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 Memorandum can be accessed directly on the Web at http://ia.ita.doc.gov/frn/summary/list.htm. The paper copy and electronic version of the Decision Memorandum 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 Memorandum.

### Final Results of Review

We determine that the following percentage weighted-average margins exist for the period January 1, 1999 through, December 31, 1999:

| Manufacturer/exporter | Margin (percent) |
|---|---|
| Dong Won Metal Co., Ltd | 16.03 |
| Dae-Lim Trading Co., Ltd | 1.67 |
| Sam Yeung Ind. Co., Ltd | 31.23 |
| SsangYong Ind. Co., Ltd | 31.23 |
| Chefline Corporation | 31.23 |
| B.Y Enterprise, Ltd | 31.23 |
| Clad Co., Ltd | 31.23 |
| Sae Skwang Aluminum Co., Ltd | 31.23 |
| East One Co., Ltd | 31.23 |
| East West Trading Korea, Ltd | 31.23 |
| Bae Chin Metal Ind. Co | 31.23 |
| Han Il Stainless Steel Ind. Co., Ltd | 31.23 |
| Il Shin Co., Ltd | 31.23 |
| Kyung-Dong Industrial Co., Ltd | 31.23 |
| Poong Kang Ind. Co., Ltd | 31.23 |
| Namyang Kitchen Flower Co., Ltd | 31.23 |

### Assessment

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service. In accordance with 19 CFR 351.212(b)(1), we have calculated for Daelim and Dong Won importer-specific assessment rates based on the ratio of the total amount of antidumping duties calculated for the importer-specific sales to the total entered value of the same sales. For all other respondents, we based the assessment rate on the facts available margin percentage. Where the importer-specific assessment rate is above *de minimis,* we will instruct Customs to assess antidumping duties on that importer's entries of subject merchandise.

### Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of these administrative reviews for all shipments of top-of-stove stainless steel cooking ware from Korea entered, or withdrawn from warehouse, for consumption on or after publication date of the final results of these administrative reviews, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed companies will be the rate established in the final results of this administrative review, except if the rate is less than 0.5 percent *ad valorem* and, therefore, *de minimis,* no cash deposit will be required; (2) for exporters not covered in this review, but covered in the original LTFV investigation or a previous review, the cash deposit rate will continue to be the company-specific rate published in the most recent period; (3) if the exporter is not a firm covered in this review, a previous review, or the original 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) if neither the exporter nor the manufacturer is a firm covered in this or any previous reviews or the LTFV investigation, the cash deposit rate will be 8.10 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.

### Notification

This notice 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 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.

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

Dated: August 21, 2001.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

## Appendix—Issues in Decision Memorandum

### Comments and Responses

1. Model Match Methodology.
2. Circumstance of Sale Adjustment for Commissions Incurred on Dong Won Sales in Canada.
3. Home Market Inland Freight Adjustment for Daelim.
4. Constructed Value Selling Expenses for Dong Won and Daelim.
5. Imputed Inventory Carrying Costs for Dong Won and Daelim.
6. Weighted-Average Third-Country Expenses for Dong Won.
7. Conversion of Third-Country Expenses from Korean Won to U.S. Dollars for Dong Won.
8. Matching Factors with Respect to Don Wong's Products.
9. Ministerial Error in Daelim's Margin Program Regarding Net interest Expense for the Calculation of Constructed Value.

[FR Doc. 01–21834 Filed 8–28–01; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–549–502]**

## Certain Welded Carbon Steel Pipes and Tubes From Thailand; Notice of Amended Final Results of Antidumping Duty Administrative Review in Accordance With Final Court Decision

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

**ACTION:** Notice of Amended Final Results of Administrative Review in Accordance with Final Court Decision on Certain Welded Carbon Steel Pipes and Tubes from Thailand.

**SUMMARY:** On March 22, 2001, the U.S. Court of International Trade (CIT) affirmed the Department of Commerce's (the Department's) remand determination of the final results of the antidumping duty administrative review of Certain Welded Carbon Steel Pipes and Tubes from Thailand for the period March 1, 1997 to February 28, 1998, and entered a judgement order. As no further appeals have been filed and

there is now a final and conclusive court decision in this action, we are amending our final results.

**EFFECTIVE DATE:** August 29, 2001.

**FOR FURTHER INFORMATION CONTACT:** Javier Barrientos, AD/CVD Enforcement Group III, Office VII, Room 7866, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–2243.

**SUPPLEMENTARY INFORMATION:**

## Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (''the Act''), are references to the provisions effective January 1, 1995, the effective date of the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR part 351 (2000).

## Background

On October 21, 1999, the Department published its final results for the administrative review of Certain Welded Carbon Steel Pipes and Tubes from Thailand for the period March 1, 1997 through February 28, 1998. *See Certain Welded Carbon Steel Pipes and Tubes From Thailand: Final Results of Antidumping Duty Administrative Review,* 64 FR 56759 (October 21, 1999) *(Final Results).*

In the *Final Results,* the Department used, as facts available, a simple average of respondent's, Saha Thai's, claimed invoice amounts for cash and guarantee-based duty drawback to calculate Saha Thai's duty drawback. The methodology applied in the *Final Results* increased the total amount of duty drawback claimed by respondent.

Following publication of the *Final Results,* Allied Tube and Conduit Corp., petitioner in this case, filed a lawsuit with the CIT challenging the Department's date of sale and duty drawback determinations in the *Final Results.*

On January 18, 2001, the CIT remanded the above-referenced proceeding to the Department for reconsideration of the following issue: (1) to explain why the Department's duty drawback methodology, which employed facts available, is consistent with the objectives of the facts available provision, 19 U.S.C. 1677e(a) (Section 776(a) of the Act), and accounts for gaps in respondent's information; or alternatively, to calculate a new duty drawback adjustment which is consistent with this objective. In its opinion, the CIT affirmed the Department's determination that respondent was entitled to a duty drawback adjustment to its export price, and also supported the Department's use of facts otherwise available in determining the appropriate adjustment. However, the CIT stated that the Department did not explain how its use of facts available corrects the problem of reliance on Saha Thai's claimed adjustment, *i.e.,* excessive drawback adjustment from inclusion of bank guarantee fees, and drawback adjustment exceeding the actual amounts rebated. *See Allied Tube and Conduit Corp.* v. *United States,* 132 F. Supp. 2d 1087 (CIT 2001).

As noted above, in the *Final Results,* the Department's use of a simple average in calculating a facts available duty drawback amount resulted in an increase in the total amount of duty drawback claimed by the respondent. The Department had intended through the use of this approach, to apply neutral facts available by decreasing those duty drawback amounts that were above the calculated average. However, because the invoice tonnage amounts were not taken into account in the calculation of the average, the Department's methodology resulted in an overall increase in the total duty drawback amount claimed by the respondent.

Therefore, for the Draft Results of Redetermination, we reconsidered our methodology in accordance with the CIT's order and determined that the simple average methodology applied did not adequately function as a modified duty drawback adjustment for respondent. Thus, the Department recalculated the duty drawback amount to be applied to the relevant invoices by weight-averaging the reported cash and guarantee-based duty drawback amounts by invoice quantity in order to more appropriately apply facts available to this duty drawback calculation. This results in a weighted-average figure for duty drawback which is less than the previously-calculated figure. This methodology properly accounts for the tonnages in each invoice and results in a more appropriate application of facts available because the total duty drawback amount is not increased above that which the respondent reported. The methodology is consistent with the facts available provision because, although it need not be the ''best available information,'' Statement of Administrative Action at 869, reprinted in 1994 U.S.C.C.A.N. at 4198, based on evidence on the record the use of a weighted average, as opposed to a simple average, more appropriately accounts for the gap in respondent's information, thus promoting greater accuracy in the margin calculation.

On February 14, 2001, the Department issued its Draft Results of Redetermination to the plaintiff and defendant-intervenor for comment. Neither party submitted comments to the Department. Therefore, the Final Results of Redetermination were identical to the Draft Results of Redetermination.

On March 22, 2001, the CIT affirmed the Department's remand results, upholding the use of a weighted-average of the claimed duty drawback as facts available. *See Allied Tube and Conduit Corp.* v. *United States,* No. 99–11–00715, 2001 Ct. Intl. Trade LEXIS 40; Slip. Op. 01–03 (March 22, 2001).

We have recalculated the dumping margin for respondent based upon the changes set forth above.

## Amendment to Final Results of Review

Because no further appeals have been filed and there is now a final and conclusive decision in the court proceeding, effective as of the publication date of this notice, we are amending the *Final Results* and establishing the following revised weight-averaged dumping margin:

| Company | Amended Final Results 3/1/97–2/28/98 |
|---|---|
| Saha Thai Steel Pipe Company, Ltd | 9.84% |

The ''All Others Rate'' was not affected by the Final Results of Redetermination and remains at 15.67 percent as determined in the LTFV investigation.

The Department has also revised the importer specific duty assessment rates (see *Final Results*) and will instruct the U.S. Customs Service (Customs) to assess these revised antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to Customs.

This notice is issued and published in accordance with section 751(a)(1) of the Act.

Dated: August 21, 2001.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 01–21835 Filed 8–28–01; 8:45 am]

BILLING CODE 3510–DS–P