

in opposition to the request were received from Chemetals, Inc. and Kerr-McGee Chemical (Kerr-McGee), LLC, U.S. producers of EMD.

#### Analysis:

In considering whether to institute a review investigation under section 751(b), the Commission will not institute such an investigation unless it is persuaded there is sufficient information demonstrating:

(1) That there are significant changed circumstances from those in existence at the time of the original investigations;

(2) That those changed circumstances are not the natural and direct result of the imposition of the antidumping and/or countervailing duty orders, and;

(3) That the changed circumstances, allegedly indicating that revocation of the order would not be likely to lead to continuation or recurrence of material injury to the domestic industry, warrant a full investigation.<sup>8</sup>

After consideration of the request for review and the response to the notice inviting comments, the Commission has determined, pursuant to section 751(b) of the Act and Commission rule 207.45, that the information of record, including the request and the comments received in response to the notice, does not show changed circumstances sufficient to warrant institution of investigations to review the Commission's affirmative determinations in investigations Nos. 731-TA-406 and 408 (Final): Electrolytic Manganese Dioxide from Greece and Japan.

The request alleged the following changed circumstances: (1) the addition of a third recognized type of EMD (high-drain alkaline EMD), (2) structural changes in battery consumption, and (3) the impending unavailability of supply of regular and high-drain alkaline EMD from U.S. producers and producers in countries not subject to antidumping orders. The information available on the record does not persuade us that a full

investigation is warranted for any of these allegations. In particular:

**Addition of a third recognized type of EMD.** The requester asserts that there is a recognized new type of EMD high-drain alkaline EMD that has been introduced to the market since the Commission's original investigations. While Eveready provided evidence concerning the existence of new high-drain batteries,<sup>9</sup> Eveready failed to provide specific evidence supporting its claim of a separate and new product such as chemical specifications, certifications, contracts, pricing, or other information about its own efforts to develop such a new product either internally or with suppliers. Moreover, Chemetals and Kerr-McGee, through sworn affidavits, directly refuted the commercial use of such a new product.

**Structural changes in battery consumption.**—The requester asserts that there has been a fundamental and permanent shift in battery consumption toward smaller AA and AAA cell batteries with a corresponding increase in demand for standard and "high-drain" alkaline EMD. The record indicates a continuing shift in battery consumption from larger C and D cells (predominantly used in lighting applications) to smaller AA and AAA (predominantly used in higher-drain portable electronic devices). While evidence of a shift in the composition of demand can be a factor supporting institution of a changed circumstances review, the Commission finds that institution is not warranted in this case. Although the record evidence indicates that there has been a shift in the composition of demand, there is no record evidence that this shift has resulted in a shift to a new, high-drain EMD, as alleged by Eveready. Indeed, since Eveready failed to provide specific evidence of a new high-drain EMD, the underlying basis for Eveready's assertion does not exist.

**Impending "short-supply" of regular and high-drain alkaline EMD.**—The requester asserts that the U.S. industry is operating at full capacity and that the industry faces unsurmountable barriers to expansion that will prohibit it from meeting anticipated future demand for EMD. Additionally, the requester asserts that EMD from all non-subject foreign sources has already been allocated to other purchasers and that Eveready's only available source of "high-drain"

EMD is from Greece. Despite the requester's anecdotal claims, it failed to provide specific evidence regarding the U.S. industry's capacity limitations, Eveready's own production limitations, Eveready's attempts to work with other U.S. producers, or its efforts to qualify or procure EMD from non-subject and subject sources including Greece. Both Chemetals and Kerr-McGee provided substantial evidence to contradict Eveready's claims, most telling being an analysis of prices. It appears that alkaline EMD prices have remained relatively stable in recent years and do not reflect the severe supply limitations that are alleged to be present in the market. Moreover, Chemetals and Kerr-McGee have indicated their willingness and ability to increase supplies of qualified EMD to Eveready through the negotiation and signing of long-term supply contracts.

In light of the above analysis, the Commission determines that institution of a review investigation under section 751(b) of the Act concerning the Commission's affirmative determinations in investigations Nos. 731-TA-406 and 408 (Final): Electrolytic Manganese Dioxide from Greece and Japan, is not warranted.

Issued: August 6, 1998.

By order of the Commission.

**Donna R. Koehnke,**  
Secretary.

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## INTERNATIONAL TRADE COMMISSION

[Investigation 332-396]

### Economic Trends and Barriers to Trade in Products Covered by the WTO Agreement on Agriculture

**AGENCY:** United States International Trade Commission.

**ACTION:** Institution of investigation and scheduling of public hearing.

**EFFECTIVE DATE:** August 3, 1998.

**SUMMARY:** Following receipt of a request on July 20, 1998, from the U.S. Trade Representative (USTR), the Commission instituted investigation No. 332-396, Economic Trends and Barriers to Trade in Products Covered by the WTO Agreement on Agriculture, under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)).

**FOR FURTHER INFORMATION:** Industry-specific information may be obtained from Cathy Jabara (202-205-3309) or Roger Corey (202-205-3327), Office of Industries, U.S. International Trade

Commission self-initiating such a review investigation concerning Japan.

<sup>8</sup> See, 19 U.S.C. § 1675(b)(2)(A); Heavy Forged Handtools from the People's Republic of China, 62 FR 36305 (July 7, 1997); Certain Cold-Rolled Carbon Steel Flat Products from Germany and the Netherlands, 61 FR 17319 (April 19, 1996); A. Hirsh, Inc. v. United States, 737 F.Supp. 1186 (CIT 1990); Avesta A v. United States, 724 F. Supp. 974 (CIT 1988), *aff'd* 914 F.2d 232 (Fed. Cir. 1990); and Avesta AB v. United States, 689 F. Supp. 1173 (CIT 1988).

In the Uruguay Round Agreements Act of 1994 (the URAA), Congress changed the substantive standard applicable to changed circumstances reviews from whether the domestic industry would be materially injured or threatened with material injury if the order were revoked to whether revocation of the order is likely to lead to the continuation or recurrence of material injury to the domestic industry.

<sup>9</sup> Based on the record, it appears that gains in performance exhibited by new high-drain batteries are the result of improvements in battery design and not the result of a new type of high-drain EMD. The record reflects that EMD currently employed in high-drain applications is in fact high quality standard alkaline EMD.

Commission, Washington, DC 20436. For information on the legal aspects of this investigation contact William Gearhart of the Office of the General Counsel (202-205-3091). News media should contact Peg O'Laughlin, Office of External Relations (202-205-1819). Hearing impaired individuals are advised that information on this matter can be obtained by contacting the TDD terminal on (202) 205-1810.

### Background

The USTR has requested that the Commission provide a report containing an informational and analytical resource base to assist the Administration in the upcoming WTO negotiations on agriculture trade to begin in late 1999. As requested by USTR, in preparing its report, the Commission will examine the following sectors (including both the basic commodity and its processed products, as appropriate): grains; oilseeds (including peanuts); dairy; animals and animal products, other than dairy; sugar and other sweeteners; wine; cotton; fruits and vegetables (and tree nuts); and other products as covered in the WTO Agreement on Agriculture. The examination will include:

- (1) Recent trends in trade, production, and other relevant economic variables in these sectors;
- (2) Barriers and/or distortions in major countries and product markets affecting this trade; and
- (3) Methodologies for assessment of the effects of changes in various trade rules in each of these sectors upon the trade and economic interests of the United States.

The report will also include summaries of the information developed, both with respect to sector trends and trade barriers.

As requested, the Commission plans to transmit its report to USTR by July 20, 1999. USTR has indicated portions of the report will be classified as "confidential" and will also be regarded as an inter-agency memorandum that will contain predecisional advice and be subject to the deliberative process privilege.

### Preliminary Written Comments

- (1) In order to assist the Commission in identifying the barriers and/or distortions referred to above, the Commission requests that interested parties provide preliminary written comments on such barriers and/or distortions by November 30, 1998.
- (2) All preliminary written comments should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC 20436.
- (3) Interested

parties are also encouraged to provide further information at the public hearing and in prehearing and posthearing briefs/statements.

### Public Hearing

A public hearing in connection with the investigation will be held at the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC, beginning at 9:30 a.m. on March 16, 1999. All persons will have the right to appear, by counsel or in person, to present information and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC, 20436, no later than 5:15 p.m., March 2, 1999. Any prehearing briefs (original and 14 copies) should be filed not later than 5:15 p.m., March 4, 1999; the deadline for filing posthearing briefs or statements is 5:15 p.m., March 31, 1999. In the event that, as of the close of business on March 2, 1999, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or non-participant may call the Secretary to the Commission (202-205-1816) after March 2, 1999 to determine whether the hearing will be held.

### Written Submissions

In lieu of, or in addition to, participating in the hearing, interested parties are invited to submit written statements concerning the matters to be addressed by the Commission in its report on this investigation. Commercial or financial information that a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available in the Office of the Secretary to the Commission for inspection by interested parties. To be assured of consideration by the Commission, written statements relating to the Commission's report should be submitted to the Commission at the earliest practical date and should be received no later than 5:15 p.m. on March 31, 1999. All submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC 20436.

Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>).

### List of Subjects

WTO, agricultural trade, production, barriers, distortions, grains, oilseeds, dairy, animals and animal products, sugar and other sweeteners, wine, cotton, fruits and vegetables, Agreement on Agriculture, and methodologies.

Issued: August 5, 1998.

By order of the Commission.

**Donna R. Koehnke,**

*Secretary.*

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## DEPARTMENT OF JUSTICE

### Office of Community Oriented Policing Services

#### Agency Information Collection Activities: Proposed Collection; Comment Request

**ACTION:** Request OMB Emergency Approval; National Survey of Police Executives, District Commanders and Agencies.

The Department of Justice, Office of Community Oriented Policing Services (COPS) has submitted the following information collection request (ICR) utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. OMB approval has been requested by August 17, 1998. If granted, the emergency approval is only valid for 180 days. All comments and/or questions pertaining to this pending request for emergency approval must be directed to OMB, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530.

During the first 60 days of this same period a regular review of this information collection is also being undertaken. Comments are encouraged and will be accepted until October 13, 1998. During the 60-day regular review all comments and suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to the COPS Office, Program/Policy Support and Evaluation Division,