

supporting evidence regarding material injury and causation and determined that these allegations are supported by accurate and adequate evidence and meet the statutory requirements for initiation. See Initiation Checklist.

#### *Initiation of Antidumping Investigation*

Based upon our examination of the petition, we have found that the petition meets the requirements of section 732 of the Act. Therefore, we are initiating an antidumping duty investigation to determine whether imports of NBR from Korea are being, or are likely to be, sold in the United States at less than fair value. Unless this deadline is extended, we will make our preliminary determination by November 3, 1999.

#### *Distribution of Copies of the Petition*

In accordance with section 732(b)(3)(A) of the Act, a copy of the public version of the petition has been provided to representatives of the Government of Korea. We will attempt to provide a copy of the public version of the petition to the Korean exporters named in the petition.

#### *International Trade Commission Notification*

We have notified the ITC of our initiation of this investigation, as required by section 732(d) of the Act.

#### *Preliminary Determination by the ITC*

The ITC will determine by July 12, 1999, whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, by reason of imports of NBR from Korea. A negative ITC determination will result in the investigation being terminated; otherwise, this investigation will proceed according to statutory and regulatory time limits.

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

Dated: June 16, 1999.

**Robert S. LaRussa,**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-853]

#### **Initiation of Antidumping Duty Investigation: Bulk Aspirin From the People's Republic of China**

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

**EFFECTIVE DATE:** June 23, 1999.

**FOR FURTHER INFORMATION CONTACT:** Craig W. Matney or Alysia Wilson, Office 1, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-1778 or (202) 482-0108, respectively.

#### **Initiation of Investigation**

##### *The Applicable Statute and Regulations*

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

##### *The Petition*

On May 28, 1999, the Department received a petition filed in proper form by Rhodia, Inc., referred to hereinafter as "the petitioner." The petitioner filed supplemental information to the petition on June 14, 1999.

In accordance with section 732(b) of the Act, the petitioner alleges that imports of bulk aspirin from the People's Republic of China (PRC) are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports are materially injuring or threaten to injure an industry in the United States.

The Department finds that the petitioner filed this petition on behalf of the domestic industry because it is an interested party as defined in section 771(9)(C) of the Act and it represents, at a minimum, the required proportion of the United States industry (see *Determination of Industry Support for the Petition* section below).

##### *Scope of Investigation*

For purposes of this investigation, the product covered is bulk acetylsalicylic acid, commonly referred to as bulk

aspirin, whether or not in pharmaceutical or compound form, not put up in dosage form (tablet, capsule, powders or similar form for direct human consumption). Bulk aspirin may be imported in two forms, as pure ortho-acetylsalicylic acid or as mixed ortho-acetylsalicylic acid. Pure ortho-acetylsalicylic acid can be either in crystal form or granulated into a fine powder (pharmaceutical form). This product has the chemical formula  $C_9H_8O_4$ . It is defined by the official monograph of the United States Pharmacopoeia (USP) 23. It is classified under the *Harmonized Tariff Schedule of the United States* (HTSUS) subheading 2918.22.1000.

Mixed ortho-acetylsalicylic acid consists of ortho-acetylsalicylic acid combined with other inactive substances such as starch, lactose, cellulose, or coloring materials and/or other active substances. The presence of other active substances must be in concentrations less than that specified for particular nonprescription drug combinations of aspirin and active substances as published in the Handbook of Nonprescription Drugs, eighth edition, American Pharmaceutical Association. This product is classified under HTSUS subheading 3003.90.0000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

During our review of the petition, we discussed the scope with the petitioner to ensure the petition accurately reflects the product for which the domestic industry is seeking relief. Moreover, as discussed in the preamble to the Department's regulations (62 FR 27296, 27323), we are setting aside a period for parties to raise issues regarding product coverage. The Department encourages all parties to submit such comments within 20 days of publication of this notice. Comments should be addressed to Import Administration's Central Records Unit at Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230. The period of scope consultations is intended to provide the Department with ample opportunity to consider all comments and consult with parties prior to the issuance of our preliminary determination.

##### *Determination of Industry Support for the Petition*

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets

this requirement if the domestic producers or workers who support the petition account for: (1) At least 25 percent of the total production of the domestic like product; and (2) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition.

Section 771(4)(A) of the Act defines the "industry" as the producers of a domestic like product. Thus, to determine whether the petition has the requisite industry support, the Act directs the Department to look to producers and workers who account for production of the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether "the domestic industry" has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product (section 771(10) of the Act), they do so for different purposes and pursuant to separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the domestic like product, such differences do not render the decision of either agency contrary to the law.<sup>1</sup> Section 771(10) of the Act defines the domestic like product as "a product that is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title." Thus, the reference point from which the domestic like product analysis begins is "the article subject to an investigation," i.e., the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition.

The domestic like product referred to in the petition is the single domestic like product defined in the "Scope of Investigation" section above. The Department has no basis on the record to find this definition of the domestic like product to be inaccurate. The Department, therefore, has adopted this domestic like product definition.

To the best of the Department's knowledge, the petitioner is the sole U.S. producer of the domestic like product. Additionally, no person who

would qualify as an interested party pursuant to sections 771(9) (C), (D), (E) or (F) of the Act has expressed opposition on the record to the petition. Thus, the petitioner accounts for more than 50 percent of the production of the domestic like product. Accordingly, in accordance with section 732(c)(4) of the Act, we determine that the petition has been filed on behalf of the domestic industry. See Initiation Checklist dated May 17, 1999 (public version on file in the Central Records Unit of the Department of Commerce, Room B-099) (Initiation Checklist).

#### *Export Price and Normal Value*

The following is a description of the allegation of sales at less than fair value upon which our decision to initiate this investigation is based. Should the need arise to use any of this information in our preliminary or final determination for purposes of facts available under section 776 of the Act, we may re-examine the information and revise the margin calculations, if appropriate.

The petitioner identified four potential PRC exporters and producers of bulk aspirin. The petitioner based export price (EP) on (1) an offer for sale of the subject merchandise to a U.S. purchaser by a PRC exporter during the first quarter of 1999; (2) the market prices of the subject merchandise paid by a U.S. purchaser; (3) U.S. import statistics for 1998; (4) U.S. import statistics for the first quarter of 1999; and (5) export statistics from the PRC. From these starting prices, the petitioner deducted international freight and marine insurance, when the terms of the sale were delivered, and import duties, where appropriate. The petitioner based international freight and marine insurance fees on the difference between the FAS and the CIF values stated in the U.S. Bureau of the Census import statistics for 1998 imports of subject merchandise from China. Additionally, the petitioner deducted U.S. import duties of 8.7 percent from the dutiable value to obtain the net export price.

Because the PRC is considered a nonmarket economy (NME) country under section 771(18) of the Act, the petitioner based normal value (NV) on the factors of production valued in a surrogate country, in accordance with section 773(c)(3) of the Act. The petitioner selected India as the most appropriate surrogate market economy. For the factors of production, the petitioner used its own factor inputs and consumption data for materials, labor and energy, based on the production processes that the petitioner uses in its plant which is most

comparable in level of technology to production processes utilized by several of the major PRC producers of bulk aspirin. The petitioner presented two alternative methods for calculating NV: The first assumes that the primary material input is purchased, and the second assumes that this input is produced in-house.

Materials, utilities, and recovered by-products were valued based on Indian prices obtained from public information contained in an affidavit supplied by the petitioner on Indian domestic market prices, international publications containing the prices applicable to India, Indian import statistics, and U.S. export statistics. Labor was valued using the regression-based wage rate for the PRC provided by the Department, in accordance with 19 CFR 351.408(c)(3). The petitioner reduced the total cost of production (COP) by the value of by-products recovered. For factory overhead; selling, general and administrative expenses; and profit, the petitioner applied rates derived from information gathered from the financial statements of a publicly-traded Indian producer of aspirin. The petitioner added one percent of COP to account for packing factor costs, consistent with Department practice in certain previous cases. (For further information on the EP and NV calculation methodology, see *Initiation Checklist* and *Calculation Adjustments Memorandum*, both dated June 17, 1999.)

#### *Fair Value Comparisons*

Based on the data provided by the petitioner, there is reason to believe that imports of bulk aspirin from the PRC are being, or are likely to be, sold at less than fair value. Based on a comparison of EP to NV, the petitioner's calculated dumping margins range from 8.28 percent to 144.02 percent.

#### *Allegations and Evidence of Material Injury and Causation*

The petition alleges that the U.S. industry producing the domestic like product is being materially injured, and is threatened with material injury, by reason of the imports of the subject merchandise sold at less than NV. The allegations of injury and causation are supported by relevant evidence including U.S. Customs import data, lost sales, and pricing information. The Department assessed the allegations and supporting evidence regarding material injury and causation and determined that these allegations are supported by accurate and adequate evidence and meet the statutory requirements for initiation. See *Initiation Checklist*.

<sup>1</sup> See *Algoma Steel Corp. Ltd., v. United States*, 688 F. Supp. 639, 642-44 (CIT 1988); *High Information Content Flat Panel Displays and Display Glass Therefore from Japan: Final Determination; Rescission of Investigation and Partial Dismissal of Petition*, 56 FR 32376, 32380-81 (July 16, 1991).

*Initiation of Antidumping Investigation*

Based on our examination of the petition, we have found that the petition meets the requirements of section 732 of the Act. Therefore, we are initiating an antidumping duty investigation to determine whether imports of bulk aspirin from the PRC are being, or are likely to be, sold in the United States at less than fair value. Unless this deadline is extended, we will make our preliminary determination by November 4, 1999.

*Distribution of Copies of the Petition*

In accordance with section 732(b)(3)(A) of the Act, a copy of the public version of the petition has been provided to the representatives of the government of the PRC.

*International Trade Commission Notification*

We have notified the ITC of our initiation, as required by section 732(d) of the Act.

*Preliminary Determination by the ITC*

The ITC will determine by July 12, 1999, whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury by reason of imports of bulk aspirin from the PRC. A negative ITC determination will result in the investigation being terminated; otherwise, this investigation will proceed according to statutory and regulatory time limits.

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

Dated: June 17, 1999.

**Richard W. Moreland,**  
Acting Assistant Secretary for Import Administration.

[FR Doc. 99-16000 Filed 6-22-99; 8:45 am]

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**DEPARTMENT OF COMMERCE****International Trade Administration**

[A-122-506]

**Oil Country Tubular Goods From Canada; Notice of Extension of Time Limit for New Shipper Administrative Review**

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

**ACTION:** Notice of extension of time limit for new shipper administrative review.

**SUMMARY:** The Department of Commerce is extending the time limit for the

preliminary results of the new shipper administrative review of the antidumping duty order on oil country tubular goods from Canada. The review covers Atlas Tube, Inc. (Atlas), a new shipper of the subject merchandise to the United States and the period of review is June 1, 1998, through November 30, 1998. This extension is made pursuant to section 751(a)(2)(B)(iv) of the Trade and Tariff Act of 1930, as amended by the Uruguay Round Agreements Act of 1994 (19 U.S.C. 1675(a)(3)(A)).

**EFFECTIVE DATE:** June 23, 1999.

**FOR FURTHER INFORMATION CONTACT:** Zev Primor or Jack Dulberger, AD/CVD Enforcement, Group II, Office 4, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230, telephone: (202) 482-4114, or (202) 482-5505, respectively.

**Postponement of Preliminary Results of New Shipper Administrative Review**

On January 28, 1999, the Department of Commerce (the Department) initiated this new shipper review of the antidumping duty order on oil country tubular goods from Canada. See *Oil Country Tubular Goods From Canada: Notice of Initiation of New Shipper Antidumping Duty Administrative Review*, 64 FR 5265 (February 3, 1999). We have determined that this review is extraordinarily complicated, and that we are unable to complete it within the original timeframe. See the Memorandum from Bernard T. Carreau to Robert S. LaRussa, dated June 9, 1999, on file in the Central Records Unit located in room B-099 of the main Department of Commerce building. Therefore, the Department is extending the time limit for issuing the preliminary results from July 27, 1999, for an additional 120 days, to November 24, 1999.

Accordingly, the deadline for issuing the preliminary results is now due no later than November 24, 1999. The deadline for issuing the final results will be no later than 90 days from the issuance of the preliminary results.

This notice is in accordance with section 751(a)(2)(B)(iv) of the Trade and Tariff Act of 1930, as amended (19 U.S.C. 1675(a)(2)(B)(iv)).

Dated: June 16, 1999.

**Holly A. Kuga,**  
Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 99-15999 Filed 6-22-99; 8:45 am]

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**DEPARTMENT OF COMMERCE****International Trade Administration**

[A-570-826]

**Certain Paper Clips From the People's Republic of China; Notice of Rescission of Antidumping Duty Administrative Review**

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

**ACTION:** Notice of rescission of antidumping duty administrative review.

**SUMMARY:** On December 23, 1998, the Department of Commerce published in the **Federal Register** (63 FR 71091) a notice announcing the initiation of an administrative review of the antidumping duty order on certain paper clips from the People's Republic of China. This review covered the period from November 1, 1997, through October 31, 1998. The Department of Commerce has now rescinded this review as a result of the withdrawal of requests by respondents for administrative review.

**EFFECTIVE DATE:** June 23, 1999.

**FOR FURTHER INFORMATION CONTACT:** Hermes Pinilla or Robin Gray, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-4733.

**SUPPLEMENTARY INFORMATION:****Background**

The Department of Commerce (the Department) published in the **Federal Register** on November 12, 1998 (63 FR 63287), a "Notice of Opportunity to Request Administrative Review" of the antidumping duty order on certain paper clips from the People's Republic of China (59 FR 60606, November 25, 1994). On November 30, 1998, Zhejiang Light Industrial Products Import and Export Corporation (ZLIP), a respondent, requested an administrative review of imports of its merchandise into the United States. On December 1, 1998, Direct Source International Inc., an importer of record, requested an administrative review of imports of merchandise from a manufacturer/exporter, Hui Zhou Shi Da Wing Plastic Metal Factory (Zhou), into the United States. The Department initiated the review on December 23, 1998 (63 FR 71091).

On February 12, 1999, ZLIP withdrew its request for an administrative review. On May 24, 1999, Direct Source