        |
|------------------|-----------|------------|------------|------------|------------|------------|-----------|
| 0.10–0.14% ..... | 0.90% Max | 0.025% Max | 0.005% Max | 0.30–0.50% | 0.50–0.70% | 0.20–0.40% | 0.20% Max |

Width = 44.80 inches maximum;  
Thickness = 0.063–0.198 inches; Yield

Strength = 50,000 ksi minimum; Tensile  
Strength = 70,000–88,000 psi.

• Hot-rolled steel coil which meets the following chemical, physical and mechanical specifications:

| C                | Mn         | P          | S          | Si         | Cr         | Cu        | Ni        | Mo        |
|------------------|------------|------------|------------|------------|------------|-----------|-----------|-----------|
| 0.10–0.16% ..... | 0.70–0.90% | 0.025% Max | 0.006% Max | 0.30–0.50% | 0.50–0.70% | 0.25% Max | 0.20% Max | 0.21% Max |

Width = 44.80 inches maximum;  
Thickness = 0.350 inches maximum;

Yield Strength = 80,000 ksi minimum;  
Tensile Strength = 105,000 psi Aim.

• Hot-rolled steel coil which meets the following chemical, physical and mechanical specifications:

| C              | Mn         | P          | S          | Si         | Cr         | Cu         | Ni        | V (wt.)  | Cb        |
|----------------|------------|------------|------------|------------|------------|------------|-----------|----------|-----------|
| 0.10–0.14% ... | 1.30–1.80% | 0.025% Max | 0.005% Max | 0.30–0.50% | 0.50–0.70% | 0.20–0.40% | 0.20% Max | 0.10 Max | 0.08% Max |

Width = 44.80 inches maximum;  
Thickness = 0.350 inches maximum;

Yield Strength = 80,000 ksi minimum;  
Tensile Strength = 105,000 psi Aim.

• Hot-rolled steel coil which meets the following chemical, physical and mechanical specifications:

| C               | Mn        | P          | S          | Si        | Cr        | Cu        | Ni        | Nb         | Ca      | Al         |
|-----------------|-----------|------------|------------|-----------|-----------|-----------|-----------|------------|---------|------------|
| 0.15% Max ..... | 1.40% Max | 0.025% Max | 0.010% Max | 0.50% Max | 1.00% Max | 0.50% Max | 0.20% Max | 0.005% Min | Treated | 0.01–0.07% |

Width = 39.37 inches; Thickness = 0.181 inches maximum; Yield Strength = 70,000 psi minimum for thicknesses ≤ 0.148 inches and 65,000 psi minimum for thicknesses >0.148 inches; Tensile Strength = 80,000 psi minimum.

• Hot-rolled dual phase steel, phase-hardened, primarily with a ferritic-martensitic microstructure, contains 0.9 percent up to and including 1.5 percent silicon by weight, further characterized by either (i) tensile strength between 540 N/mm<sup>2</sup> and 640 N/mm<sup>2</sup> and an elongation percentage ≥ 26 percent for thicknesses of 2 mm and above, or (ii) a tensile strength between 590 N/mm<sup>2</sup> and 690 N/mm<sup>2</sup> and an elongation percentage ≥ 25 percent for thicknesses of 2mm and above.

• Hot-rolled bearing quality steel, SAE grade 1050, in coils, with an inclusion rating of 1.0 maximum per ASTM E 45, Method A, with excellent surface quality and chemistry restrictions as follows: 0.012 percent maximum phosphorus, 0.015 percent maximum sulfur, and 0.20 percent maximum residuals including 0.15 percent maximum chromium.

• Grade ASTM A570–50 hot-rolled steel sheet in coils or cut lengths, width of 74 inches (nominal, within ASTM tolerances), thickness of 11 gauge (0.119 inch nominal), mill edge and skin

passed, with a minimum copper content of 0.20%.

The merchandise subject to this order is classified in the HTSUS at subheadings: 7208.10.15.00, 7208.10.30.00, 7208.10.60.00, 7208.25.30.00, 7208.25.60.00, 7208.26.00.30, 7208.26.00.60, 7208.27.00.30, 7208.27.00.60, 7208.36.00.30, 7208.36.00.60, 7208.37.00.30, 7208.37.00.60, 7208.38.00.15, 7208.38.00.30, 7208.38.00.90, 7208.39.00.15, 7208.39.00.30, 7208.39.00.90, 7208.40.60.30, 7208.40.60.60, 7208.53.00.00, 7208.54.00.00, 7208.90.00.00, 7210.70.30.00, 7210.90.90.00, 7211.14.00.30, 7211.14.00.90, 7211.19.15.00, 7211.19.20.00, 7211.19.30.00, 7211.19.45.00, 7211.19.60.00, 7211.19.75.30, 7211.19.75.60, 7211.19.75.90, 7212.40.10.00, 7212.40.50.00, and 7212.50.00.00. Certain hot-rolled flat-rolled carbon-quality steel covered by this order, including: vacuum degassed, fully stabilized; high strength low alloy; and the substrate for motor lamination steel may also enter under the following tariff numbers: 7225.11.00.00, 7225.19.00.00, 7225.30.30.50, 7225.30.70.00, 7225.40.70.00, 7225.99.00.90, 7226.11.10.00, 7226.11.90.30,

7226.11.90.60, 7226.19.10.00, 7226.19.90.00, 7226.91.50.00, 7226.91.70.00, 7226.91.80.00, and 7226.99.00.00. Although the HTSUS subheadings are provided for convenience and Customs purposes, the written description of the merchandise is dispositive.

#### Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this proceeding are addressed in the *Issues and Decision Memorandum* from Joseph A. Spetrini, Deputy Assistant Secretary, Import Administration, Group III, to Faryar Shirzad, Assistant Secretary for Import Administration, dated January 7, 2002 (*Decision Memorandum*), 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 addressed 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 the main Department of Commerce Building. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the World Wide Web at [www.ia.ita.doc.gov/frn](http://www.ia.ita.doc.gov/frn).

The paper copy and electronic version of the *Decision Memorandum* are identical in content.

### Changes Since the Preliminary Results

Based on our analysis of the comments received, we have changed our approach to the margin calculation for Kawasaki. Below is a list of the changes for the final results. See the *Decision Memorandum* for further details.

- The Department treated home market sales made through Channel 1 as having been made at one home market level of trade, and treated home market sales made through Channels 2 and 3 as having been made at a second, more advanced home market level of trade. All U.S. sales were matched at the same LOT, *i.e.*, to home market Channel 1 sales. (See Comment 1 in the *Decision Memorandum*.)

- The Department matched Home Market sales to U.S. sales using CONNUMH rather than CONNUM2H. (See Comment 4 in the *Decision Memorandum*.)

- The Department included lease income and associated lease expenses in the G&A rate calculation. (See Comment 9 in the *Decision Memorandum*.)

- The Department included only the current portion of the gains and losses from cancellation of interest rate swap agreements for the final results. (See Comment 10 in the *Decision Memorandum*.)

- The Department included the profit on sale of scrap in the G&A rate calculation. (See Comment 11 in the *Decision Memorandum*.)

### Currency Conversion

We made currency conversions based on the exchange rates in effect on the dates of the U.S. sales, as certified by the Federal Reserve Bank, in accordance with section 773A(a) of the Act.

### Final Results of the Review

We determine that the following percentage weighted-average margin exists for Kawasaki for the period February 19, 1999 through May 31, 2000:

| Manufacturer/exporter          | Time period           | Margin |
|--------------------------------|-----------------------|--------|
| Kawasaki Steel Corporation ... | 02/19/1999–05/31/2000 | 0.00 % |

Because the weighted-average dumping margin is zero, we will instruct the U.S. Customs Service to liquidate entries made during this review period without regard to

antidumping duties for the subject merchandise that Kawasaki exported.

In addition, the following deposit requirements will be effective upon publication of this notice for all shipments of hot-rolled steel from Japan, 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) For Kawasaki, the cash deposit rate will be the rate listed above; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a previous segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published in the most recent final determination in which that manufacturer or exporter was covered; (3) if the exporter is not a firm covered in this review or in any previous segment of this proceeding, but the manufacturer is, the cash deposit rate will be that established for the most recent period for the manufacturer of the subject merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this review or in any previous segment of this proceeding, the cash deposit rate will be 29.30 percent, the all others rate established in the less-than-fair-value investigation. These deposit requirements 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)(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 antidumping duties occurred, and in the subsequent assessment of double antidumping duties.

This notice also serves as the only 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(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 in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213.

Dated: January 7, 2002.

**Faryar Shirzad,**

*Assistant Secretary for Import Administration.*

### Appendix—Issues in Decision Memorandum

1. Level of Trade in the Home Market
2. Level of Trade Adjustment
3. Billing Adjustments
4. Matching Home Market Sales to U.S. Sales Using CONNUMH Rather than CONNUM2H
5. Zeroing Negative Margins
6. Application of the Department's Arm's Length Test
7. Exclusion of Inter-company Profit and Loss from Production Variances
8. Adjustment of Electricity Cost for Affiliated Party Transactions
9. Exclusion of Lease Income and Expenses from G&A Rate Calculation
10. Exclusion of Gain on Cancellation of Interest Rate Swaps from Net Financing Expense
11. Inclusion of Gain on Sale of Steel Scrap in the G&A Expense Rate Calculation
12. Allowing Kawasaki to Report Sales by Kawasho Instead of Downstream Sales

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 083000B]

**RIN 0648–AN92**

### Notice of the Continuing Effect of the List of Fisheries

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

**ACTION:** Notice of the list of fisheries for 2002.

**SUMMARY:** The National Marine Fisheries Service is providing notification that the 2001 List of Fisheries (LOF) remains in effect for 2002. Under the Marine Mammal Protection Act (MMPA), NMFS must place a commercial fishery on the LOF under one of three categories, based upon the level of serious injury and mortality of marine mammals that occur incidental to that fishery. The categorization of a fishery in the LOF determines whether participants in that fishery are subject to certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan requirements.

**ADDRESSES:** Registration information, materials, and marine mammal reporting forms may be obtained from the following regional offices: