

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

[A-401-040]

**Stainless Steel Plate From Sweden: Notice of Final Results of Antidumping Duty Administrative Review**

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

**ACTION:** Notice of final results of antidumping duty administrative review.

**SUMMARY:** On July 7, 1999, the Department of Commerce (the Department) published the preliminary results of review in the antidumping duty administrative review of stainless steel plate from Sweden (64 FR 36667). The review covers two manufacturers/exporters, Avesta Sheffield AB (Avesta) and Uddeholm Tooling AB, Bohler-Uddeholm Corporation and Uddeholm Limited (collectively, Uddeholm), of the subject merchandise to the United States and the period June 1, 1997 through May 31, 1998.

**EFFECTIVE DATE:** November 9, 1999.

**FOR FURTHER INFORMATION CONTACT:** Jonathan Lyons, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-0374.

**SUPPLEMENTARY INFORMATION:****Applicable Statute**

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, unless otherwise indicated, all citations to the Department's regulations are references to the provisions codified at 19 CFR part 351 (1998).

**Background**

The Department of the Treasury published an antidumping finding on stainless steel plate from Sweden on June 8, 1973 (38 FR 15079). On July 7, 1999, the Department published in the **Federal Register** the preliminary results of antidumping duty administrative review of this antidumping finding (64 FR 36667) for the period June 1, 1997 through May 31, 1998. We invited interested parties to comment and received one comment regarding Avesta. The Department has now completed this review in accordance with section 751(a) of the Act.

**Scope of the Review**

Imports covered by this review are shipments of stainless steel plate which is commonly used in scientific and industrial equipment because of its resistance to staining, rusting and pitting. Stainless steel plate is classified under Harmonized Tariff Schedule of the United States (HTSUS) item numbers 7219.11.00.00, 7219.12.00.05, 7219.12.00.15, 7219.12.00.45, 7219.12.00.65, 7219.12.00.70, 7219.12.00.80, 7219.21.00.05, 7219.21.00.50, 7219.22.00.05, 7219.22.00.10, 7219.22.00.30, 7219.22.00.60, 7219.31.00.10, 7219.31.00.50, 7220.11.00.00, 7222.30.00.00, and 7228.40.00.00. Although the subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

**Period of Review**

The period of review is June 1, 1997 through May 31, 1998.

**Analysis of Comments Received**

We invited interested parties to comment on the preliminary results of this administrative review. We received a timely filed case brief from Avesta. Uddeholm informed the Department that it had no comments on the preliminary determination. Petitioners did not submit any comments.

**Comment 1: Proper Facts Available Rate for Avesta**

On September 2, 1998, Avesta notified the Department that it was unable to participate in the 1997-1998 administrative review and that it was not responding to the questionnaire sent by the Department on August 12, 1998. Because Avesta declined to respond to the Department's questionnaire, we assigned Avesta an adverse facts available rate of 29.36 percent in our preliminary determination.

Avesta argues that the Department, in determining the facts available rate for this review, used a final margin from a previous review that was subsequently amended. Avesta asserts that the margin used, which was published on January 12, 1998 (63 FR 1824) for the 1995-1996 administrative review, was amended on February 19, 1998 (63 FR 8434). Avesta further asserts that the corrected, lower rate of 24.67 percent should be the used as the basis of the Department's facts available determination, as it is the accurate highest previous margin in this case. Avesta argues that the Department should rely on the revised rate that reflects the correction of an error made by the Department in its 1995-1996 final determination. With the

publication of the amended final results for the 1995-1996 period of review, Avesta asserts that the Department acknowledged that the initial final rate was, in fact, an intermediary rate that was neither reliable nor relevant.

**Department's Position**

The Department agrees with Avesta that the most appropriate facts available rate should be the highest final, amended rate from previous segments conducted by the Department, which for the instant review is Avesta's amended final rate for the 1995-1996 administrative review period. As noted in the preliminary determination, the Department selects a facts available rate that can be deemed both reliable and relevant (64 FR at 36668-69). Preliminary results, and final results that are later amended, are by their nature intermediary. In selecting the proper basis for a facts available rate, section 351.308(c)(1)(iii) of the Department's regulations specifies that results from previous administrative reviews can be considered an appropriate basis for secondary information used to make an adverse inference. In the instant review, the facts available margin selected is a rate calculated in a prior segment of the proceeding. Since the Department amended the rate in the final results for the 1995-1996 period of review, the amended final rate for the 1995-1996 review supersedes previous rates published for that segment in terms of accuracy and appropriateness. The amended final rate is the most reliable and relevant, thus meeting the requirements of section 776(c) of the Act.

**Final Results of Review**

As a result of this review, we determine that the following margins exist for the period June 1, 1997 through May 31, 1998:

Avesta—24.67 percent  
Uddeholm—7.30 percent

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. The Department shall issue appraisal instructions directly to the Customs Service. For assessment purposes, we have calculated importer-specific duty assessment rates for the 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 requirements will be effective, upon publication of this notice of final results of review, for all shipments of stainless

steel plate from Sweden 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 rates for Avesta and Uddeholm will be the rates stated above; (2) for previously investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and, (4) the cash deposit rate for all other manufacturers or exporters will continue to be 4.46 percent, the all others rate established in the less-than-fair-value (LTFV) investigation. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with section 351.306 of the Department's regulations. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Act, section 771(i) of the Act, and 19 CFR 351.213.

Dated: November 2, 1999.

**Robert S. LaRussa,**

*Assistant Secretary for Import Administration.*

[FR Doc. 99-29344 Filed 11-8-99; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-201-810]

#### **Certain Cut-to-Length Carbon Steel Plate From Mexico: Extension of Time Limit for Final Results of Countervailing Duty Administrative Review**

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

**ACTION:** Notice of extension of time limit for final results of countervailing duty administrative review.

**EFFECTIVE DATE:** November 9, 1999.

**FOR FURTHER INFORMATION CONTACT:** Norbert Gannon at (202) 482-1487 and Eric B. Greynolds at (202) 482-6071, Office of AD/CVD Enforcement VI, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

#### **Time Limits**

##### *Statutory Time Limits*

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to make a preliminary determination within 245 days after the last day of the anniversary month of an order/finding for which a review is requested and a final determination within 120 days after the date on which the preliminary determination is published. However, if it is not practicable to complete the review within the time period, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the preliminary results to a maximum of 365 days and for the final results to 180 days (or 300 days if the Department does not extend the time limit for the preliminary results) from the date of the publication of the preliminary results.

#### **Background**

On September 29, 1998, the Department published a notice of initiation of administrative review of the countervailing duty order on certain cut-to-length plate from Mexico, covering the period January 1, 1997, through December 31, 1997 (63 FR 51893). On September 8, 1999, (64 FR 48796), we published the preliminary results of review. In our notice of preliminary results, we stated our intention to issue the final results of this review no later than January 6, 2000.

## **Extension of Final Results of Review**

We determine that it is not practicable to complete the final results of this review within the original time limit. Therefore the Department is extending the time limits for completion of the final results until no later than March 6, 2000. See Decision Memorandum from Bernard Carreau to Robert S. LaRussa, dated October 28, 1999, which is on file in the Central Records Unit.

This extension is in accordance with section 751(a)(3)(A) of the Act.

Dated: November 3, 1999.

**Bernard Carreau,**

*Deputy Assistant Secretary for Import Administration, Group II.*

[FR Doc. 99-29342 Filed 11-8-99; 8:45 am]

BILLING CODE 3510-DS-P

## **COMMODITY FUTURES TRADING COMMISSION**

### **Notice of Cancellation of the Twenty-Seventh Meeting of the Agricultural Advisory Committee**

This is to give notice, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, 10(a), that the public meeting of the Commodity Futures Trading Commission's Agricultural Advisory Committee that was scheduled to be held on November 9, 1999, in the first floor hearing room (Room 1000) of the Commission's Washington, DC headquarters, Three Lafayette Center, 1155 21st Street, NW, Washington, DC 20581, from a 1 p.m. to 4:30 p.m., has been cancelled and will be rescheduled at a later date.

Any member of the public who desires additional information may contact Jennifer A. Roe, Administrative Assistant to Commissioner David D. Spears, Chairman of the Advisory Committee, at 202-418-5043, or Marcia K. Blase, Committee Management Officer, at 202-418-5138.

Issued by the Commission in Washington, DC on November 4, 1999.

**Jean A. Webb,**

*Secretary of the Commission.*

[FR Doc. 99-29348 Filed 11-5-99; 9:39 am]

BILLING CODE 6351-01-M

## **COMMODITY FUTURES TRADING COMMISSION**

### **Sunshine Act Meeting; Notice**

**AGENCY HOLDING THE MEETING:** Commodity Futures Trading Commission.