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Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(A) of the Act, we are directing the U.S. Customs Service ("Customs") to suspend liquidation of all imports of the subject merchandise from South Korea that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Customs shall require a cash deposit or the posting of a bond equal to the weighted-average amount by which the NV exceeds the EP and CEP as indicated in the chart below. These suspension of liquidation instructions will remain in effect until further notice.

Article VI.5 of the General Agreement on Tariffs and Trade (GATT 1994) provides that "[n]o product * * * shall be subject to both antidumping and countervailing duties to compensate for the same situation of dumping or export subsidization." This provision is implemented in section 772(c)(1)(C) of the Tariff Act. Since antidumping duties cannot be assessed on the portion of the margin attributed to export subsidies there is no reason to require a cash deposit or bond for that amount. The Department has determined in its concurrent countervailing duty investigation for structural steel beams from Korea that the product under investigation benefitted from export subsidies. Normally, where the product under investigation is also subject to a concurrent countervailing duty investigation, we instruct the Customs Service to require a cash deposit or posting of a bond equal to the weighted-average amount by which the NV exceeds the EP, as indicated below, minus the amount determined to constitute an export subsidy. *See, e.g., Notice of Antidumping Duty Order: Stainless Steel Wire Rod From Italy*, 63 FR 49327 (September 15, 1998). Accordingly, for cash deposit purposes we are subtracting from Kangwon's cash deposit rate that portion of the rate attributable to the export subsidies found in the countervailing duty investigation involving Kangwon (*i.e.*, 0.09 percent). We have made the same adjustment to the "All Others" cash deposit rate by subtracting the rate attributable to export subsidies found in the countervailing duty investigation of Kangwon.

We will instruct the Customs Service to require a cash deposit or the posting of a bond for each entry equal to the

weighted-average amount by which the NV exceeds the EP or CEP, adjusting for the export subsidy rate, as indicated below. These suspension-of-liquidation instructions will remain in effect until further notice. The weighted-average dumping margins are as follows:

| [In percent] | | |
|----------------------------|--------------------------------|------------------------------------|
| Exporter/manu- facturer | Weighted- average margin | Bonding/ cash de- posit rate |
| Inchon | 25.51 | 25.51 |
| Kangwon | 49.73 | 49.64 |
| All others | 37.72 | 37.67 |

The rate for all other producers and exporters applies to all entries of the subject merchandise except for entries from exporters that are identified individually above.

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, within 45 days, determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry. If the ITC determines that material injury, or threat of material 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 duty order.

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

Dated: June 26, 2000.

Troy H. Cribb,
Acting Assistant Secretary for Import Administration.

APPENDIX

List of Comments and Issues in the Decision Memo

I. Issues Specific to Incheon Iron & Steel Co., Ltd.

- A. Cost of Production/Constructed Value Issues
 - Comment 1: Applicant of Major Input Rule
 - Comment 2: Application of Major Input Rule to Other Affiliated-Party Transactions
 - Comment 3: Description
 - Comment 4: Overhead
 - Comment 5: SG&A Expenses
 - Comment 6: R&D Expenses
 - Comment 7: Interest Expense (Securities)
 - Comment 8: Interest Expense (Sales-Related Activities)

- Comment 9: Loan Guarantees
- Comment 10: Affiliated-Party Services for an Input
- B. Sales and General Issues
 - Comment 11: Sales Price and Adjustments for U.S. Channel 3
 - Comment 12: Billing Adjustments for U.S. Channel 2 sales
 - Comment 13: U.S. Movement Expenses
 - Comment 14: Recalculation of Home Market and U.S. Indirect Selling Expenses
 - Comment 15: Home Market Sales to an Affiliated Customer
 - Comment 16: Fees to a Home Market Customer
 - Comment 17: Home Market Inland Freight
 - Comment 18: Application of Total Adverse Facts Available
 - Comment 19: Packing Expenses for U.S. Sales
 - Comment 20: Clarification of Home Market and U.S. Verification Reports

II. Issues Specific to Kangwon Industries Ltd.

- A. Sales and General Issues
 - Comment 21: Commissions
 - Comment 22: Duty Drawback
 - Comment 23: Home Market Freight
 - Comment 24: Corrections to Kangwon's Response
 - Comment 25: Over- and Under-Reporting of Home Market Sales
- B. Cost of Production/Constructed Value Issues
 - Comment 26: Gain on Exemption of Debt
 - Comment 27: G&A Expenses

III. Issues Applicable to Both Respondents

- Comment 28: EP vs. CEP Sales
- Comment 29: Cash Deposit Rate/Successorship
- Comment 30: Home Market Sales of ASTM-Grade Merchandise
- Comment 31: Banking Negotiation Fees

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-821-802]

Uranium From Russia; Final Results of Full Sunset Review of Suspended Antidumping Duty Investigation

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

ACTION: Notice of final results of full sunset review: Uranium from Russia.

SUMMARY: On February 28, 2000, the Department of Commerce ("the Department") published a notice of preliminary results of the full sunset review of the antidumping duty suspension agreement on uranium from Russia (65 FR 10473) pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). We provided interested parties an opportunity to comment on our preliminary results. We received comments from both domestic and respondent interested parties. As a result of this review, the Department finds that revocation of the antidumping duty suspension agreement would likely lead to continuation or recurrence of dumping at the levels indicated in the Final Results of Review section of this notice.

EFFECTIVE DATE: July 5, 2000.

FOR FURTHER INFORMATION CONTACT:

Kathryn B. McCormick or James Maeder, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-1930 or (202) 482-3330, respectively.

SUPPLEMENTARY INFORMATION:

Statute and Regulations

This review was conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in *Procedures for Conducting Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) (*Sunset Regulations*) and in CFR Part 351 (1999) in general. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98.3—*Policies Regarding the Conduct of Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871 (April 16, 1998) (*"Sunset Policy Bulletin"*).

Background

On February 28, 2000, the Department of Commerce ("the Department") published in the **Federal Register** a notice of preliminary results of the full sunset review of the suspended antidumping duty investigation on uranium from Russia (65 FR 10473) pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). In our preliminary results, we found that termination of the agreement suspending the antidumping duty investigation would likely result in continuation or recurrence of dumping

at a weighted-average margin of 115.82 percent for all producers/exporters of uranium from Russia.

On March 15, 2000, we received a request from the Ministry of the Russian Federation for Atomic Energy ("Minatom"), AO Technsnabexport ("Tenex"), and Globe Nuclear Services and Supply GNSS, Limited ("GNSS") (collectively, "respondent interested parties") for an extension of time for filing rebuttal comments to case briefs until April 17, 2000. The Department agreed to extend the deadline to April 17, 2000.¹

On March 29, 2000, the Ad Hoc Committee of Domestic Uranium Producers (the "Ad Hoc Committee"), including Rio Algom Mining Corporation ("Rio Algom") and Uranium Resources Inc. ("URI"), and USEC, Inc., and its subsidiary, United States Enrichment Corporation (together, "USEC"), each requested a hearing in this review.

On April 10, 2000, we received a case brief on behalf of the Ad Hoc Committee and USEC. We also received a case brief on behalf of the Ad Hoc Utilities Group ("AHUG"),² and respondent interested parties.

On April 14, 2000, the Ad Hoc Committee formally withdrew its March 29, 2000, request for a hearing in this review. On April 18, 2000, within the deadline specified in 19 CFR 351.309(d), the Department received rebuttal comments from the Ad Hoc Committee, USEC, AHUG, and respondent interested parties. In its rebuttal, USEC also withdrew its March 29, 2000, request for a hearing. Therefore, the Department canceled the public hearing. We have addressed the comments received below.

Scope of Review

According to the June 3, 1992, preliminary determination, the suspended investigation encompassed one class or kind of merchandise.³ The merchandise included natural uranium

in the form of uranium ores and concentrates; natural uranium metal and natural uranium compounds; alloys, dispersions (including cermets), ceramic products, and mixtures containing natural uranium or natural uranium compound; uranium enriched in U²³⁵ and its compounds; alloys dispersions (including cermets), ceramic products and mixtures containing uranium enriched in U²³⁵ or compounds or uranium enriched in U²³⁵; and any other forms of uranium within the same class or kind. The uranium subject to these investigations was provided for under subheadings 2612.10.00.00, 2844.10.10.00, 2844.10.20.10, 2844.10.20.25, 2844.10.20.50, 2844.10.20.55, 2844.10.50, 2844.20.00.10, 2844.20.00.20, 2844.20.00.30, and 2844.20.00.50 of the Harmonized Tariff Schedule of the United States ("HTSUS").⁴ In addition, the Department preliminarily determined that highly-enriched uranium ("HEU") is not within the scope of the investigation.

On October 30, 1992, the Department issued a suspension of the antidumping duty investigation of uranium from Russia and an amendment of the preliminary determination.⁵ The notice amended the scope of the investigation to include HEU.⁶ The merchandise covered by the agreement suspending the antidumping investigation on uranium from the Russian Federation included natural uranium in the form of uranium ores and concentrates; natural uranium metal and natural uranium compounds; alloys, dispersions (including cermets), ceramic products, and mixtures containing natural uranium or natural uranium compound; uranium enriched in U²³⁵ and its compounds; alloys dispersions (including cermets), ceramic products and mixtures containing uranium enriched in U²³⁵ or compounds or uranium enriched in U²³⁵; and any other forms of uranium within the same class or kind.

In addition, Section III of the suspension agreement provides that uranium ore from Russia that is milled into U₃O₈ and/or converted into UF₆ in

¹ See Letter from Jeffrey A. May, Director, Office of Policy, to Mark D. Herlach, Sutherland, Asbill & Brennan, granting an extension for time for filing rebuttal comments to the case briefs.

² AHUG consists of industrial users Ameren UE, Baltimore Gas and Electric Co., Carolina Power and Light Co., Commonwealth Edison Co., Consumers Energy, Duke Power Co., Entergy Services, Ins., FirstEnergy Nuclear Operating Co., Florida Power and Light Co., Northern States Power Co., PECO Energy Co., Southern Nuclear Operating Co., Texas Utilities Electric Co., and Virginia Power.

³ The Department based its analysis of the comments on class or kind submitted during the proceeding and determined that the product under investigation constitutes a single class or kind of merchandise. The Department based its analysis on the "Diversified" criteria (see *Diversified Products Corp. v. United States*, 6 CIT 1555 (1983)) and case precedent) (57 FR 23380, 23382, June 3, 1992).

⁴ See *Preliminary Determination of Sales at Less Than Fair Value: Uranium from Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Ukraine and Uzbekistan*; and *Preliminary Determination of Sales at Not Less Than Fair Value: Uranium from Armenia, Azerbaijan, Belarus, Georgia, Moldova and Turkmenistan*, 57 FR 23380, 23381 (June 3, 1992).

⁵ See *Antidumping: Uranium from Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Ukraine, and Uzbekistan; Suspension of Investigations and Amendment of Preliminary Determinations*, 57 FR 49220 (October 30, 1992).

⁶ Id. at 49235.

another country prior to direct and/or indirect importation into the United States is considered uranium from Russia and is subject to the terms of the Russian agreement, regardless of any subsequent modification or blending.⁷ Uranium enriched in U²³⁵ in another country prior to direct and/or indirect importation into the United States is not considered uranium from the Russian Federation and is not subject to the terms of the Russian agreement.

Under the terms of suspension agreement HEU is within the scope of this investigation, and HEU is covered by this Russian suspension agreement. (HEU means uranium enriched to 20 percent or greater in the isotope uranium-235.) Imports of uranium ores and concentrates, natural uranium compounds, and all other forms of enriched uranium were classifiable under HTSUS subheadings 2612.10.00, 2844.10.20, 2844.20.00, respectively. Imports of natural uranium metal and forms of natural uranium other than compounds were classifiable under HTSUS subheadings 2844.10.10 and 2844.10.50. *Id.*

In addition, Section M.1 of the Russian suspension agreement in no way prevents the Russian Federation from selling directly or indirectly any or all of the HEU in existence at the time of the signing of the agreement and/or LEU produced in Russia from HEU to the Department of Energy ("DOE"), its governmental successor, its contractors, assigns, or U.S. private parties acting in association with DOE or the USEC and in a manner not inconsistent with the Agreement between the United States of America and the Russian Federation concerning the disposition of HEU resulting from the dismantlement of nuclear weapons in Russia.

There were three amendments to the Agreement suspending the antidumping duty investigation on Russian uranium. In particular, the second amendment to the Russian suspension agreement, on November 4, 1996, permitted, among other things, the sale in the United States of Russian low-enriched uranium ("LEU") derived from HEU and included within the scope of the suspension agreement Russian uranium which has been enriched in a third country prior to importation into the United States.⁸ According to the amendment, these modifications would remain in effect until October 3, 1998.⁹

On August 6, 1999, USEC, Inc. and its subsidiary, United States Enrichment Corporation (collectively, "USEC") requested that the Department issue a scope ruling to clarify that enriched uranium located in Kazakhstan at the time of the dissolution of the Soviet Union is within the scope of the Russian suspension agreement. Respondent interested parties filed an opposition to the scope request on August 27, 1999. That scope request is pending before the Department at this time.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this sunset review are addressed in the "Issues and Decision Memorandum" ("Decision Memo") from Jeffrey A. May, Director, Office of Policy, Import Administration, to Troy H. Cribb, Acting Assistant Secretary for Import Administration, dated June 27, 2000, which is hereby adopted by this notice. The issues discussed in the attached Decision Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the margin likely to prevail were the suspension investigation terminated. 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 Memo can be accessed directly on the Web at www.ita.doc.gov/import_admin/records/frn/, under the heading "Russia." The paper copy and electronic version of the memo are identical in content.

Final Results of Review

We determine that revocation of the antidumping duty suspension agreement on uranium from Russia would be likely to lead to continuation or recurrence of dumping at the following percentage weighted-average margin:

| Manufacturer/exporters | Margin (percent) |
|---|------------------|
| All Russian manufacturers/exporters | 115.82 |

This notice 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 of the Department's regulations. Timely notification of return/destruction of APO material 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 five-year ("sunset") review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: June 27, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-844-802]

Uranium From Uzbekistan; Final Results of Full Sunset Review of Suspended Antidumping Duty Investigation

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

ACTION: Notice of final results of full sunset review: Uranium from Uzbekistan.

SUMMARY: On February 28, 2000, the Department of Commerce ("the Department") published a notice of preliminary results of the full sunset review of the antidumping duty suspension agreement on uranium from Uzbekistan (65 FR 10471) pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). We provided interested parties an opportunity to comment on our preliminary results. We received comments from both domestic and respondent interested parties. As a result of this review, the Department finds that revocation of the antidumping duty suspension agreement would likely lead to continuation or recurrence of dumping at the levels indicated in the Final Results of Review section of this notice.

EFFECTIVE DATE: July 5, 2000.

FOR FURTHER INFORMATION CONTACT:

Kathryn B. McCormick or James Maeder, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-1930 or (202) 482-3330, respectively.

SUPPLEMENTARY INFORMATION:

Statute and Regulations

This review was conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the

⁷ *Id.* at 49235.

⁸ See *Amendments to the Agreement Suspending the Antidumping Investigation on Uranium from the Russian Federation*, 61 FR 56665 (November 4, 1996).

⁹ *Id.* 61 FR at 56667.