Preliminary Determination by the ITC

The ITC will determine by April 12, 1999, whether there is a reasonable indication that imports of certain aperture masks from Japan and South Korea are causing material injury, or threatening to cause material injury, to a U.S. industry. A negative ITC determination will result in termination of the investigations; otherwise, the investigations will proceed according to statutory and regulatory time limits.

This notice is published in accordance with section 777(i) of the Act.

Dated: March 16, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99–6934 Filed 3–19–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–825]

Sebacic Acid From the People's Republic of China: Postponement of Preliminary Results of Antidumping Duty Administrative Review

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

ACTION: Extension of time limits for preliminary results of antidumping duty administrative review.

SUMMARY: The Department of Commerce is extending by 120 days the time limit of the preliminary results of the antidumping duty administrative review of the antidumping duty order on sebacic acid from the People's Republic of China (PRC) covering the period July 1, 1997, through June 30, 1998, since it is not practicable to complete this review within the time limits mandated by the Tariff Act of 1930, as amended.

EFFECTIVE DATE: March 22, 1999.

FOR FURTHER INFORMATION CONTACT: Sunkyu Kim, at (202) 482–2613; or John Maloney, at (202) 482–1503, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

Postponement of Preliminary Results of Review: Section 751(a)(3)(A) of the Act requires the Department to make a preliminary determination in an administrative review within 245 days after the last day of the anniversary month of an order for which a review is requested and a final determination within 120 days after the date on which the preliminary determination is published. However, section 751(a)(3)(A) of the Act provides that, when it is not practicable to complete the review within the specified time period, the Department may extend the time period for completing the preliminary results by 120 days. We determine that it is not practicable to complete the preliminary results of this review within the original time frame. *See* Decision Memorandum from Holly A. Kuga, Acting Deputy Assistant Secretary, to Robert S. LaRussa, Assistant Secretary. Accordingly, the deadline for issuing the preliminary results of this review is now due no later than July 31, 1999. In accordance with section 751(a)(3)(A) of the Act, we plan to issue the final results of this administrative review within 120 days after publication of the preliminary results.

Dated: March 12, 1999.

Holly A. Kuga,

Acting Deputy Assistant Secretary Import Administration.

[FR Doc. 99–6832 Filed 3–19–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–810]

Stainless Steel Bar from India; Final Results of Antidumping Duty Administrative Review and New Shipper Review

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

ACTION: Notice of final results of 1997–1998 antidumping duty administrative review and new shipper review of stainless steel bar from India.

SUMMARY: On November 12, 1998, the Department of Commerce published the preliminary results of antidumping duty administrative review and new shipper review of the antidumping duty order on stainless steel bar from India. 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.

These reviews cover five producers/exporters of stainless steel bar to the United States during the period February 1, 1997, through January 31, 1998.

EFFECTIVE DATE: March 22, 1999.

FOR FURTHER INFORMATION CONTACT: Zak Smith, James Breeden, 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, 482–1174, or 482–4198, respectively.

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 amendments made to the Act by the Uruguay Round Agreements Act (''URAA''). In addition, all references to the Department of Commerce's (''the Department's'') regulations are to 19 CFR Part 351 (April 1998).

SUPPLEMENTARY INFORMATION:

Background

On November 12, 1998, the Department published the preliminary results of administrative review and new shipper review of the antidumping duty order on stainless steel bar from India (63 FR 63288) (''preliminary results''). The manufacturers/exporters in this administrative review are Bhansali Bright Bars Pvt. Ltd. (''Bhansali'') and Venus Wire Industries Limited (''Venus''). The manufacturers/exporters in this new shipper review are Sindia Steels Limited (''Sindia''), Chandan Steel Limited (''Chandan''), and Madhya Pradesh Iron & Steel Company (''Madhya''). We received a case brief from Madhya on December 18, 1998. We received case and rebuttal briefs from the petitioners [1] and the other respondents in February.

Scope of the Review

Imports covered by these reviews are shipments of stainless steel bar (''SSB''). SSB means articles of stainless steel in straight lengths that have been either hot-rolled, forged, turned, cold-drawn, cold-rolled or otherwise cold-finished, or ground, having a uniform solid cross section along their whole length in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles, hexagons, octagons, or other convex polygons. SSB includes cold-finished SSBs that are turned or ground in straight lengths, whether produced from hot-rolled bar or from straightened and cut rod or wire, and reinforcing bars that have indentations, ribs, grooves, or

[1] Al Tech Specialty Steel Corp., Carpenter Technology Corp., Crucible Specialty Metals Division, Crucible Materials Corp., Electroalloy Corp., Republic Engineered Steels, Slater Steels Corp., Talley Metals Technology, Inc. and the United Steelworkers of America (AFL-CIO/CLC).

other deformations produced during the rolling process.

Except as specified above, the term does not include stainless steel semi-finished products, cut length flat-rolled products (i.e., cut length rolled products which if less than 4.75 mm in thickness have a width measuring at least 10 times the thickness, or if 4.75 mm or more in thickness having a width which exceeds 150 mm and measures at least twice the thickness), wire (i.e., cold-formed products in coils, of any uniform solid cross section along their whole length, which do not conform to the definition of flat-rolled products), and angles, shapes and sections.

The SSB subject to this order is currently classifiable under subheadings 7222.10.0005, 7222.10.0050, 7222.20.0005, 7222.20.0045, 7222.20.0075, and 7222.30.0000 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this order is dispositive.

Comparisons

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

With respect to Bhansali, we conducted a cost investigation as discussed in the *Cost of Production Analysis* section, below. Also, we adjusted Bhansali's raw material inputs and scrap offset based on differences in the production processes used by Bhansali in the production of SSB (*see* Comment 5, below).

Cost of Production Analysis

Based on a cost allegation presented by the petitioners, the Department found reasonable grounds to believe or suspect that sales by Bhansali in the home market were made at prices below their respective costs of production (''COP''). As a result, on October 30, 1998, the Department initiated an investigation to determine whether Bhansali made home market sales during the period of review (''POR'') at prices below its COP, within the meaning of section 773(b) of the Act.

We conducted the COP analysis described below.

A. Calculation of COP

In accordance with section 773(b)(3) of the Act, we calculated the weighted-average COP, by model, based on the sum of the cost of materials, fabrication, selling, general and administrative expenses, and packing costs.

B. Results of the COP Test

Pursuant to section 773(b)(2)(C) of the Act, where less than 20 percent of a respondent's sales of a given product are made at prices below the COP, we do not disregard any below-cost sales of that product because the below-cost sales were not made in ''substantial quantities.'' However, where 20 percent or more of a respondent's sales of a given product are made at prices below the COP, we disregard the below-cost sales because such sales are being made within an extended period of time in ''substantial quantities'' (*see* sections 773(b)(2)(B) and (C) of the Act) and because, based on comparisons of price to weighted-average COPs for the POR, we determine that the below-cost sales of the product are at prices which would not permit recovery of all costs within a reasonable period of time (*see* section 773(b)(2)(D) of the Act).

We found that Bhansali made home market sales at below COP prices within an extended period of time in substantial quantities. Further, we found that these sales prices did not permit the recovery of costs within a reasonable period of time. Therefore, we excluded these sales from our analysis in accordance with section 773(b)(1) of the Act.

Interested Party Comments

In accordance with 19 CFR 351.309, we invited interested parties to comment on our preliminary results. We received written comments from the respondents and the petitioners and rebuttal comments from Bhansali, Venus, Sindia, and Madhya.

Comment 1: Treatment of Alleged Below-Cost Sales as Outside the Ordinary Course of Trade

The petitioners state that the Department should exclude from its analysis certain third country sales made by Sindia and Venus that are allegedly below cost and, thus, outside the ordinary course of trade. They assert that by including such below-cost sales in the preliminary results, the Department erroneously made a negative determination of dumping. Furthermore, the petitioners argue that a cost allegation is not necessary because both Sindia and Venus submitted cost data that indicates that certain third country market sales were made below the cost of production. To correct this alleged error, the petitioners argue that the Department should exclude those below-cost sales from its analysis for the final determination.

Specifically, the petitioners argue that section 771(15) of the Act states that below-cost sales are outside the ordinary course of trade and, thus, should be excluded from the Department's analysis. The petitioners cite to *Mechanical Transfer Presses from Japan; Final Results of Antidumping Duty Administrative Review and Revocation of Antidumping Duty Administrative Order in Part,* 63 FR 37331 (July 10, 1998) (*''Mechanical Transfer Presses''*) and *Mitsubishi Heavy Industries, Ltd.* v. *U.S.*, Slip Op. 98–82 (June 23, 1998) (*''Mitsubishi* v. *U.S.''*) to support their argument. According to the petitioners, in *Mechanical Transfer Presses*, the Department did not include sales that were found to be below the cost of production when calculating constructed value (''CV'') profit, even though no formal cost investigation was initiated. In *Mitsubishi* v. *U.S.*, the Court of International Trade (''CIT'') upheld the Department's decision to exclude below-cost sales in the calculation of selling, general, and administrative expenses (''SG&A'') and profit, even though no below-cost investigation was conducted. Furthermore, the petitioners argue that, even if sales are not excluded on the basis of being made below cost, they are still outside the ordinary course of trade because they were made at aberrationally low prices.

The respondents, Venus and Sindia, argue that the cases the petitioners rely upon are distinguishable from the present case. The respondents note that, in the investigation underlying *Mitsubishi* v. *U.S.*, the petitioner provided a timely allegation of sales made below cost, whereas, in the present case, the petitioners failed to make a timely allegation (*see Notice of Final Determination of Sales at Less Than Fair Value: Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled, From Japan,* 61 FR 38139 (July 23, 1996) (''LNPP'').

The respondents also note that the two cases cited by the petitioners involved complex products and that the Department based normal value on CV. Thus, despite the lack of a formal cost investigation, the Department conducted an informal cost investigation. According to the respondents, the products included in this antidumping duty order are not complex in nature and there has not been a suggestion that CV should be used for normal value when price-to-price comparisons exist. Therefore, it is not necessary for the Department to self-initiate a sales below-cost investigation. Furthermore, the respondents note that in *Mechanical Transfer Presses* the Department had found below-cost sales in a prior review and, thus, had reason

to believe that there were below-cost sales in the current review. Again, the respondents note that they have never been found to have made sales below cost and, thus, any comparison to *Mechanical Transfer Presses* is inappropriate.

Lastly, the respondents argue that, in the present case, the Department can only conduct a meaningful cost analysis if the respondents submit a response to Section D (Cost of Production and Constructed Value) of the original questionnaire. Barring such a response, the respondents argue that the Department cannot determine whether a respondent would be able to recover costs over an extended period of time on the sales in question.

Department's Position: We disagree that these alleged below-cost sales should be disregarded as outside the ordinary course of trade. Contrary to the petitioners' assertion, the Act explicitly provides that *sales disregarded pursuant to a cost investigation* are outside the ordinary course of trade (*see* section 771(15) of the Act). In a cost investigation, the Department not only considers whether sales are below cost but also whether the below-cost sales are in substantial quantities within an extended period of time and are not at prices which permit the recovery of all costs within a reasonable period of time. As the Department stated in the preamble to its regulations:

> The statutory definition of ordinary course of trade * * * provides that only those below-cost sales that are ''disregarded under section 773(b)(1)'' of the Act are automatically considered to be outside the ordinary course of trade. In other words, the fact that sales of the foreign like product are below cost does not automatically trigger their exclusion. Instead, such sales must have been disregarded under the cost test before the Department will exclude them. * * *

See Antidumping Duties; Countervailing Duties, 62 FR 27296, 27359 (May 19, 1997) (*''Final Rule''*).

We note that under the old law (i.e., prior to the amendments made to the Act by the URAA), the Department's practice was not to exclude below cost sales as outside the ordinary course of trade, regardless of the results of the cost test. *See, e.g., Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from Thailand; Final Results of Antidumping Duty Administrative Review and Revocation of Antidumping Duty Order,* 61 FR 33711, 33712 (June 28, 1996) (In calculating CV profit, we stated that we were rejecting petitioner's ''suggestion that below-cost sales are per se outside the ordinary course of trade); *Antifriction Bearings from France, Germany, Italy, Japan, Romania, Singapore, Sweden, Thailand, and the United Kingdom,* 58 FR 39729 (July 26, 1993) (same); *cf. Certain Fresh Cut Flowers from Ecuador, 52 FR 2128 (January 20, 1987) (We rejected petitioner's argument from its case brief that home market sales should be disregarded as below cost by characterizing it as an untimely cost allegation). This practice was upheld by the CIT. See The Torrington Co.* v. *United States,* 960 F. Supp. 339, 343 (CIT 1997).

This is in contrast to the new law, which provides explicitly that sales that fail the cost test (i.e., those ''disregarded under section 773(b)(1)'' of the Act) are outside the ordinary course of trade. The Act does not provide for automatic exclusion of a sale simply because it is below cost. Therefore, consistent with the explicit requirements of the post-URAA Act and the Department's long-standing practice, we will not automatically exclude any of Venus' or Sindia's allegedly below cost sales as outside the ordinary course of trade as none of them have been disregarded pursuant to a cost investigation.

Furthermore, in *FAG (U.K.) Ltd.* v. *United States,* 24 F. Supp. 2d 297 (CIT 1998), the CIT stated that we may not initiate a cost investigation without ''reasonable grounds to believe or suspect'' that sales were made below the cost of production. According to the CIT, reasonable grounds may include (1) a sufficient allegation of below cost sales made by the petitioner; or (2) below cost sales disregarded in the previous review.

In the present case, the petitioners did not make a timely below-cost allegation and we have not found below-cost sales made by these companies in a previous review. Indeed, the only ''reasonable grounds'' we would have to initiate a cost investigation would be the petitioners' argument that the difference in merchandise (''difmer'') cost data indicates that the respondents have made sales below cost. However, this type of data is precisely the type of data that the petitioners could have used to construct a cost allegation (*see Final Rule,* at 62 FR 27335–273336). While the Department may consider whether this data, included as part of a cost allegation, provides reasonable grounds to initiate a formal cost investigation, to do so here would circumvent the rule that the petitioners bring a below-cost allegation within 20 days after the respondent files its comparison market questionnaire response. *See* 19 CFR 351.301(d)(2). Therefore, because we did not receive a timely below-cost allegation, and because we have not disregarded sales from the respondents as a result of a cost test in the most recent prior review, we find that we do not have reasonable grounds to begin a cost investigation. Thus, as only below-cost sales disregarded pursuant to a cost investigation may be disregarded as outside the ordinary course of trade, and we are not conducting a cost investigation, none of the respondents' alleged below-cost sales can be found to be outside the ordinary course of trade based solely on their below-cost status. As discussed in the next paragraph, the Department may make exceptions under certain unique circumstances. However, no such circumstances are present in this case.

The respondents are correct in stating that both *LNPP* and *Mechanical Transfer Presses* are distinguishable from the present case. Specifically, while we indicated that in certain situations we do have the authority to disregard below-cost sales absent a formal cost investigation, we also explained that our *normal practice* is to initiate a formal cost investigation before excluding below-cost sales as outside the ordinary course of trade. We explained that the ''unique circumstances'' of the cases required us to perform a cost analysis even though we did not formally initiate a cost investigation. In both cases, we found that the particular market situation did not permit proper price-to-price comparisons and, therefore, normal value was based on CV. When receiving the cost information for each sale, we were readily able to determine that certain sales were below cost and, thus, when calculating CV profit, we excluded those sales that would have been disregarded, had a formal cost test been conducted, as outside the ordinary course of trade. This review is in no way comparable to these cases, as we do not consider each sale to involve a separate model and, thus, extensive CV information has not been provided as a basis for normal value.

The argument that we should exclude sales that are outside the ordinary course of trade because they were made at aberrationally low prices is in effect an argument that below-cost sales should be excluded. The petitioners are making the same argument from a different angle. We have addressed it through our discussion of the alleged below-cost sales.

Therefore, as discussed above, and in accordance with the Act and our practice, we are not disregarding alleged below-cost sales made by Sindia and Venus in third country markets as outside the ordinary course of trade

without having disregarded those sales pursuant to a formal cost investigation.

Comment 2: Acceptance of Untimely Response

Madhya argues that the Department should accept its response to Section D (Cost of Production and Constructed Value) of the original questionnaire and to the Department's supplemental questionnaire, despite the Department's rejection of the response as untimely. While Madhya does not deny the fact that its response was untimely, it notes that it had communication difficulties with its counsel and believed that upon sending its submission, the response would be received by the deadline. Madhya also argues that its untimely submission did not impede the review, especially as the Department had a significant amount of time to complete the review as evidenced by the continued review and issuance of supplemental questions to Bhansali after the preliminary results. Thus, Madhya states that the new shipper review should proceed.

The petitioners argue that by failing to meet the Department's deadlines, Madhya voluntarily terminated its participation in this review and that the Department properly rejected Madhya's submission.

Department's Position: Section 351.302 of our regulations, among other things, explicitly sets forth the procedures for requesting an extension of time, the manner in which the Department will extend a deadline, and the circumstances by which we will return untimely submissions. Madhya was aware of these requirements, as they asked for several extensions throughout the proceeding. In fact, in this particular instance Madhya asked for three extensions. We granted the first two but denied the last request, because we did not receive an adequate explanation or reasoning as to why the extension was needed. Nonetheless, Madhya submitted its responses on September 17, 1998. However, because Madhya failed to meet an already extended deadline and provided no explanation as to why it did not meet the extended deadline, we rejected its response as untimely. Section 351.302(d) of our regulations states that unless the Secretary extends the time for submission, ''the Secretary will not consider or retain in the official record of the proceeding: (i) Untimely filed factual information. * * *'' While it may be true that Madhya had difficulties communicating with its counsel, that Madhya intended to respond in a timely manner, and that we had the administrative resources and time to conduct a full review, such argumentation and statements do not change the fact that Madhya missed the deadline to file its submission and that, in accordance with our regulations, we properly rejected and have not considered Madhya's untimely submission.

Comment 3: Application of Facts Available

Madhya argues that, because it has been cooperative and has not impeded the review, the application of adverse facts available against it in the preliminary results was inappropriate. Madhya cites *AK Steel Corp.* v. *U.S.*, 988 F. Supp. 594, 605 (CIT 1997) in support of its proposition that adverse facts available may only be imposed if the Department finds that a review has been impeded. With respect to the petitioners' contention that the Department should use the most adverse facts available, Madhya argues that the Department does not impose most adverse facts available when the circumstances are such that the respondent requested a review, the petitioner did not request a review, and when the respondent submitted responses to Department questionnaires (*see Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France; et al.; Final Results of Antidumping Duty Administrative Reviews,* 57 FR 28360, 28391 (June 24, 1992).

Although the petitioners agree with the Department's use of adverse facts available in the preliminary results and our determination that Madhya was uncooperative, they disagree with our use of the ''all others'' rate established in the less-than-fair-value (''LTFV'') investigation as the adverse facts available rate. They argue that assigning Madhya this rate rewards the company for its failure to supply requested information because the ''all others'' rate is not the highest adverse rate. Thus, the petitioners state that the Department should assign the highest rate available for any respondent in the LTFV investigation, which was 21.02 percent applied to Mukand Ltd.

Department's Position: As noted in our preliminary results, Madhya failed to submit its questionnaire responses on time and failed to provide adequate reasons for its delays. Thus, we preliminarily determined that Madhya failed to cooperate to the best of its ability to comply with a request for information under section 776(b) of the Act. The respondent's contention that we may only use adverse facts available when a review has been impeded does not comport with the plain language of the statute, which states, ''If the administering authority * * * finds that an interested party has failed to cooperate by not acting to the best of its ability to comply with a request for information from the administering authority * * *, the administering authority * * * may use an inference that is adverse to the interests of that party in selecting from among the facts otherwise available.'' *See* section 776(b) of the Act. There is no suggestion in the statute or in our regulations that the measurement of whether a party has not acted to the best of its ability depends on whether the review has been impeded.

Thus, the issue is not whether Madhya impeded our review process, but rather if it failed to cooperate to the best of its ability. We gave Madhya ample opportunity to submit the information requested. However, instead of submitting the information by the third established deadline, its counsel requested yet another extension of the time limit because counsel had not yet heard from Madhya. Based on the above, Madhya failed to submit information in a timely manner. Consequently, the Department determined that Madhya did not cooperate to the best of its ability.

With regard to the petitioners' argument that we should apply the LTFV's highest rate as adverse facts available, we note that the statute and regulations provide us with discretion when selecting an adverse rate. Above all, the decision on appropriate adverse facts available must be made on a case-by-case basis. In selecting a margin which would appropriately reflect our decision to use adverse facts available for Madhya, we have taken into consideration the fact that, as a first-time respondent, its ability to comply with our requests for information could be distinguished from, for example, the ability of a more experienced company. We also note that Madhya did make some effort to respond to our requests for information. *See Certain Fresh Cut Flowers From Colombia; Final Results and Partial Rescission of Antidumping Duty Administrative Review*, 62 FR 53287, 53291–53292 (October 14, 1997) (in which we examined the efforts the respondent made to comply with requests for information, the respondent's relative experience, and the relative levels of available calculated margins when selecting the appropriate adverse facts available margin).

In selecting a margin which would appropriately reflect our decision to use adverse facts available for Madhya, we examined the rates applicable to SSB from India throughout the course of the

proceeding. Also, in accordance with the Statement of Administrative Action (''SAA''), we considered the extent to which Madhya may benefit from its own lack of cooperation in determining whether the use of the 12.45 percent rate is sufficiently adverse under the circumstances of this case. *See* SAA, H. DOC No. 316, vol.1, 103d Cong., 2d Sess., at 870 (1994). Given Madhya's level of participation in this segment of the proceeding, we determine that this rate is sufficiently adverse to encourage full cooperation in future segments of the proceeding. Therefore, as adverse facts available, we are continuing to use a rate of 12.45 percent, which reflects the ''all others'' rate from the LTFV investigation and is the rate which applied to Madhya prior to this review.

Comment 4: Duty Drawback

The petitioners support the Department's preliminary determination that the respondents did not meet the Department's criteria for an upward adjustment to export price. The petitioners maintain that the respondents' use of duty drawback fails the Department's two-part test for drawback claims because the respondent did not provide documentation establishing: (1) A direct link between the duties imposed and those rebated, and (2) that the company imported a sufficient amount of raw materials to account for the drawback received.

The petitioners also argue that because the respondents have failed to document that there were sufficient imports to account for the drawback claimed, the Department should not offset the respondents' material costs by the claimed duty drawback amounts. Specifically, the petitioners note that, given the lack of documentation, the Department has no way of ensuring that imported inputs were used in the production of SSB and, thus, any adjustment to material input costs may exceed the amount of import duties paid.

The respondents argue that even if the Department does not grant an upward adjustment to the U.S. price for duty drawback, an adjustment should be made to reduce material costs. The respondents argue that the standards for evaluating the two different adjustments are not the same and that the Department has accepted the offset to material costs in past segments of this proceeding.

Department's Position: When evaluating a duty drawback program, we consider whether the import duty and duty drawback are directly linked to, and dependent upon, one another and whether the company claiming the adjustment can show that there were sufficient imports of the imported raw materials to account for the drawback received on the exported product (*see Certain Welded Carbon Standard Steel Pipes and Tubes from India,* 62 FR 47632, 47634 (September 10, 1997)).

None of the respondents have provided adequate documentation establishing a sufficient link between import duties paid and duty drawbacks generally received under the program. Moreover, there is no indication that any of the respondents imported inputs in sufficient quantities to account for rebates received under the program. In fact, Sindia stated that it did not import any goods under the credit it reported but instead transferred this credit to other parties. Venus stated that it is not possible to establish the link between import duties paid and duty drawbacks generally received because it often transferred its duty drawback license to other companies. Accordingly, as in the preliminary results, no adjustment to the U.S. price for duty drawback has been made.

As CV is not the basis for normal value, we have not offset material costs.

Comment 5: Application of Facts Available for Bhansali

The petitioners argue that Bhansali did not properly revise its methodology to account for the two different production processes it uses to make SSB and, therefore, the Department should rely on facts available for Bhansali. The petitioners allege that Bhansali has significantly impeded the proceeding by not supplying this information. Specifically, the petitioners argue that Bhansali has failed to account for the different yield losses between the two production processes. The petitioners argue that Bhansali's failure to provide a complete and accurate response prevents the Department from accurately determining whether Bhansali's comparison market sales were below the cost of production and in substantial quantities. Moreover, the petitioners argue that Bhansali is attempting to control the review process through the submission of piecemeal information. Thus, Bhansali should receive the ''all others'' rate from the LTFV investigation. The petitioners cite *Pistachio Group of the Association of Food Industries* v. *United States,* 671 F. Supp. 31, 40 (CIT 1987) and *Atlantic Sugar, Ltd.* v. *United States,* 744 F. 2d. 1556, 1560 (CIT 1997) in support of their argument.

Bhansali counters that it has responded to the Department's request to identify and quantify the differences between the two processes to the best of its ability. With respect to the yield loss ratio, the respondent argues that it does not track actual processing yield or losses in the production cycle in its accounting records and, therefore, it has reported the ratio it uses in its internal cost accounting and which it believes is the standard yield loss ratio for the industry. Furthermore, the respondent contends that the petitioners have not presented any evidence substantiating their argument that yield losses differ among the two production processes.

Department's Position: After reviewing the petitioners' concerns regarding Bhansali's methodology for calculating the yield loss for its respective production processes, we found it necessary to seek additional information in order to ensure that our calculations are as accurate as possible. Therefore, we allowed interested parties the opportunity to submit information with respect to Bhansali's yield loss ratio. In response to our request, the petitioners submitted an affidavit from a domestic producer of SSB attesting to the various yield losses applicable to the different production processes used by the respondent. Bhansali was unable to provide information supporting the number used in its calculations on a process-specific basis. Thus, for purposes of the final results, as facts available, we are adjusting Bhansali's raw material inputs based on the information submitted by the petitioners. In addition, because the production processes in question generate different amounts of scrap, we are also adjusting the scrap offset to account for the change in the yield loss.

We determine that, in accordance with section 776(a) of the Act, the use of facts available is appropriate because the necessary information on yield loss ratios was not available on the record. Specifically, while Bhansali did provide an estimated yield loss ratio it uses in its internal cost accounting in its normal course of business, it failed to provide information demonstrating how this estimate corresponds to actual yield loss attributable to the different processes it uses to produce SSB. Therefore, we find Bhansali's yield loss estimate does not reasonably reflect its differences in costs. Thus, when calculating the appropriate COP for each sale we applied, as facts available, a yield loss ratio that more reasonably conformed to the particular process used to produce the merchandise in question.

Comment 6: General and Administrative (''G&A'') and Interest Calculations

The petitioners argue that Bhansali's reported calculations of G&A and

interest expenses are not based on its audited financial statements. The petitioners assert that it is the Department's long-standing policy to calculate the G&A and interest expense ratios based on the full-year G&A expense and net interest expense as reported in the audited financial statements that most closely corresponds to the POR. *See Final Determination of Sales at Less Than Fair Value: Canned Pineapple Fruit From Thailand,* 60 FR 29553, 29565 (June 5, 1995). Therefore, the Department should reject Bhansali's reported G&A and interest expenses and use the ratios that the petitioners calculated based on Bhansali's audited financial statements.

The respondent argues that by including the total amount of interest expense listed in its financial statements, the petitioners are double-counting interest expense. The respondent contends all financial expenses have been accounted for in its sales databases and, therefore, should be excluded from the calculation of the interest expense ratio. Furthermore, the respondent notes that the petitioners have included in their calculation the line item ''bank charges, commission and interest.'' The respondent argues that these expenses are also sale specific and should not be included in the calculation of interest expense.

The respondent further argues that the petitioners' calculation of the G&A expense ratio is erroneous because it double-counts depreciation expenses. The respondent notes that it included all depreciation expenses in the fixed overhead field. Therefore, Fixed overhead should be reduced by the amount of depreciation expenses allocated to G&A.

The respondent also notes that the petitioners included an amount for the employer's contribution in its calculation of the G&A ratio. This expense was already included in the direct labor field.

Department's Position: It is our standard practice to rely on a company's audited financial statements in calculating the G&A and interest expense ratios. Thus, we have recalculated the G&A and interest ratios using the profit and loss figures from the fiscal year that most closely corresponds to the POR. With respect to the calculation of the interest ratio, we included the total amount of interest expense listed in Bhansali's financial statements because we were unable to reconcile this amount to its specific sales. However, we did not include ''bank charges, commission and interest'' in this calculation, as the petitioners did, because the respondent reported these expenses in its sales listing. In addition, we did not include depreciation expenses or the employer's contribution in our calculation of the G&A ratio because the respondent accounted for these expenses in the fixed overhead and direct labor fields, respectively.

Comment 7: Scrap Sales

The petitioners allege that Bhansali's reported scrap income offset is overstated because it includes scrap sales outside the POR. Therefore, this figure should be adjusted downward.

The respondent argues that its calculation of scrap income offset is based on its most recently completed fiscal year and allocated to total raw materials consumed over the same period. The respondent further argues that its methodology represents a reasonable lag between production and scrap sales.

Department's Position: It is our standard practice to allow a company to report COP and CV figures based on its fiscal year if the company's fiscal year ends within three months of the POR. Given that Bhansali's most recently completed fiscal year ends two months after the POR, we find that the respondent's methodology for calculating the scrap income offset is reasonable.

Final Results of Review

As a result of these reviews, we find that the following margins exist for the period February 1, 1997, through January 31, 1998.

Manufacturer/Exporter	Margin (percent)
Bhansali	0.00
Venus	0.23
Sindia	0.19
Chandan	0.00
Madhya	12.45

Parties to the proceeding may request disclosure within five days after the date of announcement or, if there is no public announcement, within five days after the date of publication of this notice. *See* 19 CFR 351.224. The results of these reviews shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the reviews and for future deposits of estimated duties for the manufacturers/exporters subject to these reviews. We have calculated an importer-specific duty assessment rate based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total value of those sales examined. 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 administrative review and new shipper review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed companies will be the rates established in the final results of these reviews; (2) for companies not covered in these reviews, but covered in previous reviews or the LTFV 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 these reviews, 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 these reviews or any previous review or the original investigation, the cash deposit rate will be the ''all others'' rate of 12.45 percent established in the LTFV investigation (59 FR 66915, December 28, 1994).

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 351.305(a)(3). 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 new shipper review and notice are in accordance with sections 751(a)(1), 751(a)(2)(B), and 777(i)(1) of the Act.

Dated: March 12, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99–6831 Filed 3–19–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of initiation of process to revoke export trade certificate of review No. 88–00001.

SUMMARY: The Secretary of Commerce issued an export trade certificate of review to Illinois World Trade Center Association doing business as EXILL Trading Company. Because this certificate holder has failed to file an annual report as required by law, the Department is initiating proceedings to revoke the certificate. This notice summarizes the notification letter sent to Illinois World Trade Center Association doing business as EXILL Trading Company.

FOR FURTHER INFORMATION CONTACT: Morton Schnabel, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (''the Act'') (15 U.S.C. 4011–21) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing Title III (''the Regulations'') are found at 15 CFR part 325. Pursuant to this authority, a certificate of review was issued on April 28, 1988 to Illinois World Trade Center Association doing business as EXILL Trading Company.

A certificate holder is required by law (Section 308 of the Act, 15 U.S.C. 4018) to submit to the Department of Commerce annual reports that update financial and other information relating to business activities covered by its certificate. The annual report is due within 45 days after the anniversary date of the issuance of the certificate of review (§§ 325.14(a) and (b) of the Regulations). Failure to submit a complete annual report may be the basis for revocation. (§§ 325.10(a) and 325.14(c) of the Regulations).

The Department of Commerce sent to Illinois World Trade Center Association doing business as EXILL Trading Company on April 18, 1998, a letter containing annual report questions with a reminder that its annual report was due on June 12, 1998. Additional reminders were sent on July 9, 1998, and on September 30, 1998. The Department has received no written response to any of these letters.

On March 16, 1999, and in accordance with § 325.10(c)(1) of the Regulations, a letter was sent by certified mail to notify Illinois World Trade Center Association doing business as EXILL Trading Company that the Department was formally initiating the process to revoke its certificate. The letter stated that this action is being taken because of the certificate holder's failure to file an annual report.

In accordance with § 325.10(c)(2) of the regulations, each certificate holder has thirty days from the day after its receipt of the notification letter in which to respond. The certificate holder is deemed to have received this letter as of the date on which this notice is published in the **Federal Register**. For good cause shown, the Department of Commerce can, at its discretion, grant a thirty-day extension for a response.

If the certificate holder decides to respond, it must specifically address the Department's statement in the notification letter that it has failed to file an annual report. It should state in detail why the facts, conduct, or circumstances described in the notification letter are not true, or if they are, why they do not warrant revoking the certificate. If the certificate holder does not respond within the specified period, it will be considered an admission of the statements contained in the notification letter (§ 325.10(c)(2) of the regulations).

If the answer demonstrates that the material facts are in dispute, the Department of Commerce and the Department of Justice shall, upon request, meet informally with the certificate holder. Either Department may require the certificate holder to provide the documents or information that are necessary to support its contentions (§ 325.10(c)(3) of the regulations).

The Department shall publish a notice in the **Federal Register** of the revocation or modification or a decision not to revoke or modify (§ 325.10(c)(4) of the regulations). If there is a determination to revoke a certificate, any person aggrieved by such final decision may appeal to an appropriate U.S. district court within 30 days from the date on which the Department's final determination is published in the **Federal Register** (§§ 325.10(c)(4) and 325.11 of the regulations).

Dated: March 16, 1999.

Morton Schnabel,

Director, Office of Export Trading Company Affairs.

[FR Doc. 99–6843 Filed 3–19–99; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

Exporters' Textile Advisory Committee; Notice of Open Meeting

A meeting of the Exporters' Textile Advisory Committee will be held on March 30, 1999. The meeting will be from 2 p.m. to 4 p.m. in the Main Conference Room on the sixth floor at the office of Milliken & Company, 1045 6th Avenue, New York, New York.

The Committee provides advice and guidance to Department officials on the identification and surmounting of barriers to the expansion of textile exports, and on methods of encouraging textile firms to participate in export expansion.

The Committee functions solely as an advisory body in accordance with the provisions of the Federal Advisory Committee Act.

The meeting will be open to the public with a limited number of seats available. For further information or copies of the minutes, contact William Dawson (202/482-5155).

Dated: March 16, 1999.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 99–6867 Filed 3–19–99; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 031699A]

Dealer and Interview Family of Form - Southeast Region

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).