

Dated: June 28, 1999.

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

[FR Doc. 99-17050 Filed 7-2-99; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-831-801, A-822-801, A-447-801, A-451-801, A-485-601, A-821-801, A-842-801, A-843-801, A-823-801, A-844-801, A-122-605, A-588-609, A-580-605, A-559-601]

**Solid Urea From Armenia, Solid Urea From Belarus, Solid Urea From Estonia, Solid Urea From Lithuania, Solid Urea From Romania, Solid Urea From Russia, Solid Urea From Tajikistan, Solid Urea From Turkmenistan, Solid Urea From Ukraine, Solid Urea From Uzbekistan, Color Picture Tubes From Canada, Color Picture Tubes From Japan, Color Picture Tubes From Korea (South), Color Picture Tubes From Singapore: Extension of Time Limit for Final Results of Five-Year Reviews**

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

**ACTION:** Notice of extension of time limit for final results of five-year ("sunset") reviews

**SUMMARY:** The Department of Commerce ("the Department") is extending the time limit for the final results of the sunset reviews on the antidumping duty orders on solid urea from Armenia, solid urea from Belarus, solid urea from Estonia, solid urea from Lithuania, solid urea from Romania, solid urea from Russia, solid urea from Tajikistan, solid urea from Turkmenistan, solid urea from Ukraine, solid urea from Uzbekistan, color picture tubes from Canada, color picture tubes from Japan, color picture tubes from Korea (South), and color picture tubes from Singapore. Based on adequate responses from domestic interested parties and inadequate responses from respondent interested parties, the Department is conducting expedited sunset reviews to determine whether revocation of the orders would be likely to lead to continuation or recurrence of dumping. As a result of this extension, the Department intends to issue its final results of its sunset reviews of these orders no later than August 30, 1999.

**EFFECTIVE DATE:** July 6, 1999.

**FOR FURTHER INFORMATION CONTACT:** Scott E. Smith, Martha V. Douthit or Melissa G. Skinner, Import

Administration, International Trade Administration, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street, NW, Washington, D.C. 20230; telephone: (202) 482-6397, (202) 482-3207 or (202) 482-1560 respectively.

### Extension of Final Results

The Department has determined that the sunset reviews of the antidumping duty orders on solid urea from Armenia, solid urea from Belarus, solid urea from Estonia, solid urea from Lithuania, solid urea from Romania, solid urea from Russia, solid urea from Tajikistan, solid urea from Turkmenistan, solid urea from Ukraine, solid urea from Uzbekistan, color picture tubes from Canada, color picture tubes from Japan, color picture tubes from Korea (South), and color picture tubes from Singapore are extraordinarily complicated. In accordance with section 751(c)(5)(C)(v) of the Tariff Act of 1930, as amended ("the Act"), the Department may treat a review as extraordinarily complicated if it is a review of a transition order (*i.e.*, an order in effect on January 1, 1995). See section 751(c)(6)(C) of the Act. The Department is extending the time limit for completion of the final results of these reviews until not later than August 30, 1999, in accordance with section 751(c)(5)(B) of the Act.

Dated: June 29, 1999.

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

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-588-833]

**Stainless Steel Bar From Japan: Final Results of Antidumping Administrative Review**

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

**ACTION:** Notice of Final Results of Antidumping Administrative Review.

**SUMMARY:** On March 4, 1999, the Department of Commerce published the preliminary results of administrative review of the antidumping duty order on stainless steel bar from Japan. This review covers one producer/exporter, Aichi Steel Corporation, during the period February 1, 1997, through January 31, 1998.

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.

**EFFECTIVE DATE:** July 6, 1999.

**FOR FURTHER INFORMATION CONTACT:** Minoo Hatten or Robin Gray, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482-1690 or (202) 482-4023, respectively.

### SUPPLEMENTARY INFORMATION:

#### The Applicable Statute

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

#### Background

On March 4, 1999, the Department published in the **Federal Register** the preliminary results of administrative review of the antidumping duty order on stainless steel bar from Japan. *Preliminary Results of Antidumping Duty Administrative Review: Stainless Steel Bar from Japan*, 64 FR 10445 (preliminary results). AI Tech Specialty Steel Corp., Dunkirk, N.Y., Carpenter Technology Corp., Reading, PA, Republic Engineered Steels, Inc., Massillon, OH, Slater Steels Corp., Fort Wayne, IN, Talley Metals Technology, Inc., Hartsville, SC, and the United Steel Workers of America, AFL-CIO/CLC, collectively petitioners in the less-than-fair-value (LTFV) investigation (hereafter petitioners), submitted their case brief on April 5, 1999. Aichi Steel Corporation (Aichi), respondent in this review, also submitted its case brief on April 5, 1999. The petitioners and Aichi submitted rebuttal briefs on April 12, 1999. The Department has conducted this administrative review in accordance with section 751 of the Act.

#### Scope of Review

The merchandise covered by this review is stainless steel bar (SSB). For purposes of this review, the term "stainless steel bar" 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 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.

#### Analysis of Comments Received

All issues raised in the case and rebuttal briefs by interested parties to this administrative review are addressed below.

##### Comment 1: Level of Trade

Aichi argues that the Department should find five different levels of trade for Aichi's home market. Aichi alleges that the Department found three levels of trade correctly—sales to trading companies, sales to distributors, and sales to end-users—but rejected the consignment/non-consignment distinction within the trading company and distributor levels of trade incorrectly. Aichi argues that, in rejecting this distinction, the Department did not appreciate that consignment is in itself a selling function that affects how Aichi markets its products.

The petitioners argue that the Department should continue to find only three levels of trade for Aichi's home market sales as it did in the preliminary results. According to the petitioners, the verified record demonstrates that the Department's

preliminary decision—that only three levels of trade exist—was accurate and is supported by the record in this review. The petitioners contend that a close examination of Aichi's arguments reveals that there is no support to segregate the distributor and trading-company levels of trade into further consignment and non-consignment subcategories, since Aichi holds the title until the merchandise is sold for both consignment and non-consignment sales and Aichi receives payment for the goods only after they are sold to the final customer in both cases.

**Department's Position:** We do not find that consignment is in itself a selling function. The "consignment" relationship is not necessarily a distinct selling function and, even if it were a distinct selling function, such activities alone may not establish a separate level of trade. See, *e.g.*, *Certain Stainless Steel Wire Rod from India; Preliminary Results of Antidumping Duty Administrative and New Shipper Reviews*, 63 FR 48184, 48186 (Sept. 9, 1998) ("there was not a significant difference in selling functions between sales made through consignment agents and marketing agents, and as such we have made no level of trade distinction"); see also *Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination; Stainless Steel Sheet and Strip in Coils from Germany*, 64 FR 92, 97 (Jan. 4, 1999) ("channels of distribution do not qualify as separate levels of trade when the selling functions performed \* \* \* are sufficiently similar"); *Certain Fresh Cut Flowers from Mexico; Final Results of Antidumping Duty Administrative Review*, 55 FR 12696 (Apr. 5, 1990) ("aside from claiming that flowers are sold to two different types of customers, *i.e.*, retailers and consignment wholesalers in the two markets, the respondent did not provide any evidence indicating that the difference in prices is attributable to different levels of trade"); *Final Determination of Sales at Less Than Fair Value: Certain Fresh Cut Flowers from Costa Rica*, 52 FR 6852 (March 5, 1987) ("we have made no level of trade adjustment. The respondent did not demonstrate that expenses incurred in selling to retailers \* \* \* would not have also been incurred in sales to [consignment] wholesalers"). Thus, the mere existence of a consignment relationship does not necessarily establish a distinct level of trade. There must be sufficient differences in selling functions performed between the consignment

accounts and non-consignment accounts.

Based on our analysis of information on the record of this review, we determine, as we did in our preliminary analysis, that there are no differences with respect to selling functions between consignment and non-consignment sales. Specifically, there are no differences between consignment and non-consignment sales with respect to strategic and economic planning, market research, computer, legal, accounting, audit, business systems development assistance, personnel assistance, engineering services, research and development (R&D) technical programs, advertising, procurement and sourcing, sales calls/assistance and post-sale warehousing. As stated in the preliminary results, the distinction between consignment and non-consignment sales is that, in consignment-sales situations, Aichi permits the customer to take possession of the product without requiring that the customer pay for the product until the customer sells the merchandise to its downstream customer. This distinction, however, does not relate to the nature of the selling functions performed. Furthermore, Aichi has not presented evidence establishing any price differences between consignment and non-consignment sales.

Selling functions performed with respect to trading companies included strategic and economic planning, market research, computer, legal and business-systems development, engineering services and post-sale warehousing. In addition to these functions, other functions performed for sales to end-users included R&D technical programs, advertising, and sales calls/assistance. Distributors were also offered personnel training and manpower assistance in addition to the services offered to trading companies and end-users. Based on these differences, we found that the three types of home market customers constituted three different levels of trade.

We found that Aichi made export price (EP) sales of various models of merchandise through unaffiliated trading companies, a channel of distribution similar to the home market channel involving sales to trading companies. As with sales through the trading-company channel of distribution in the home market, Aichi performed only a few selling functions when selling merchandise to trading companies that exported the merchandise to the United States. Thus, we found that the level of trade for this U.S. channel of distribution was the same as the level of trade for the home

market trading-company channel of distribution. Based on the information on the record, the Department determines that only three levels of trade exist in the home market. For a detailed discussion of the Department's position on Aichi's levels of trade, see the preliminary results, 64 FR at 10446.

#### Comment 2: Research and Development Costs

Aichi disagrees with the Department's inclusion of non-SSB-related R&D costs in the general and administrative expenses for the calculation of Aichi's cost of production. Aichi argues that the record shows that it maintains R&D costs by cost center and is thus able to distinguish the products for which it incurred R&D expenses. Aichi urges that, if a respondent records its R&D expenses on a product-specific basis and there is no evidence that this R&D may benefit the production of subject merchandise, under *Micron Technology, Inc. v. United States*, 893 F. Supp. 21 (CIT 1995), *aff'd*, 117 F.3d 1386 (Fed. Cir. 1997), the Department must allocate such expenses according to the respondent's records.

The petitioners agree with the Department's calculation of Aichi's cost of production in the preliminary results. The petitioners assert that the simple fact that Aichi records its R&D expenses by cost center is not convincing evidence that there are true product-specific R&D expenses. They contend that Aichi's R&D expenses provide an overall benefit to all products, including the subject merchandise. Furthermore, the petitioners observe, Aichi's products share a single manufacturing process. Finally, the petitioners state that the record indicates that Aichi itself has merged subject and non-subject products in its R&D activities.

**Department's Position:** Based on our analysis of the information on the record, it is appropriate to allocate the R&D costs in question across Aichi's total cost of production. As discussed below, where evidence on the record suggests that costs associated with R&D projects serve to benefit subject merchandise, the Department has included such costs, regardless of whether the company's accounting system allocates those costs exclusively to non-subject merchandise. Thus, the existence of product-specific accounting records does not necessarily preclude a finding of cross-fertilization. See *Notice of Final Determination of Sales at Less Than Fair Value: Static Random Access Memory Semiconductors ("SRAMs") from the Republic of Korea*, 63 FR 8934, 8939 (Feb. 23, 1998) ("separate accounting \* \* \* does not necessarily

mean that cross-fertilization of scientific ideas does not occur"), and *Notice of Final Determination of Sales at Less Than Fair Value: Static Random Access Memory Semiconductors ("SRAMs") from Taiwan*, 63 FR 8909, 8925 (Feb. 23, 1998), where the Department found that, although respondent maintained product-specific R&D accounting records, allocation of all R&D across all products was appropriate, "given that scientific ideas developed in one semiconductor area can be and have been utilized in the development of other semiconductor products."

In order to substantiate its claim that certain R&D costs do not benefit subject merchandise, Aichi provided a list of R&D projects that it claims relate only to non-subject merchandise. Additionally, Aichi provided a breakdown of R&D costs by department. However, as detailed in the analyst's memorandum to file regarding R&D expenses (containing business proprietary information), dated June 23, 1999, Aichi has not submitted a breakdown of costs by project. Thus, as a preliminary matter, we are unable to determine the specific costs for each project to segregate project-specific costs. Therefore, even if we were to determine that some projects do not benefit the production of subject merchandise, we would not be able to segregate and exclude those project-specific costs.

Furthermore, based upon evidence in the record we have identified projects where R&D from one type of product could benefit another type of product. See the June 23, 1999, memorandum to file regarding R&D expenses. As such, because the record shows that at least some of the claimed projects may influence the production of subject merchandise and because we are unable to segregate the remaining projects, we have continued to include all R&D expenses in the cost of production.

#### Comment 3: Model-Match Error

Aichi argues that the Department should correct a clerical error in the model-match section of the calculations. Aichi asserts that, instead of matching first to contemporaneous sales, the Department first matched cost deviation (i.e., matching to identical and similar physical characteristics) and level of trade (i.e., matching to sales with similar functions) of the home market. As a result, Aichi contends, the identical or most similar home market model in the most contemporaneous month did not always match to each U.S. sale. Aichi argues that the Department should correct this error to comply with its well-established practice of matching

contemporaneous sales as a higher matching priority than level of trade or cost deviation.

The petitioners argue that the Department conducted its model-match exercise correctly and that Aichi's suggested approach is not in accordance with the Department's long-standing practice. Citing *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from France, Germany, Italy, Japan, Singapore and the United Kingdom; Final Results of Antidumping Duty Administrative Reviews (AFBs)*, 62 FR 2081, 2128 (Jan. 15, 1997), and *Stainless Wire Rods from France: Final Results of Antidumping Duty Administrative Review*, 61 FR 47874, 47879 (Sept. 11, 1996), the petitioners argue that the appropriate model-match hierarchy is cost deviation first, level of trade second, and contemporaneity last.

**Department's Position:** We did not make a clerical error in our model-match exercise. Contrary to Aichi's assertion, pursuant to section 771(16) of the Act, it has been the Department's practice to compare the subject merchandise sold to the United States first to products with identical physical characteristics sold in the exporting-country market. See, e.g., AFBs, 62 FR at 2128 ("[a]fter selecting the most comparable product match according to the statute, we attempt to find contemporaneous sales of that product at the same level of trade, if possible"). When products sold to the United States do not have identical matches in the foreign market, the statute directs us to use similar merchandise which meets the requirements set forth under section 771(16)(B) of the Act. For the current review, when determining appropriate product comparisons for U.S. sales, we compared U.S. sales to contemporaneous home market sales of the comparison model that were physically "most similar" and which passed the twenty-percent difference-in-merchandise test. We use the results of the model-match exercise to find the "most similar" home market sale within our 90/60 day contemporaneity guideline. After disregarding below-cost sales, we may not find a contemporaneous sale of an identical or similar product. In such situations, we compare the U.S. sale to constructed value. This methodology is consistent with Department practice. See, e.g., *Certain Welded Carbon Steel Pipes and Tubes from Thailand: Final Results of Antidumping Duty Administrative Review*, 61 FR 56515, 56520 (November 1, 1996). Aichi's suggestion could lead us to selecting comparison sales which occurred in the same month as the U.S.

sale but which are less similar than other sales within the 90/60 day contemporaneity guideline. This would not be consistent with the statute's direction to find the best physical comparison in the home market.

#### Comment 4: Model-Matching Criteria, Type

The petitioners argue that the Department should disregard the distinction Aichi made between hot-rolled SSB and hot-forged SSB within the first element of the model-match criteria, type. They contend that hot-forged products do not reflect a unique physical difference of the finished product. Therefore, they contend, both hot-rolled and hot-forged products should be considered to be hot-finished SSB as identified in the Department's questionnaire. In addition, the petitioners assert, the choice of alternative production processes and different costs is not reason enough for the establishment of different physical characteristics to use in selecting comparable products. In order to correct the respondent's inappropriate segregation of products by type of finish, the petitioners request that the Department consolidate hot-finished and hot-forged products and recalculate various costs affected by Aichi's segregation.

Aichi contends that the rolled/forged distinction warrants the identification of separate products for model-matching purposes. Aichi states that it uses the forging process to produce SSB when the dimensions or grades requested by the customer do not permit use of the rolling process. Therefore, Aichi argues, forging results in different physical characteristics. Aichi argues further that the cost-of-production information it submitted to the Department proves that cost differences exist between items produced using these two processes. For these reasons, Aichi requests that the Department compare home market and U.S. sales using all of the physical criteria Aichi identified in its response.

*Department's Position:* We find that it is appropriate to reflect the rolled/forged distinction of the products in our model-match methodology. In accordance with sections 771(16)(A) and (B) of the Act, we attempt to match the subject merchandise with products that are identical or similar in physical characteristics and that are approximately equal in commercial value. See, e.g., *Notice of Final Determination of Sales at Less Than Fair Value: Emulsion Styrene-Butadiene Rubber from the Republic of Korea*, 64 FR 14865, 14872 (March 29, 1999) ("mooney viscosity" is an appropriate

matching criterion because "it is an essential product characteristic that defines the grade" and "there are cost and price differences between th[e] two grades \* \* \*"); *Extruded Rubber Thread from Malaysia: Final Results of Antidumping Duty Administrative Review*, 62 FR 62547, 62558 (Nov. 24, 1997) (the Department found "color" to be an appropriate model-match criterion because the Department had used that criterion consistently in the investigation and following reviews and because color could "materially affect cost and be important to the customer and the use of the product"); *Notice of Final Determination of Sales at Less Than Fair Value: Certain Pasta from Italy*, 61 FR 30326 (June 14, 1996) (the Department found "wheat quality" to be an appropriate matching criterion because there were differences in physical characteristics and because the cost was materially more for the segregated product).

Evidence on the record of this review demonstrates that the forging process results in meaningful differences in physical characteristics. In addition, certain cost differences exist between products manufactured using the rolling and forging process. Therefore, we have used Aichi's information on the forging process in our model-match methodology because it ensures that we make the best match.

#### Comment 5: Model-Matching Criteria, Shape

The petitioners contend that the Department should disregard Aichi's additional sub-codes for shape and consolidate the shape sub-codes accordingly for model-matching purposes. According to the petitioners, the Department's practice is to develop additional sub-coding for model-matching purposes only if there are physical differences, pricing differences as a result of physical differences, and market reactions to the physical differences. The petitioners contend that Aichi's sub-codes for shape do not meet this standard. In addition, the petitioners assert that Aichi does not distinguish between the shape differences that it submitted in its questionnaire response in the information that it maintains internally (e.g., price-extras list) and disseminates externally (e.g., Aichi product brochures). According to the petitioners, Aichi did not substantiate that additional sub-codes are required within the shape criteria. They request that the Department consolidate the shapes, as appropriate, and recalculate the various weighted-average costs to reflect the consolidation.

Aichi argues that the distinction between various shapes of flat bar in the response is justified and that the petitioners are confused about Aichi's codes. Aichi asserts that the relevant shape codes are those listed in the column "ShapeH" on page 5 of its Exhibit 2, Section B response. Aichi also states that, although it collapsed the square-bar products, the flat-bar distinctions it used are appropriate since the flat-bar products' physical characteristics differ, price differences are evident from the home market sales list, customers request different products, and Aichi has issued special brochures advertising some of these products. Therefore, Aichi contends, record evidence demonstrates that the flat-bar shape distinctions Aichi identified and segregated for model-matching purposes are justified.

*Department's Position:* It appears that the petitioners may have referred to the wrong variable in their analysis of the shape distinction. Notwithstanding this possibility, we disagree with Aichi that its additional segregation of products is warranted in matching models. As discussed in response to comment 4 above, the Department has discretion to select appropriate model-matching criteria which account for meaningful differences in physical characteristics, cost, and use. See, e.g., *Notice of Final Determination of Sales at Less Than Fair Value: Certain Pasta from Italy*, 61 FR 30326 (June 14, 1996), *Koyo Seiko v. United States*, 66 F.3d 1204 (Fed. Cir. 1995) (Final Results of Adm. Rev.) (the Department has the discretion to "choose the manner in which "such or similar merchandise" shall be selected"), and *Certain Cold-Rolled Carbon Steel Flat Products From Germany: Final Results of Antidumping Duty Administrative Review*, 60 FR 65264, 65271 (Dec. 19, 1995) (the Department has the discretion to choose "such or similar" merchandise).

As such, it is also not necessary that the Department segregate every claimed difference in characteristics if those differences are not meaningful for matching purposes. See *Certain Cold-Rolled Carbon Steel Flat Products From Germany*, 60 FR at 65271 ("[b]asing its product matching criteria on commercially meaningful characteristics permits the Department to draw reasonable distinctions between products for matching purposes, without attempting to account for every possible difference inherent in certain classes or kinds of merchandise \* \* \*"). As such, the Department may define certain products as being "identical" within the meaning of section 771(16)(A), even though they contain

minor differences \* \* \*. Similarly, the Department need not account for every conceivable physical characteristic of a product in its hierarchy. Thus, as a range of products may be considered "identical" within the meaning of the statute"); *Final Determination of Sales at Less Than Fair Value; Gray Portland Cement and Clinker From Mexico*, 55 FR 29244 (July 18, 1990) (the Department determined that products within same ASTM standard would be deemed "identical in physical characteristics to the merchandise sold in [the home market]"); *Circular Welded Non-Alloy Steel Pipe and Tube From Mexico: Final Results of Antidumping Duty Administrative Review*, 63 FR 33041 (June 17, 1998) (Final Results of Adm. Rev.) (pickling, oiling and varnishing were only "packing treatments" and did not "transform the finished merchandise into a different product for purposes of merchandise comparison under 771(16)(A) and (B) of the Act").

With respect to Aichi's additional claimed shape distinction, upon reviewing the record, we find that the additional characteristics do not provide meaningful differences for matching purposes. Aichi's breakdown of flat bar segregates only minor differences in physical shape which do not affect our model-match comparison materially. See analyst's memorandum to file on the Issue of Model-Matching Criteria, Shape (containing business proprietary information), dated June 23, 1999. As we explained in *Circular Non-Alloy Steel Pipe and Tube from Mexico*, where the finishing process does not "transform the finished merchandise \* \* \* for purposes of \* \* \* [our] comparison," we generally will not distinguish such criteria (63 FR 33041 (June 17, 1998)). Thus, we have not accepted Aichi's additional claimed sub-codes for shape.

#### Comment 6: Warehousing Expenses

The petitioners argue that the Department should deduct home market warehousing expenses only for non-consignment and non-pre-sale-warehoused sales. They allege that the Department confirmed at verification Aichi's statement in its response that warehousing expenses do not apply to warehousing costs incurred on products prior to sale or to consignment sales. The petitioners comment that, in the preliminary results, the Department indicated that it intended to adjust the warehousing expenses, but it did not apply the warehousing expenses adjustment correctly and instead deducted warehousing expenses from consignment sales inadvertently.

Aichi argues that the Department should deduct warehousing expenses from all home market sales because, in accordance with 19 CFR 351.401(e)(2), the Department no longer makes the distinction between pre-sale and post-sale warehousing in granting this adjustment. The fact that warehousing occurred before sale date on consignment sales is irrelevant according to Aichi. Therefore, Aichi requests that the Department apply the warehousing adjustment to all home market sales.

**Department's Position:** In our preliminary results we added warehousing expenses to movement expenses on consignment sales unintentionally although we intended to add warehousing expenses to movement expenses for non-consignment sales. However, we did not confirm at verification, as the petitioners contend, that the warehousing expenses do not apply to products warehoused prior to sale. At verification we confirmed that, as Aichi stated in its Section B questionnaire response, page 36, the warehousing-expense adjustment applies only to non-consignment transactions. See analysts' Verification Report dated Dec. 21, 1998, in Room B099 of the main Commerce building. Furthermore, Aichi states that it has reported information to distinguish between invoice numbers for consignment sales and invoice numbers for sales involving pre-sale warehousing. In its questionnaire response, Section B, page 12 (May 12, 1998), Aichi provided information which indicates clearly that pre-sale warehousing did not occur on any consignment sales. We examined the home market database and found this to be the case. In addition, in Section A of its response, page 29, the respondent stated that it did not incur post-sale warehousing expenses for consignment sales. Therefore, in our calculations we have added warehousing expenses to the build-up of movement expenses for all sales except consignment sales, as we intended to do in the preliminary results of review.

#### Comment 7: Miscellaneous Programming Error

The petitioners contend that, in assigning exchange rates to all home market sales, the Department neglected to consolidate the home market dates of sale. It urges the Department to correct this error and provides a suggestion for doing so.

Aichi argues that, contrary to the petitioners' argument, there is no error in the Department's application of exchange rates. Although the

Department introduces the exchange-rate database early in the computer program, Aichi states that it is appropriate that the Department never merges the exchange-rate database with the home market database and merges it with the U.S. sales database at a later stage in the program.

**Department's Position:** There was no error in our exchange-rate calculations. Since we do not merge the exchange-rate database with the home market database, no error occurs. Rather, we merge the exchange rates with the U.S. sales database at a later stage in the program. As a result, no change is necessary.

#### Final Results of Review

As a result of our analysis of the comments received, we determine a weighted-average margin of 6.62 percent for Aichi for the period February 1, 1997, through January 31, 1998.

The Customs Service will assess antidumping duties on all appropriate entries. The Department will issue appraisal instructions directly to the Customs Service. We have calculated an exporter/customer-specific assessment value for subject merchandise based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of sales examined.

Furthermore, the following deposit requirement shall be effective upon publication of this notice of final results of review for all shipments of SSB from Japan, entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) The cash-deposit rate for Aichi Steel Corporation will be 6.62 percent; (2) for previously investigated or reviewed 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 or any previous reviews or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash-deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this review, the cash-deposit rate will continue to be 61.47 percent, the "all-others" rate established in the LTFV investigation (59 FR 66930, December 28, 1994).

The deposit requirements 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 a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. 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.

We are issuing and publishing this determination in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: June 25, 1999.

**Richard W. Moreland,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 99-17049 Filed 7-2-99; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Applications for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C.

**Docket Number:** 99-016. **Applicant:** Purdue University, BRWN/WTHR Chemistry Building, W. Lafayette, IN 47907-1393. **Instrument:** ICP Mass Spectrometer, Model PlasmaQuad 3.

**Manufacturer:** VG Elemental, United Kingdom. **Intended Use:** The instrument is intended to be used to chemically characterize samples of geologic materials—both terrestrial and extraterrestrial—and meteoric water samples. Geologic samples will be quantified as received (i.e. as solids, either powdered, as polished slabs or as thin sections) or as solutions, after their acid dissolution. Water samples will be analyzed without further processing. In addition, the instrument will be used for educational purposes in undergraduate research. Application accepted by Commissioner of Customs: June 16, 1999.

**Docket Number:** 99-017. **Applicant:** The Burnham Institute, 10901 North Torrey Pines Road, La Jolla, CA 92037. **Instrument:** Cryo Electron Microscope, Model Tecnai 12 Twin. **Manufacturer:** FEI Company, The Netherlands. **Intended Use:** The instrument is intended to be used for training postdoctoral scientists in the use of electron cryo-microscopy to examine tissue samples during research focusing on image reconstruction of actin filaments decorated with cytoskeletal proteins. All the projects will involve electron cryo-microscopy and image analysis, fitting of crystal structures to the em maps. Application accepted by Commissioner of Customs: June 18, 1999.

**Frank W. Creel,**

*Director, Statutory Import Programs Staff.*

[FR Doc. 99-17048 Filed 7-2-99; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### University of Connecticut, et al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

**Comments:** None received. **Decision:** Approved. No instrument of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, is being manufactured in the United States.

**Docket Number:** 99-005. **Applicant:** University of Connecticut, Storrs, CT 06269-1020. **Instrument:** Fiber Electrode Manipulator System. **Manufacturer:** Thomas Recording, Germany. **Intended Use:** See notice at 64 FR 23056, April 29, 1999. **Reasons:** The foreign instrument provides: (1) capability to position seven microelectrodes for independent manipulation within a small volume of tissue (inter-electrode distances of 256  $\mu$ m) and (2) microelectrodes having a maximum shaft diameter of only 80  $\mu$ m. Advice received from: National Institutes of Health, June 8, 1999.

**Docket Number:** 99-008. **Applicant:** University of California, San Diego, La Jolla, CA 92093-0515. **Instrument:** Operant Testing System. **Manufacturer:** CeNeS Ltd., United Kingdom. **Intended Use:** See notice at 64 FR 27516, May 20, 1999. **Reasons:** The foreign instrument provides: (1) A 9-hole nosepoke panel to permit randomized positioning of stimuli in a 5-choice serial reaction time task for rats and (2) 4.0 cm-deep ports to minimize undesirable head orientation. Advice received from: National Institutes of Health, June 8, 1999.

The National Institutes of Health advises in its memoranda that (1) the capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to either of the foreign instruments.

**Frank W. Creel,**

*Director, Statutory Import Programs Staff.*

[FR Doc. 99-17047 Filed 7-2-99; 8:45 am]

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## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Adjustment of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Taiwan

June 29, 1999.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner of Customs adjusting limits.