from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided for by section 751(a)(1) of the Act: (1) The cash deposit rates for the reviewed companies will be the rates for those firms 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 this review, or the 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) the cash deposit rate for all other manufacturers or exporters will continue to be 15.16 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.

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 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 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.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)), section 777(i) of the Act (19 U.S.C. 1677f(i)), and 19 CFR 351.210(c).

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99–6280 Filed 3–15–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

[A–570–848]

International Trade Administration

Freshwater Crawfish Tail Meat From the People's Republic of China: Extension of Preliminary Results of a New-Shipper Antidumping Review

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

ACTION: Notice of extension of time limits for preliminary results of a new-shipper antidumping duty review.

EFFECTIVE DATE: March 16, 1999.

FOR FURTHER INFORMATION CONTACT: Thomas Gilgunn or Laurel LaCivita, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–0648 and (202) 482–4236, respectively.

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act) are to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR part 351 (1998).

Extension of Time Limits for Preliminary Results

On September 30, 1998, the Department of Commerce received a request from Yancheng Baolong Biochemical Products Co., Ltd. to conduct a new-shipper review of the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China. On October 30, 1998 (63 FR 59762 published November 5, 1998), the Department initiated this new-shipper antidumping review covering the period March 26, 1997 through August 31, 1998.

The Department has determined that it is not practicable to complete this review within the time limits mandated by section 751(a)(2)(B) of the Act. Therefore, in accordance with that section, the Department is extending the time limits for the preliminary results to July 17, 1999. This extension of time limits is in accordance with section 751(a)(2)(B) of the Act.

Dated: March 5, 1999.

Joseph A Spetrini,

Deputy Assistant Secretary for AD/CVD Enforcement III.

[FR Doc. 99–6289 Filed 3–15–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–814]

Pure Magnesium From Canada; Final Results of Antidumping Duty Administrative Review and Determination Not To Revoke Order in Part

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

ACTION: Notice of final results of administrative review and determination not to revoke order in part.

SUMMARY: On May 12, 1998, the Department of Commerce published the preliminary results of the administrative review of the antidumping duty order on pure magnesium from Canada and its notice of intent not to revoke the order with respect to pure magnesium produced by Norsk Hydro Canada Inc. We gave interested parties an opportunity to comment on the preliminary results. Based on our analysis of the comments received, we have made certain changes for the final results.

This review covers one producer/exporter of pure magnesium to the United States during the period August 1, 1996, through July 31, 1997. The review indicates no dumping margins during the review period.

EFFECTIVE DATE: March 16, 1999.

FOR FURTHER INFORMATION CONTACT: Zak Smith or Stephanie Hoffman, Import Administration, AD/CVD Enforcement Group I, Office 1, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230; telephone (202) 482–0189 or 482–4198, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

The Department of Commerce (''the Department'') is conducting this administrative review in accordance with section 751 of the Tariff Act of 1930 (''the Act''), as amended. 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 Act

by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to those codified at 19 CFR part 351 (April 1998).

Background

On May 12, 1998, the Department published the preliminary results of the administrative review of the antidumping duty order on pure magnesium from Canada and notice of the intent not to revoke the order in part (63 FR 26147) (''Preliminary Results''). The producer/exporter in this review is Norsk Hydro Canada Inc. (''NHCI''). We received comments and rebuttal comments from NHCI and petitioner, Magnesium Corporation of America (''Magcorp'') (*see Interested Party Comments,* below). A hearing was held on July 29, 1998. The time limit for the final results of this administrative review was extended on both September 16, and November 18, 1998.

Subsequent to the Department's decision in Certain Corrosion-Resistant Carbon Steel Flat Products and Certain Cut-to-Length Carbon Steel Plate From Canada: Final Results of Antidumping Duty Administrative Review and Determination To Revoke in Part (64 FR 2173, (January 13, 1999) (''Corrosion-Resistant Steel from Canada''), NHCI made a submission commenting upon the position taken by the Department in that case. Although the deadline for submission of argumentation had passed, given the length of time (more than six months) that has elapsed since our formal comment period and in light of the potential relevance of the Department's determination in Corrosion-Resistant Steel from Canada, we decided to place NHCI's submission on the record and take it into account in these final results. We also permitted petitioner to comment upon Corrosion-Resistant Steel from Canada and respondent's submission concerning that determination.

Scope of the Review

The product covered by this review is pure magnesium. Pure unwrought magnesium contains at least 99.8 percent magnesium by weight and is sold in various slab and ingot forms and sizes. Granular and secondary magnesium are excluded from the scope of this review. Pure magnesium is currently classified under subheading 8104.11.0000 of the Harmonized Tariff Schedule (''HTS''). The HTS item number is provided for convenience and for customs purposes. The written description remains dispositive.

Determination Not To Revoke Order in Part

The Department ''may revoke, in whole or in part'' an antidumping duty order upon completion of a review under section 751 of the Act. While Congress has not specified the procedures that the Department must follow in revoking an order, the Department has developed a procedure for revocation that is described in 19 CFR 351.222. This regulation requires, *inter alia,* that a company requesting revocation must submit the following: (1) A certification that the company has sold the subject merchandise at not less than normal value (''NV'') in the current review period and that the company will not sell at less than NV in the future; (2) a certification that the company sold the subject merchandise in each of the three years forming the basis of the request in commercial quantities; and (3) an agreement to reinstatement in the order if the Department concludes that the company, subsequent to the revocation, sold subject merchandise at less than NV. *See* 19 CFR 351.222(e)(1). Upon receipt of such a request, the Department may revoke an order, in part, if it concludes that (1) the company in question has sold subject merchandise at not less than NV for a period of at least three consecutive years; (2) it is not likely that the company will in the future sell the subject merchandise at less than NV; and (3) the company has agreed to its immediate reinstatement in the order if the Department concludes that the company, subsequent to the revocation, sold subject merchandise at less than NV. *See* 19 CFR 351.222(b)(2).

In our Preliminary Results, we determined that ''based on the evidence on the record, we cannot reasonably conclude that NHCI is not likely to dump in the future if the order were revoked'' (*see* Memorandum to Gary Taverman, dated May 4, 1998).

After consideration of the various comments that were submitted in response to the preliminary results, we have concluded that we must determine, as a threshold matter, in accordance with 19 CFR 351.222, whether the company requesting revocation sold the subject merchandise in commercial quantities in each of the three years forming the basis of the request. As stated in Corrosion-Resistant Steel from Canada (at 2189), ''respondents must meet the threshold criterion of three consecutive years of sales in commercial quantities at not less than [normal value] in order to be eligible for revocation.''

We determine that NHCI did not sell the subject merchandise in the United States in commercial quantities in any of the three years cited by NHCI to support its request for revocation. Specifically, NHCI made one sale in two of the relevant years and two sales in the other. One or two sales to the United States during a one year period is not consistent with NHCI's selling activity prior to the order nor is it consistent with NHCI's selling activity in the home market (*see* Memorandum from Team to Susan Kuhbach, ''Commercial Quantities,'' dated March 8, 1999, for a discussion of NHCI's selling activity). Furthermore, we found that, for each year, the volume of merchandise sold was less than one-half of one percent of the volume of merchandise sold in the last completed fiscal year prior to the order. These sales and volume figures are so small, both in absolute terms and in comparison with the period of investigation, that we cannot reasonably conclude that the zero margins NHCI received are reflective of the company's normal commercial experience. More specifically, the abnormally low level of sales activity does not provide a reasonable basis for determining that the discipline of the order is no longer necessary to offset dumping. Therefore, we find that NHCI does not qualify for revocation of the order on pure magnesium under 19 CFR 351.222(b) and (e)(1)(ii).

Comparisons

We calculated export price and normal value based on the same methodology used in the Preliminary Results, with the following exceptions:

Based upon comments received from respondent, when determining the appropriate home market sales to use for comparison purposes the Department is now matching to identical sales. Also, based upon comments received from respondent, we have made the necessary changes such that home market freight charges are being converted appropriately.

Interested Party Comments

In accordance with 19 CFR 351.309, we invited interested parties to comment on our Preliminary Results. On June 11 and June 16, 1998, petitioner and respondent submitted case briefs and rebuttal briefs, respectively. At the request of respondent, a public hearing was held on July 29, 1998. In addition, we received interested party comments from Chicago White Metal Casting, Inc., Magnesium Products of America, Inc., Reynolds Metals Company, and Alcan Aluminum Corporation.

Comment 1: Commercial Quantities

Petitioner opposes revocation of the antidumping duty order in part, arguing that respondent has not met the requirements for revocation. Specifically, petitioner points to 19 CFR 351.222(e)(1)(ii) which requires respondents to certify that they have sold the subject merchandise in commercial quantities to the United States during each of the three consecutive years. Petitioner argues that NHCI's sales to the United States during the last three review periods were far too small to be considered commercial quantities. In petitioner's view, these were merely token sales whose only purpose was to obtain three years of zero antidumping margins and qualify for revocation.

Petitioner contends that the concept of commercial quantities refers to the aggregate volume of sales made by a respondent over the course of the entire period of review (''POR'') and not to the size of a single sale used in the calculation of an antidumping margin. In support for this argument, petitioner claims that there would be no reason for the requirement of commercial quantities in 19 CFR 351.222(e)(1)(ii) if the term merely referred to the existence of any sale recognizable as a U.S. sale for calculating an antidumping margin because there would be no reason for the Department to ask a respondent to certify a fact that has already been established.

Petitioner further argues that only if a respondent's sales are sufficiently large will a zero antidumping margin offer any valid indication that the respondent can continue to export the subject merchandise to the United States at normal prices if the antidumping duty order were revoked. As an example, petitioner points to the Department's decision not to revoke the antidumping duty order in Brass Sheet and Strip From Germany; Final Results of Antidumping Duty Administrative Review and Determination Not to Revoke in Part, 61 FR 49727 (September 23, 1996) (''German Brass Sheet'') due to the small volume of shipments. Petitioner also refers to the preamble of the final regulations in which the Department states that a revocation based on the absence of dumping is based on the fact that when a respondent sells in commercial quantities without dumping it has demonstrated that it will not resume dumping if the order is revoked (*see* Antidumping Duties; Countervailing Duties; Final Rule (''Final Regulations''), 62 FR 27296, 27326 (May 19, 1997)).

Respondent argues that the term ''commercial quantities'' refers not to the number or volume of sales, but to whether any individual sale was a normal size transaction for the industry. In support for this argument, respondent points to the proposed regulations in which the Department states that it will ''establish whether sales were made in commercial quantities based upon examination of the normal sizes of sales by the producer/exporter and other producers of subject merchandise.'' (*See* Antidumping Duties; Countervailing Duties, Proposed Rule (''Proposed Regulations''), 61 FR 7308, 7320 (February 27, 1996)). Respondent believes that the Department never intended to consider the aggregate volume of sales made throughout the POR. Rather, NHCI argues, the concept of commercial quantities was included in the regulations to ensure that individual sales made during an intervening year were of sufficient size to permit the Department to conduct a review had one been requested (as opposed to sales of samples or prototypes and sales so small that they could not be regarded as *bona fide* commercial transactions). Respondent further argues that the Department's application of the criterion in Corrosion-Resistant Steel from Canada inappropriately disqualifies respondents from revocation, even when reviews are conducted in all three years.

Department's Position: NHCI has requested revocation based on the absence of dumping. As explained above, to consider such a request we must determine, as a threshold matter, whether the company requesting revocation sold the subject merchandise in commercial quantities in each of the three years forming the basis of the request. *See* 19 CFR 351.222(e)(1)(i)–(iii); *see also,* 19 CFR 351.222(d)(1).

We disagree with NHCI's argument that the commercial quantities criterion requires only that there be a *bona fide* commercial transaction during a given period. As the Department recently explained, ''sales during the POR which, in the aggregate, are an abnormally small quantity do not provide a reasonable basis for determining that the discipline of the order is no longer necessary to offset dumping'' (*see* Corrosion-Resistant Steel from Canada at 2175). As the record of this case demonstrates, NHCI did not sell the subject merchandise in the United States in commercial quantities in any of the three years cited by NHCI to support its request for revocation. Regardless of the *bona fide* nature of each transaction, these sales, in the aggregate, are abnormally small in quantity and do not provide the Department with a reasonable basis to make a revocation determination (*see* Memorandum from Team to Susan Kuhbach, ''Commercial Quantities,'' dated March 8, 1999).

We also note that while the regulation requiring sales in commercial quantities may have developed from the unreviewed intervening year regulation, its application in all revocation cases based on an absence of dumping is reasonable and mandated by the regulations. The application of this requirement to all such cases is reflected not only in the provision for unreviewed intervening years (*see* 19 CFR 351.222(d)(1)), but also in the new general requirement that parties seeking revocation certify to sales in commercial quantities in each of the years on which revocation is to be based. *See* 19 CFR 351.222(e)(1)(ii). This requirement ensures that the Department's revocation determination is based upon a sufficient breadth of information regarding a company's normal commercial practice. As in Corrosion-Resistant Steel from Canada (at 2175), in this case the number of sales and the total sales volumes are so small, both in absolute terms and in comparison with the period of investigation and other review periods, that these sales do not provide sufficient information on a company's normal commercial experience to make a revocation decision. If sales are not reflective of a company's normal commercial activities, they can offer no basis upon which to make a revocation determination, regardless of whether we conducted a review or the sales took place in an intervening year.

Comment 2: Sales Drop-Off

Petitioner argues that NHCI's withdrawal from the U.S. market in the two first review periods after imposition of the antidumping duty order and the company's insignificant U.S. sales in the subsequent three review periods demonstrates that NHCI cannot sell commercially significant quantities without resorting to dumping. Petitioner points to the Statement of Administrative Action (''SAA'') accompanying the Uruguay Round Trade Agreements which states that ''. . . the cessation of imports after the order, is highly probative of the likelihood of continuation or recurrence of dumping'' (*see* H.R. Doc. 316, Vol. 1, 103d Cong., 2d Sess. 870 (1994) p. 889). Petitioner argues that although this statement was made in the context of sunset reviews, it provides guidance on how a respondent would act in the absence of an antidumping order.

Respondent states that it made no sales to the United States in the first and second review periods because of the prohibitively high antidumping and countervailing duty cash deposit rates. This lack of sales activity is irrelevant, according to NHCI, since NHCI made sales to the United States during the third, fourth, and fifth review periods which constituted a significant increase in sales compared to the first two review periods.

Moreover, respondent argues that it would be incorrect to use the original period of investigation as a benchmark for NHCI's normal commercial behavior because at that time, the company was still in the process of ramping up production and establishing its customer base. Respondent explains that after the imposition of the antidumping duty order, it redirected its marketing strategy toward other export markets and developed a strong home market for pure magnesium. NHCI, along with other interested parties, notes that it also increased its production and sales of alloy magnesium to the extent that by 1997, it had become primarily a producer of alloy magnesium.

Regarding petitioner's reference to the SAA, respondent argues that the cited portion deals with sunset and changed circumstances reviews and, therefore, does not apply to revocation reviews based on the absence of dumping. In sunset reviews, it is presumed that a drop-off in exports after the imposition of an antidumping duty order indicates increased likelihood of continued or resumed dumping if the order were revoked, but such presumption does not exist in the context of a revocation based on the absence of dumping, according to respondent.

Department's Position: We have considered the parties' arguments regarding the post-order sales drop-off in a different context for these final results, which rely on the absence of sales in commercial quantities rather than the likelihood of future dumping. Regarding respondent's claim that it would be incorrect to use the original period of investigation as a benchmark for NHCI's normal commercial behavior, we disagree. Assessment of the threshold regulatory requirement that there be sales in commercial quantities during each of the three years of review cannot take place in a vacuum. The period of investigation is a logical and reasonable benchmark for this assessment, especially given that it is the only time period for which we have evidence concerning NHCI's commercial behavior with respect to exports to the United States without the discipline of an antidumping duty order. While we recognize that NHCI was a relatively new company at the time of the original investigation, logically this would tend to support the argument that their sales should have increased, rather than decreased.

In addition to examining NHCI's commercial activity during the period of investigation, the Department also examined information regarding NHCI's sales of pure magnesium to other markets for the three years in question. Examination of the number and volume of sales made in these markets further supports our determination that the sales to the United States were not made in commercial quantities. Moreover, this very evidence indicates that NHCI has not completely redirected its market focus toward alloy magnesium but, in fact, maintains significant pure magnesium sales volumes in other pure magnesium markets, all of which are markedly smaller and more distant than the U.S. market.

Comment 3: Alleged Creation of New Revocation Requirement and Deviation from Normal Practice

NHCI objects to the application by the Department of a new requirement in its Preliminary Results; namely, that a company must ''participate meaningfully in the U.S. market'' to qualify for revocation. In support of its argument, NHCI points to the Department's statements in its Proposed Regulations and in the Notice of Final Results of Antidumping Duty Administrative Review and Determination Not to Revoke Order in Part: Dynamic Random Access Memory Semiconductors of One Megabyte or Above From the Republic of Korea, 62 FR 39809 (July 24, 1997) (''DRAMS from Korea'') where it said that the Final Regulations did not change the previous revocation requirements. Furthermore, respondent refers to past cases (*e.g.*, Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from Italy, 60 FR 10959 (February 28, 1995) and Industrial Phosphoric Acid from Israel, 57 FR 10008 (March 23, 1992)) in which the Department decided to revoke antidumping duty orders although the exporters' U.S. sales were small.

Respondent and other interested parties further argue that although the Department's regulations require a finding that respondent is unlikely to sell the subject merchandise below normal value in the future, the Department has generally agreed to revocation based on two criteria: three consecutive years of zero dumping margins; and an agreement by respondent to immediate reinstatement of the order if it resumes dumping in the future. According to NHCI, the Department has consistently found that these two criteria are dispositive of the ''not likely'' analysis and that the Department generally does not conduct such an analysis. Thus, NHCI claims that by not revoking the antidumping duty order based on these two criteria, the Department has deviated from its normal practice.

Petitioner argues that, contrary to respondent's contention, there is no ''normal practice'' of revoking orders based on three years of zero deposit rates and certain certifications by respondent. Petitioner states that when determining the likelihood of resumed dumping in past cases (*e.g.*, German Brass Sheet, Certain Circular Welded Carbon Steel Pipes and Tubes from Taiwan, 56 FR 8741 (March 1, 1991), and DRAMs from Korea), the Department has considered factors other than the respondent's most recent dumping margins and its certification that it will not resume dumping.

Department's Position: While the Department's substantive revocation criteria have not changed, the new regulations added a threshold criterion for revocation proceedings. Specifically, the Department now requires the company requesting revocation to have sold the subject merchandise in commercial quantities in each of the three years forming the basis of the request. *See* 19 CFR 351.222(e)(1)(ii). Because the threshold requirement of sales in commercial quantities has not been met in this case, the analysis in these final results does not address the likelihood issue.

Comment 4: Failure to Revoke the Order Would be in Conflict With the WTO Agreement

Respondent argues that a revocation of the order is mandated by the 1994 WTO Antidumping Agreement because Article 11.1 of this agreement states that an antidumping duty ''shall remain in force only as long as and to the extent necessary to counteract dumping which is causing injury.'' Respondent supports this position by noting that in DRAMS from Korea a WTO panel found that the ''continued imposition [of an antidumping duty] must . . . be essentially dependent on, and therefore assignable to, a foundation of positive evidence that circumstances demand it'' (*see* United States—Anti-Dumping Duty on Dynamic Random Access Memory Semiconductors (DRAMS) of One Megabit or Above From Korea, WTO Doc. WT/DS99/R (January 29, 1999)) (''DRAMS Panel''). Respondent further argues that the Department's decision in

Corrosion-Resistant Steel from Canada is inconsistent with this panel finding because it automatically disqualified a respondent from obtaining revocation without a foundation of positive evidence for doing so.

Department's Position: The Department's revocation procedures are fully consistent with Article 11.1. Parties need only demonstrate that they are no longer dumping while commercially engaged in the U.S. market over a three year period. The requirement to which respondent objects merely establishes a reasonable evidentiary threshold. Absent commercially meaningful sales activity we do not have a sufficient record to make a reasoned judgement as to revocation. Thus, the threshold requirement of commercial quantities is necessary, appropriate, and consistent with our WTO obligations and the DRAMS Panel decision, because it is an objective condition by which the Department can make a reasonable determination based on positive evidence.

Comment 5: Failure To Revoke the Order Would Be Punitive

Respondent argues that failure to revoke would improperly punish NHCI in light of the Department's determinations that the company has not been dumping. Moreover, NHCI states that the order and the review process have imposed a substantial burden on the company.

Department's Position: Application of the regulatory requirements for revocation is not punitive; rather, these requirements reflect the Department's view that the actual revocation of an order can only occur after the collection and analysis of all the relevant information. While NHCI raised concerns during the proceeding that certain requests for information were burdensome, we note that NHCI was able to meet all such requests.

Comment 6: Market Conditions and Trends

Petitioner claims that conditions in the U.S. magnesium market make dumping more likely because magnesium is a homogenous commodity product which consumers buy from the seller offering the lowest price. Petitioner cites to statements by an NHCI official to the effect that the future magnesium market can be characterized as one of declining real prices and oversupply. These trends, according to petitioner, increase the likelihood that NHCI would revert to dumping in order to boost its sales of the subject merchandise. Petitioner contends that the magnesium prices quoted by respondent are list prices to which discounts are applied before the actual transaction price is reached. In petitioner's view, such list prices have little meaning as indicators of the actual price level in the market.

Petitioner claims that plans are underway to expand the production capacity of pure and alloy magnesium, both in Canada and other countries, and that this increased production will intensify competition and lead to a continuation of the drop in magnesium prices. Petitioner also contends that NHCI's new capacity will be utilized for the production of pure magnesium and it will be directed toward the U.S. market. Finally, petitioner asserts that it is very likely that NHCI will have to switch significant production capacity from alloy to pure magnesium.

Respondent, along with other interested parties, disagrees with petitioner's description of pricing practices in the magnesium market. First, respondent says, customers do not always buy from the supplier offering the lowest price because other factors are also important. Second, magnesium is not a homogenous product and NHCI competes by offering high-quality products. Third, respondent disputes petitioner's allegation that it would have to undercut the prices of other producers by pointing to the sales it has made in the United States at market prices in the last three review periods.

According to respondent, U.S. market prices have increased since the antidumping investigation. While conceding that there have been moderate adjustments in market prices, respondent argues that in real terms, magnesium prices increased significantly between 1990 and 1996. Thus, in respondent's opinion, prices will remain well above the level where dumping would be inevitable. Respondent further claims that petitioner has provided the prices of imported Russian and Chinese magnesium and, according to other interested parties as well, the pricing practices of these non-Western producers are inappropriate for comparison to a Western producer like NHCI. Finally, respondent contends that the price trends provided by petitioner are inconsistent with those of the U.S. Geological Survey.

Respondent also disputes the notion that there is an oversupply of pure magnesium, stating that petitioner focuses on the demand/supply situation in 1996. According to respondent and other interested parties, the situation changed significantly in 1997 and current supply conditions are tight with inventories below normal levels. Respondent further states that demand for pure and alloy magnesium is expected to increase in both the United States and Canada. Respondent argues that it is, therefore, not at all certain that a major portion of NHCI's new capacity will be sold as pure magnesium.

With respect to its expansion plans, respondent maintains that it has not made a final decision about expanding its magnesium-producing plant and that petitioner's allegation about a doubling of NHCI's production capacity, therefore, is wrong. Furthermore, petitioner's assertion that an expansion by NHCI would lead to a resumption of dumping is mere speculation, according to respondent.

Respondent dismisses petitioner's allegations regarding other producers' expansion plans and states that some of these companies have not yet decided to build new magnesium plants. Finally, respondent argues, even if all the proposed new plants were built, there is no basis for petitioner's allegation that this increased competition would result in dumping because dumping does not occur as a result of lower prices, but as a result of price discrimination. In this context, respondent emphasizes that it has signed a certification that it will not engage in dumping in the future.

Respondent and other interested parties also dispute petitioner's assertion that NHCI could easily switch its production from alloy to pure magnesium. Among other things, respondent points to its long-term supply contracts for alloy as evidence that it cannot easily switch production to pure magnesium.

Department's Position: Because we have determined that NHCI is not eligible for revocation, we do not reach the likelihood of future dumping issue.

Comment 7: Case Precedents Used in the Preliminary Results

Respondent argues that the case precedents on revocation cited by the Department in its Preliminary Results do not apply to the present case because the factual situation is different and because the Department considered mainly negative revocation decisions while it ignored an affirmative decision.

Department's Position: As explained above, given the Department's finding that NHCI did not sell in commercial quantities, we do not reach the likelihood issue.

Comment 8: The Department Can Grant Revocation Over Petitioner's Objection

Respondent argues that petitioner, Magcorp, cannot purport to represent the U.S. industry because the

Department determined in the investigation that petitioner represented only 22 percent of U.S. magnesium producers. Respondent contends that Magcorp is merely one producer objecting to the revocation of the order and that the Department has revoked orders in the past over the objections of a single producer.

Department's Position: NHCI contested Magcorp's authority to represent the US industry in its challenge to the original less than fair value determination but did not prevail. (*See* Magnesium from Canada, No. USA–92–1904–03 (August 16, 1993).) Nothing has changed which would warrant a different conclusion in this proceeding. Because Magcorp is an interested party, it is entitled to participate and comment on revocation. Finally, our determination is based on the fact that NHCI has not met the revocation requirements, not on Magcorp's objection.

Final Results of Review

As a result of this review, we find that the following margin exists for the period August 1, 1996, through July 31, 1997:

Manufacturer/exporter	Period	Margin (percent)
Norsk Hydro Canada Inc.	8/1/96–7/31/97	0

Parties to the proceeding may request disclosure within five days of the date of publication of this notice. The results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the review and for future deposits of estimated duties for the manufacturers/exporters subject to this review. The Department will issue appraisement 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 this new shipper administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed company will be the rate indicated above; (2) for companies not covered in this review, but covered in previous reviews or the original less-than-fair-value investigation, 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 this review, a prior review, or the original investigation, but the manufacturer is, the cash deposit rate will be the most recent rate established for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review or the original investigation, the cash deposit rate will be the ''all others'' rate of 21 percent established in the amended final determination of sales at less than fair value (58 FR 62643 (November 29, 1993)).

These deposit requirements will 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) 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 orders (''APOs'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.306. 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.

We are issuing and publishing this administrative review and notice in accordance with sections 751(a)(1) and 771(i)(1) of the Act.

Dated: March 8, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99–6281 Filed 3–15–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–423–806]

Cut-to-Length Carbon Steel Plate From Belgium; Final Results of Countervailing Duty Administrative Review

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

ACTION: Notice of Final Results of Countervailing Duty Administrative Review.

SUMMARY: On September 9, 1998, the Department of Commerce (the Department) published in the **Federal Register** its Preliminary Results of administrative review of the countervailing duty order on cut-to-length carbon steel plate from Belgium for the period January 1, 1996 through December 31, 1996 (63 FR 48188). The Department has now completed this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended. For information on the net subsidy for each reviewed company, and for all non-reviewed companies, please see the *Final Results of Review* section of this notice. We will instruct the U.S. Customs Service to assess countervailing duties as detailed in the *Final Results of Review* section of this notice.

EFFECTIVE DATE: March 16, 1999.

FOR FURTHER INFORMATION CONTACT: Gayle Longest or Eva Temkin, Office of CVD/AD Enforcement VI, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to 19 CFR 351.213(b), this review covers only those producers or exporters of the subject merchandise for which a review was specifically requested. Accordingly, this review covers Fabrique de Fer de Charleroi, S.A. (Fafer). This review also covers the period January 1, 1996 through December 31, 1996 and 28 programs.

Since the publication of the Preliminary Results on September 9, 1998 (63 FR 48188), the following events have occurred. We invited interested parties to comment on the Preliminary Results. On October 9, 1998, case briefs were submitted by Fafer, which exported cut-to-length carbon steel plate to the United States during the review period (respondent), and Bethlehem Steel Corporation, U.S.