

CEP profit, we frequently refer to the term "total profit" and "all expenses", thus making it clear that the calculation of CEP profit is based on the company's profits net of all expenses, i.e., net income. See *Certain Cold-Rolled and Corrosion-Resistant Carbon Steel Flat Products From Korea: Final Results of Antidumping Duty Administrative Reviews*, 62 FR 18404, 18440 (April 15, 1997); *Notice of Final Determination of Sales at Less Than Fair Value: Certain Pasta From Italy*, 61 FR 30326, 30352 (June 14, 1996). Therefore, we disagree with DuPont that an operating profit is appropriate for determining a CEP-profit

adjustment in this instance. For these final results, we have calculated respondent's CEP-profit ratio based on total profit and total expenses and ensured that we have included cost for manufacturing operations in the United States in the computation of the profit rate to apply to U.S. expenses.

With regard to respondent's claim that it was inappropriate for the Department to accept petitioner's untimely submission of an affirmative argument, we disagree with the respondent. The Department has the right to seek comments or additional information at any time during a proceeding. 19 CFR

353.38(a). The CEP-profit calculation is a new methodology to implement provisions of the URAA. Therefore, the Department chose to exercise its prerogative to consider the argument and solicit rebuttal from respondent in order to more fully explore the issue. The Department has now had the opportunity to consider comments and make a fully informed determination.

Final Results of the Review

We determine the that following weighted-average dumping margin exists:

Manufacturer/exporter	Period	Margin (percent)
Ausimont S.p.A.	08/01/95–07/31/96	5.95

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Ausimont's sales were all through its subsidiary in the United States. Therefore, we divided the total dumping margins for the reviewed sales by the total entered value of those reviewed sales. We will direct Customs to assess the resulting percentage margin against the entered Customs values for the subject merchandise on entries during the period of review (POR). While the Department is aware that the entered value of sales during the POR is not necessarily equal to entered value of entries during the POR, use of entered value of sales as the basis of the assessment rate permits the Department to collect a reasonable approximation of the antidumping duties which would have been determined if the Department had reviewed those sales of merchandise actually entered during the POR. The Department will issue appraisal instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results of administrative review, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for Ausimont will be 5.95 percent; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in the original less-than-fair-value (LTFV) investigation or a previous review, the cash deposit will continue to be the most recent rate published in the final determination or final results for which the manufacturer or exporter

received a company-specific rate; (3) if the exporter is not a firm covered in this review, a previous review, or the original investigation, but the manufacturer is, the cash deposit rate will be that established for the manufacturer of the merchandise in the final results of this review, a previous review, or the LTFV investigation; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review, the cash deposit rate will be 46.46 percent, the "all others" rate established in the LTFV investigation (50 FR 26019, June 24, 1985).

This notice serves as a final reminder to importers of their responsibility under 19 CFR 353.26 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 double antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d)(1). Timely written notification of the 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 administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 USC 1675(a)(1)) and section 353.22 of the Department's regulations (19 CFR 353.22 (1997)).

Dated: September 9, 1997.

Jeffrey P. Bialos,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97-24562 Filed 9-15-97; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-835]

Oil Country Tubular Goods From Japan; Final Results of Antidumping Duty Administrative Review

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

ACTION: Final results of antidumping duty administrative review.

SUMMARY: On May 12, 1997, the Department of Commerce ("the Department") published the preliminary results of the administrative review of the antidumping duty order on oil country tubular goods ("OCTG") from Japan. This review covers one producer/exporter, NKK Corporation of Japan ("NKK"), entries of drill pipe during the period August 11, 1995 through July 31, 1996, and entries of OCTG other than drill pipe during the period February 2, 1995 through July 31, 1996. We gave interested parties an opportunity to comment on our preliminary results. After reviewing the comments received, we have determined not to change the results from those presented in the preliminary results of review.

This review was initiated in response to requests by importers, Helmerich & Payne, Inc. ("H&P") and Caprock Pipe and Supply ("Caprock"), for a review of

NKK and HEBRA AS ("HEBRA"), respectively. Although we initiated a review of both NKK and HEBRA, we rescinded the review with respect to HEBRA because Caprock timely withdrew its request for review.

EFFECTIVE DATE: September 16, 1997.

FOR FURTHER INFORMATION CONTACT: Steve Bezirgianian, Alain Letort, or John Kugelman, AD/CVD Enforcement Group III—Office 8, 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 (Bезirgianian), 202/482-4243 (Letort), or 202/482-0649 (Kugelman), fax 202/482-1388.

SUPPLEMENTARY INFORMATION:

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 ("URAA"). In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR Part 353 (April 1997).

Background

The Department published an antidumping duty order on OCTG from Japan on August 11, 1995 (60 FR 41058). The Department published a notice of "Opportunity to Request an Administrative Review" of the antidumping duty order for the 1995/96 review period on August 12, 1996 (61 FR 41768). On August 28, 1996, H&P, an importer of drill pipe, requested an administrative review of sales of subject merchandise produced by NKK and imported, or withdrawn from a foreign trade zone, during the review period (August 11, 1995, through July 31, 1996) for drill pipe. We initiated a review of NKK on September 17, 1996 (61 FR 48882). Caprock, an importer of used OCTG, requested a review of HEBRA (which Caprock identified as a Norwegian-based export company), but later timely withdrew that request.

On May 12, 1997, the Department published in the **Federal Register** the preliminary results of the first administrative review of the antidumping duty order on OCTG from Japan (62 FR 25889). The Department has now completed this administrative review in accordance with section 751 of the Act.

Scope of the Review

The merchandise covered by this order is OCTG, hollow steel products of

circular cross-section, including only oil well casing, tubing and drill pipe, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, whether or not conforming to American Petroleum Institute ("API") or non-API specifications, whether finished or unfinished (including green tubes and limited service OCTG products). This scope does not cover casing, tubing, or drill pipe containing 10.5 percent or more of chromium. The OCTG subject to this order are currently classified in the Harmonized Tariff Schedule of the United States ("HTSUS") under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.30.10, 7304.29.30.20, 7304.29.30.30, 7304.29.30.40, 7304.29.30.50, 7304.29.30.60, 7304.29.30.80, 7304.29.40.10, 7304.29.40.20, 7304.29.40.30, 7304.29.40.40, 7304.29.40.50, 7304.29.40.60, 7304.29.40.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.60.15, 7304.29.60.30, 7304.29.60.45, 7304.29.60.60, 7304.29.60.75, 7304.21.30.00, 7304.21.60.30, 7304.21.60.45, 7304.21.60.60, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.20.10.30, 7306.20.10.90, 7306.20.20.00, 7306.20.30.00, 7306.20.40.00, 7306.20.60.10, 7306.20.60.50, 7306.20.80.10, and 7306.20.80.50.

Many of these HTSUS numbers reflect changes made to the HTSUS since the less-than-fair value ("LTFV") investigation. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

The period of review ("POR") is August 11, 1995 through July 31, 1996, for drill pipe, and February 2, 1995 through July 31, 1996, for OCTG other than drill pipe. This review covers entries of OCTG produced by NKK.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received comments from H&P on June 10, 1997. H&P requested a public hearing, which was held on July 2, 1997.

H&P's Comments

H&P argues that sales of merchandise entered by H&P during the POR are not subject to this administrative review because the dates of sale associated with these entries are prior to the POR, and, in fact, prior to the imposition of the antidumping order.

H&P states that it purchased the merchandise from MC Tubular Products, Inc. ("MCTP"), a Japanese corporation, and imported it into a foreign trade zone. H&P indicates it believes MCTP had purchased this merchandise from Mitsubishi Corporation, a Japanese trading company, and that Mitsubishi Corporation ("MC") had purchased the merchandise from NKK, an unaffiliated Japanese manufacturer. Furthermore, H&P indicates that it was its understanding that NKK had known that the ultimate destination of the merchandise was the United States.

H&P concludes that "[g]iven the structure of these transactions, the sale from NKK to Mitsubishi Corporation constituted an exporter's price sale (see e.g., Antifriction Bearings (Other than Tapered Roller Bearings) and Parts Thereof From the Federal Republic of Germany; Final Results of Antidumping Duty Administrative Review, 56 FR 31747 (July 11, 1991); Antifriction Bearings (Other than Tapered Roller Bearings) and Parts Thereof From France *et al.*; Final Results of Antidumping Duty Administrative Reviews, 57 FR 28428 (June 24, 1992)," and, "[a]s such, the date of sale should be considered to be the date of NKK's invoice to MC." Case Brief of H&P (June 10, 1997) at 3. Alternatively, H&P submits that the date of the purchase agreement between H&P and MCTP could be the date of sale. H&P notes that regardless of which date is considered the date of sale, the sale dates for the merchandise in question were prior to the effective date of the order in this case, and thus should not be subject to the assessment of antidumping duties. H&P's submission dated November 4, 1996, at 3.

H&P relies upon *General Electric v. United States*, 17 CIT 268 (1993) ("*General Electric*") in support of its argument that sales prior to the period of review are not subject to review (see page 3 of H&P's case brief) and "should not be subject to the assessment of antidumping duties" (see H&P submission, November 4, 1996, at 3). H&P states that the plaintiff in the *General Electric* case argued that since entries occurred during the POR, the Department was required to calculate a margin for the sales even if the sales

were outside the POR. H&P notes that in *General Electric*, the Department requested a remand since those sales identified by the plaintiff which occurred before the POR should have been excluded from the antidumping duty calculations. H&P further notes that the Court of International Trade ("CIT") agreed with this Department position and ordered a remand to exclude those sales made prior to the POR from the calculation of the assessment rate. Thus, H&P concludes that the Department must exclude the subject sales from administrative review, and requests the Department to instruct U.S. Customs to liquidate the entries of this merchandise without the assessment of antidumping duties.

Department's Position

Section 751(a)(2) of the Act specifies that, for the purposes of a review under section 751(a)(1)(B), the Department is to determine "the normal value and export price (or constructed export price) of each entry of the subject merchandise, and * * * the dumping margin for each such entry." 19 U.S.C. 1675(a)(2)(A)(i) (emphasis added). Because H&P requested a review of NKK merchandise, and because there were entries of NKK merchandise during the POR, we requested that NKK submit a complete response to our antidumping questionnaire. NKK's failure to provide such a response to the questionnaire warrants the application of facts available in determining the appropriate margin. Pursuant to section 1675(a)(2)(C) of the Act, the margin determination shall be the basis for both the assessment of antidumping duties and the deposit of estimated antidumping duties. Thus, as discussed below, the assessment and cash deposit rates for NKK will be 44.20 percent, the highest rate from the petition.

The circumstances in *General Electric* differed from those in this review. The issue before the CIT in *General Electric* was whether the Department properly calculated the amount of antidumping duties to be assessed on all entries during the POR. In *General Electric*, the Department reviewed sales rather than entries during the POR, and therefore could not derive duties on an entry by entry basis. As the Department stated in the final results of the administrative review being reviewed by the CIT, "[s]ince units entered and units sold are almost identical in purchase price situations, we can collect a close approximation of the total dumping duty liability by calculating importer-specific per-unit amounts for sales during the period of review and applying those per-unit amounts to

entries during the period." The CIT ruled that by examining the amount of dumping on sales during the POR, the Department would assess the correct amount of antidumping duties on all of General Electric's entries during the POR. While the parties in *General Electric* focused on the proper way to assess entries during the POR, there was no dispute over whether entries should have been assessed antidumping duties. As a result, *General Electric* does not support H&P's argument that entries that occurred during the POR should be excluded from administrative review if sales occurred outside the POR.

In this review, H&P has not argued that the POR entries could not be linked to the sales, or that the Department intended to base its calculations only upon U.S. sales during the POR. Unlike *General Electric*, in this administrative review the Department never suggested that it would diverge from its preferred practice for reviewing EP (formerly purchase price) transactions. Thus, the Department requested that respondents respond fully to the Department's questionnaire, including reporting all entries of subject merchandise during the POR that were associated with U.S. sales. The September 19, 1996, questionnaire sent to NKK indicated, at page C-1, that the respondent should "[r]eport each U.S. sale of merchandise entered for consumption during the POR, except: (1) for EP sales, if you do not know the entry dates, report each transaction involving merchandise shipped during the POR * * *." (emphasis added).

Furthermore, the Department's notice of opportunity to request a review of the antidumping order on OCTG stated that "[i]f the Department does not receive, by August 31, 1996, a request for review of entries covered by an order or finding listed in this notice and for the period identified above, the Department will instruct the Customs Service to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered" (emphasis added). See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review, 61 FR 41768, 41771. Therefore, it was clear that all POR entries would be subject to the review process, regardless of whether the date of sale was within the POR. See Notice of Final Results of Antidumping Duty Administrative Review:

Ferrosilicon From Brazil, 62 FR 43504, 43510 (August 14, 1997).

H&P indicated that a Department official had confirmed "that a full review of sales made during the relevant period by NKK will result from the filing of [its] administrative review request dated August 28, 1996." Page 1 of H&P's September 4, 1996, submission, at 1 (emphasis added). However, such a full review would have been consistent with normal practice, since typically EP sales made during the POR are associated with entries during the POR. In fact, in part because of NKK's failure to respond to the Department's questionnaire, it is not clear from the record of this review that NKK did not make U.S. sales during the POR, or that there were no additional POR entries into the United States of subject merchandise produced by NKK. Furthermore, H&P's admission that various dates may be considered the date of sale, the speculative nature of its description of stages of the sales process, and NKK's failure to provide a complete response to the Department's questionnaire casts further doubt upon any assertions regarding POR entries of subject merchandise produced by NKK.

As indicated in our preliminary results, NKK's failure to respond to our questionnaire requires the Department to resort to the use of facts available. For these final results we have continued to assign to NKK the corroborated petition rate of 44.20 percent, which constitutes the highest rate for any company for the same class or kind of merchandise from the same country from this or any prior segment of the proceeding. See Oil Country Tubular Goods from Japan; Notice of Partial Rescission of Antidumping Duty Administrative Review and Preliminary Results of Antidumping Administrative Review, 62 FR 25889, 25890 (May 12, 1997).

Final Results of Review

As a result of this review we have determined that the following margin exists for entries of drill pipe during the period August 11, 1995 through July 31, 1996, and for entries of OCTG other than drill pipe during the period February 2, 1995 through July 31, 1996:

OCTG

Producer/manufacturer/exporter	Weighted-average margin (percent)
NKK	44.20

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate

entries. The Department shall issue appraisal instructions directly to the Customs Service.

Furthermore, the following deposit requirements shall be effective upon publication of this notice of final results of review for all shipments of OCTG from Japan entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) The cash deposit rates for NKK will be the rate for the firm as stated 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 these reviews, 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 review, the cash deposit rate will continue to be 44.20 percent, which was the "all others" rate in the LTFV investigation.

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

This notice serves as a final reminder to importers of their responsibility under 19 CFR 353.26 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 double 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 section 353.34(d) of the Department's regulations. 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.

These administrative reviews and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and section 353.22 of the Department's regulations.

Dated: September 9, 1997.

Jeffrey P. Bialos,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97-24470 Filed 9-15-97; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration [A-570-815]

Sulfanilic Acid From the People's Republic of China; Final Results of Antidumping Duty Administrative Review

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

ACTION: Notice of final results of the 1995-1996 antidumping administrative review of Sulfanilic Acid from the People's Republic of China.

SUMMARY: On May 12, 1997, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping duty order on sulfanilic acid from the People's Republic of China (PRC). This review covers the period August 1, 1995 through July 31, 1996, and all PRC exporters of the subject merchandise.

We gave all interested parties an opportunity to comment on our preliminary results. After we reviewed the comments received, the margins in the final results did not change from those presented in the preliminary results.

EFFECTIVE DATE: September 16, 1997.

FOR FURTHER INFORMATION CONTACT: Kristen Smith or Kristen Stevens, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone (202) 482-3793.

SUPPLEMENTARY INFORMATION:

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 (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR part 353 (April 1997).

Background

On May 12, 1997, the Department published in the **Federal Register** (62

FR 25917) the preliminary results of its administrative review of the antidumping duty order on sulfanilic acid from the PRC (57 FR 37524, August 19, 1992). This review covers exports of subject merchandise to the United States for the period August 1, 1995 through July 31, 1996, and all PRC exporters of sulfanilic acid, including, but not limited to, the following thirteen firms: China National Chemical Import and Export Corporation, Hebei Branch (Sinochem Hebei); China National Chemical Construction Corporation, Beijing Branch; China National Chemical Construction Corporation, Qingdao Branch; Sinochem Qingdao; Sinochem Shandong; Baoding No. 3 Chemical Factory; Jinxing Chemical Factory; Zhenxing Chemical Factory; Mancheng Zinyu Chemical Factory, Shijiazhuang; Mancheng Xinyu Chemical Factory, Beijing; Hainan Garden Trading Company; Yude Chemical Company and Shunping Lile. We have now completed the administrative review in accordance with section 751 of the Act.

Scope of the Review

Imports covered by this review are all grades of sulfanilic acid, which include technical (or crude) sulfanilic acid, refined (or purified) sulfanilic acid and sodium salt of sulfanilic acid. Sulfanilic acid is a synthetic organic chemical produced from the direct sulfonation of aniline with sulfuric acid. Sulfanilic acid is used as a raw material in the production of optical brighteners, food colors, specialty dyes, and concrete additives. The principal differences between the grades are the undesirable quantities of residual aniline and alkali insoluble materials present in the sulfanilic acid. All grades are available as dry, free flowing powders.

Technical sulfanilic acid contains 96 percent minimum sulfanilic acid, 1.0 percent maximum aniline, and 1.0 percent maximum alkali insoluble materials. Refined sulfanilic acid contains 98 percent minimum sulfanilic acid, 0.5 percent maximum aniline and 0.25 percent maximum alkali insoluble materials.

Sodium salt is a powder, granular or crystalline material which contains 75 percent minimum equivalent sulfanilic acid, 0.5 percent maximum aniline based on the equivalent sulfanilic acid content, and 0.25 percent maximum alkali insoluble materials based on the equivalent sulfanilic acid content.

This merchandise is classifiable under Harmonized Tariff Schedule (HTS) subheadings 2921.42.22 and 2921.42.90. Although the HTS subheadings are provided for convenience and customs