

final results of these reviews; and (4) the cash deposit rates for non-PRC exporters of subject merchandise from the PRC will be the rates applicable to the PRC supplier of that exporter. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative reviews.

Notification of Interested Parties

This notice serves as a preliminary reminder to importers of their responsibility under section 351.402(f)(2) of the Department's regulations 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.

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

Dated: February 28, 2000.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-533-810]

Stainless Steel Bar From India; Preliminary Results of Antidumping Duty Administrative Review and New Shipper Review and Partial Rescission of Administrative Review

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

ACTION: Notice of preliminary results of 1998-1999 administrative review and new shipper review and partial rescission of administrative review of stainless steel bar from India.

SUMMARY: In response to requests from interested parties, the Department of Commerce is conducting an administrative review of the antidumping duty order on stainless steel bar from India with respect to the following companies: Chandan Steel Ltd., Ferro Alloys Corporation Limited, Isibars Limited, Panchmahal Steel Limited, Sindia Steels Limited, Venus Wire Industries Limited, and Viraj Impoexpo Ltd. In response to a request

from Meltroll Engineering Pvt., Ltd., the Department of Commerce is conducting a new shipper review of the antidumping duty order on stainless steel bar from India. These reviews cover sales of stainless steel bar to the United States during the period February 1, 1998, through January 31, 1999.

We have preliminarily determined that, during the period of review, Ferro Alloys Corporation Limited, Isibars Limited, Panchmahal Steel Limited, Sindia Steels Limited, and Viraj Impoexpo Ltd. made sales below normal value and that Chandan Steel Ltd., and Meltroll Engineering Pvt., Ltd., and Venus Wire Industries Limited did not make sales below normal value. If these preliminary results are adopted in our final results of administrative review and new shipper review, we will instruct the Customs Service to assess antidumping duties equal to the difference between the export price and the normal value.

Interested parties are invited to comment on these preliminary results. Parties who submit argument are also requested to submit (1) a statement of the issue and (2) a brief summary of the argument.

EFFECTIVE DATE: March 8, 2000.

FOR FURTHER INFORMATION CONTACT: Zak Smith, James Breeden, or Melani Miller, Office 1, 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) 482-0189, (202) 482-1174, and (202) 482-0116, respectively.

SUPPLEMENTAL 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, all references to the Department of Commerce's ("the Department's") regulations are to 19 CFR Part 351 (April 1998).

Background

On February 21, 1995, the Department published in the **Federal Register** (60 FR 9661) the antidumping duty order on stainless steel bar from India. The Department notified interested parties of the opportunity to request an administrative review of this order on February 11, 1999 (64 FR 6878). On February 26, 1999, the Department

received requests from the petitioners¹ and five respondents to conduct an administrative review. Thus, in accordance with 19 CFR 351.221(b)(1), we published (64 FR 14860) a notice of initiation of this antidumping duty administrative review on March 29, 1999, with respect to Bhansali Bright Bars Pvt. Ltd. ("Bhansali"), Chandan Steel Ltd. ("Chandan"), Ferro Alloys Corporation Limited ("Facor"), Isibars Limited ("Isibars"), Jyoti Steel Industries ("Jyoti"), Madhya Pradesh Iron & Steel Company ("Madhya Pradesh"), Panchmahal Steel Limited ("Panchmahal"), Parekh Bright Bars Pvt. Ltd. ("Parekh"), Shah Alloys Ltd. ("Shah"), Sindia Steel Limited ("Sindia"), Venus Wire Industries Ltd. ("Venus"), and Viraj Impoexpo Ltd. ("Viraj"). The review covers the period February 1, 1998, through January 31, 1999.

On February 26, 1999, Meltroll Engineering Pvt. Ltd. ("Meltroll") requested that we conduct a new shipper review. We published the notice of initiation for this new shipper review on April 15, 1999 (64 FR 18601). This new shipper review covers the same period as the administrative review and, pursuant to section 751(a) of the Act and 19 CFR 351.214(j)(3), is being conducted concurrently with the administrative review.

During May and June, 1999, Bhansali, Jyoti, and Shah reported no shipments of the subject merchandise to the United States during the period of review ("POR") that were not already covered by a previous segment of this proceeding. We independently confirmed with the Customs Service that there were no entries from these companies. Therefore, in accordance with 19 CFR 351.213(d)(3), we are preliminarily rescinding the review with respect to these companies. Furthermore, on June 7, 1999, Madhya Pradesh withdrew its request for review. Madhya Pradesh's request was timely and no other interested party requested a review of the company. Therefore, in accordance with 19 CFR 351.213(d)(1), we are rescinding the review of Madhya Pradesh.

On August 17, 1999, the Department initiated sales below cost investigations of Isibars and Panchmahal. On January 18, 2000, the Department initiated a sales below cost investigation of Venus. On February 14, 2000, the Department initiated a sales below cost investigation of Sindia. Sales below cost analyses of

¹ Al Tech Specialty Steel Corp., Carpenter Technology Corp., Republic Engineered Steels, Slater Steels Corp., and Talley Metals Technology, Inc.

Sindia and Venus are not included in this notice because, in the case of Sindia, the investigation was initiated shortly before issuance of these preliminary results and, in the case of Venus, we intend to ask the company to provide further information and clarification with respect to its cost reporting.

Scope of Reviews

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 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 these reviews 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 these reviews is dispositive.

Use of Facts Otherwise Available

Section 776(a) provided that the Department shall apply "facts otherwise available" if, *inter alia*, a respondent:

- (1) Withholds information that has been requested;
- (2) Fails to provide information within the deadlines established, or in the form or manner requested by the Department, subject to subsections (c)(1) and (e) of Section 782;

- (3) Significantly impedes a proceeding; or

- (4) Provides information that cannot be verified.

Section 782(e) of the Act provides further that the Department shall not decline to consider information that is submitted by an interested party and that is necessary to the determination but does not meet all the applicable requirements established by the Department if-

- (1) The information is submitted by the deadline established for its submission;

- (2) The information can be verified;

- (3) The information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination;

- (4) The interested party has demonstrated that it acted to the best of its ability in providing the information and meeting the requirements established by the Department with respect to the information; and

- (5) The information can be used without undue difficulties.

We have preliminarily determined that the use of facts available in certain circumstances is necessary. The discussion below details the particular circumstances of each company for which we are applying facts available.

Viraj

In its June 3, 1999, submission, Viraj reported that it had no home market sales of the merchandise under review. On August 17, 1999, we sent Viraj a supplemental questionnaire asking it to confirm that it had reported the total value and volume of sales of all merchandise described in Appendix III of the questionnaire in its home market, and to its three largest third country markets during the POR. In its September 23, 1999, submission, Viraj confirmed that it properly reported all sales of the merchandise under review to the United States, the home market, and third country markets. In a January 18, 2000, supplemental questionnaire, we again asked Viraj to clarify whether it was reporting all sales of stainless steel bars in any form in the home market. We also instructed Viraj to update its database and entire response in the event that it did have home market sales.

On February 9, 2000, Viraj responded by submitting a database of previously unreported home market sales made during the POR. On February 14, 2000, Viraj submitted a narrative response corresponding to the February 9th submission. Because the deadline for submitting factual information had passed, we rejected Viraj's February

14th submission on February 17, 2000 (see the Letter to Viraj "Rejection of Submission," which is available in the public records of the Department's Central Records Unit, Room B-099).

Because the home market sales information provided by Viraj through February 9 was incomplete, we have preliminarily determined that Viraj failed to provide information in the manner requested by the Department within our deadline. In particular, lacking a narrative description of the home market sales reported on February 9, we do not believe that the information submitted by Viraj serves as a reliable basis for calculating normal value ("NV"). Therefore, pursuant to section 776(a) of the Act, we must use facts otherwise available.

In determining the appropriate facts available to apply to Viraj, we have preliminarily determined that an adverse inference is warranted because Viraj failed to cooperate by not acting to the best of its ability in complying with a request for information (*see* section 776(b) of the Act). Specifically, as described above, Viraj was requested by the Department to report its home market sales on three separate occasions. Only on the third occasion did Viraj admit to having sales of the foreign like product in the home market, and in making this admission, Viraj failed to provide a comprehensive response for these sales. Viraj has argued that it did not intentionally omit its home market sales because it did not realize that the merchandise in question had to be reported, we note that the original questionnaire includes as Appendix III a full description of the scope of these reviews. Furthermore, we note that if Viraj had any questions as to what merchandise should be reported, our questionnaires are clear in stating that interested parties should contact the Department with such queries. This is not the first review in which Viraj has been involved. Therefore, we preliminarily determine that by not providing necessary information specifically requested by the Department, Viraj failed to cooperate to the best of its ability (for a further discussion see the Memorandum to Richard Moreland dated February 28, 2000, "Facts Otherwise Available for Viraj Impoexpo Ltd.," which is available in the public records of the Department's Central Records Unit, Room B-099). Consequently, we have preliminarily determined that an adverse inference is warranted in selecting facts available.

As adverse facts available, we have assigned a margin of 21.02 percent to Viraj. This margin was calculated for

sales by Mukand Limited during the original less-than-fair-value ("LTFV") investigation and represents the highest weighted-average margin determined for any firm during any segment of this proceeding. Information from prior segments of the proceeding constitutes secondary information and section 776(c) of the Act provides that the Department shall, to the extent practicable, corroborate that secondary information from independent sources reasonably at its disposal. The Statement of Administrative Action ("SAA") provides that "corroborate" means that the Department will satisfy itself that the secondary information to be used has probative value (*see* H.R. Doc. 103-316, Vol. 1, 870 (1994)).

To corroborate secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information to be used. However, unlike other types of information, such as input costs or selling expenses, there are no independent sources for calculated dumping margins. Thus, in an administrative review, if the Department chooses as adverse facts available a calculated dumping margin from a prior segment of the proceeding, it is not necessary to question the reliability of the margin for that time period. With respect to the relevance aspect of corroboration, however, the Department will consider information reasonably at its disposal as to whether there are circumstances that would render a margin inappropriate. Where circumstances indicate that the selected margin is not appropriate as adverse facts available, the Department will disregard the margin and determine an appropriate margin (*see, e.g., Fresh Cut Flowers from Mexico; Final Results of Antidumping Duty Administrative Review*, 61 FR 6812, 6814 (Feb. 22, 1996) (where the Department disregarded the highest margin as adverse facts available because the margin was based on another company's uncharacteristic business expense resulting in an unusually high margin)). In this review, there are no circumstances indicating that this margin is inappropriate as facts available. Therefore, we find that the 21.02 percent rate is corroborated.

Panchmahal

While Panchmahal did respond to our original questionnaire and supplemental questionnaires, it refused our request to revise its variable cost of manufacture data ("VCOM") or total cost of manufacture data ("TCOM") relevant to the POR. This information is necessary to calculate the appropriate margins in

all instances because Panchmahal does not have comparison market sales of merchandise which is identical to the merchandise it sells in the United States. Furthermore, Panchmahal did not make the revisions we requested with respect to its reporting of constructed value ("CV"). The CV information is necessary to calculate the appropriate margins in those instances where Panchmahal's home market data cannot be used to calculate a dumping margin. Thus, in accordance with section 776(a) of the Act and 19 CFR 351.308(a), we are using facts otherwise available because Panchmahal did not submit information in the manner or form requested by the Department. Moreover, pursuant to section 782(e)(3) of the Act, we find the information on the record so incomplete that it cannot serve as a reliable basis for reaching an appropriate dumping margin for these preliminary results.

In determining the appropriate facts available to apply to Panchmahal, we have preliminarily determined that Panchmahal failed to cooperate by not acting to the best of its ability to comply with a request for information under section 776(b) of the Act. Specifically, on December 13, 1999, we issued a supplemental questionnaire to Panchmahal which instructed the company to recalculate its VCOM and TCOM figures to reflect the differences in labor and overhead costs incurred to produce stainless steel bar of different finish and size. We made the same instruction with respect to Panchmahal's CV information. In its supplemental questionnaire response, Panchmahal demonstrated that it is able to calculate different costs for different size-ranges. However, it elected not to revise its VCOM or TCOM data and, instead, continued to rely on average cost figures for purposes of calculating VCOM and TCOM. With respect to its reporting of CV, Panchmahal did not demonstrate that it incorporated size-specific costs. Therefore, in selecting facts available, we have preliminarily determined that an adverse inference is warranted. As adverse facts available, we have assigned a margin of 21.02 percent to Panchmahal.

As noted above, this margin was calculated for sales by Mukand Limited during the original LTFV investigation and represents the highest weighted-average margin determined for any firm during any segment of this proceeding. It is not necessary to question the reliability of a calculated margin from a prior segment of the proceeding. Further, there are no circumstances indicating that this margin is inappropriate as facts available.

Therefore, we find that the 21.02 percent rate is corroborated.

Parekh

Parekh did not respond to our May 6, 1999, questionnaire, nor did it indicate that it was experiencing difficulties responding to the questionnaire or meeting the deadline for submission. Therefore, in accordance with section 776(a) of the Act, we must use facts otherwise available because Parekh withheld information requested by the Department.

In determining the appropriate facts available to apply to Parekh, we have preliminarily determined that Parekh failed to cooperate by not acting to the best of its ability to comply with a request for information under section 776(b) of the Act. Specifically, Parekh's failed to communicate in any way with the Department. Therefore, in selecting facts available, we have preliminarily determined that an adverse inference is warranted. As adverse facts available we have assigned a margin of 21.02 percent to Parekh. As noted above, this margin was calculated for sales by Mukand Limited during the original LTFV investigation and represents the highest weighted-average margin determined for any firm during any segment of this proceeding. It is not necessary to question the reliability of a calculated margin from a prior segment of the proceeding. Further, there are no circumstances indicating that this margin is inappropriate as facts available. Therefore, we find that the 21.02 percent rate is corroborated.

Chandan

Chandan submitted CV information for those U.S. sales that did not have any contemporaneous home market sales for matching purposes. After reviewing the information that was timely provided by Chandan, we find that the information is incomplete and will require further revisions and clarifications. Specifically, we will be seeking clarification from Chandan with respect to reported further manufacturing and conversion by an unaffiliated party. While we have asked Chandan to provide further information and clarification on this issue, we did not request the information in time for its use in the preliminary results. Moreover, pursuant to section 782(e)(3) of the Act, we find the information on the record so incomplete that it cannot serve as a reliable basis for reaching an appropriate dumping margin for these preliminary results. Therefore, in accordance with section 776(a) of the Act, we are using facts otherwise available.

In determining the appropriate facts available to apply to Chandan, we have preliminarily assigned a margin of 0.00 percent to Chandan's sales of the subject merchandise that do not have a contemporaneous home market sale for matching purposes. This margin is the rate calculated for Chandan's sales that do have contemporaneous matches.

We note that Chandan submitted additional CV information on February 14, 2000. Because we did not request the additional information provided and the deadline for submitting factual information had passed, we rejected Chandan's February 14th submission on February 17, 2000 (see the Letter to Chandan "Rejection of Submission," which is available in the public records of the Department's Central Records Unit, Room B-099).

Normal Value Comparisons

To determine whether sales of stainless steel bar from India to the United States were made at less than NV, we compared export price ("EP") to the NV, as described in the "Export Price" and "Normal Value" sections of this notice, below. In accordance with section 777A(d)(2) of the Act, we calculated EPs for comparison to weighted-average NVs.

Level of Trade

In accordance with section 773(a)(1)(B) of the Act, to the extent practicable, we determine NV based on sales in the comparison market at the same level of trade ("LOT") as the EP transaction. The NV LOT is that of the starting-price sales in the comparison market. For EP, the U.S. LOT is also the level of the starting-price sale, which is usually from exporter to importer.

To determine whether NV sales are at a different LOT than EP, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison-market sales are at a different LOT, and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which NV is based and comparison-market sales at the LOT of the export transaction, we make an LOT adjustment under section 773(a)(7)(A) of the Act. See *Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from South Africa*, 62 FR 61731 (November 19, 1997).

In implementing these principles in these reviews, we reviewed information from each respondent regarding the marketing stage involved in the reported home market or third country and U.S.

sales, including a description of the selling activities performed by the respondents for each channel of distribution. Pursuant to section 773(a)(1)(B)(i) of the Act and the SAA at 827, in identifying levels of trade for EP and home market sales, we considered the selling functions reflected in the starting prices before any adjustments. We expect that, if claimed levels of trade are the same, the functions and activities of the seller should be similar. Conversely, if a party claims that levels of trade are different for different groups of sales, the functions and activities of the seller should be dissimilar.

Based on an analysis of the selling functions, class of customers, and level of selling expenses, we found that the marketing processes in both the home market/third country and the United States were not substantially dissimilar for Chandan, Facor, Isibars, Meltroll, Sindia, or Venus. Therefore, we have preliminarily found that sales in both markets for each respondent are at the same LOT and consequently, no LOT adjustment is warranted.

Export Price

In calculating the price to the United States, we used export price ("EP"), in accordance with section 772(a) of the Act, because the subject merchandise was sold directly to the first unaffiliated purchaser in the United States prior to importation into the United States and use of constructed export price was not otherwise indicated.

We calculated EP based on either the CIF, C&F, or CFR price to the United States. In accordance with section 772(c)(2) of the Act, we made deductions, as appropriate, for rebates, foreign inland freight, international freight, marine insurance, brokerage and handling, clearing and forwarding, and customs duty. Furthermore, we made additions, as appropriate, for interest revenue.

Many respondents claimed an upward adjustment to EP for a "duty drawback" program. We determine whether an adjustment to U.S. price for a respondent's claimed duty drawback is appropriate when the respondent can demonstrate that it meets both parts of our two-part test. There must be: (1) A sufficient link between the import duty and the rebate, and (2) a sufficient amount of raw materials imported and used in the production of the final exported product (see *Certain Welded Carbon Standard Steel Pipes and Tubes from India*, 62 FR 47632, 47635 (September 10, 1997)). Because the respondents did not demonstrate a sufficient link between the import duty and the rebate, we have not made an

adjustment to EP. Specifically, the respondents did not demonstrate that the rebate received upon exportation directly related to specific import duties paid on materials used in the production of the subject merchandise.

Normal Value

1. Comparison Market Viability

In order to determine whether there was a sufficient volume of sales in the home market to serve as a basis for calculating NV, we compared each respondent's volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise, in accordance with section 773(a) of the Act. When home market sales were determined to be insufficient in quantity to permit a proper comparison with sales to the United States, we compared the respondent's volume of sales of the foreign like product to individual third country markets to the volume of U.S. sales of the subject merchandise, in accordance with section 773(a)(1)(C) of the Act.

For Chandan, Facor, Isibars, and Sindia, we determined that the home market provides a viable basis for calculating NV because the aggregate volume of home market sales of the foreign like product was greater than five percent of the aggregate volume of U.S. sales of the subject merchandise. Therefore, in accordance with section 773(a)(1)(B)(i) of the Act, we based NV for these companies on the prices at which the foreign like product was first sold to unaffiliated customers for consumption in the exporting country, in the usual commercial quantities and in the ordinary course of trade.

For Meltroll and Venus, we determined that the home market was not appropriate for calculating NV because the aggregate volume of home market sales of the foreign like product was not greater than five percent of the aggregate volume of U.S. sales of the subject merchandise. Therefore, we examined these companies' sales to third country markets. Both Meltroll and Venus had more than one third country market that satisfied the criteria of section 773(a)(1)(B)(ii) of the Act. To select among these markets, we considered the criteria outlined in 19 CFR 351.404(e): The similarity of the foreign like product exported to each third country versus subject merchandise exported to the United States; the volume of sales to the third countries; and other factors that we considered appropriate. For Meltroll, we selected Venezuela as the third country market. Although it was not the largest

third country market, the merchandise sold to Venezuela was more similar to the merchandise sold to the United States, the Venezuelan sales were contemporaneous with U.S. sales, while sales to the largest third country were not, and the volumes of the individual sales in Venezuela and the United States were comparable. For Venus, we chose Mexico as the third country market. Although it was not the largest third country market, the merchandise sold to Mexico was more similar to the merchandise sold by Venus to the United States. Both Meltroll's aggregate sales of the foreign like product to Venezuela and Venus' aggregate sales of the foreign like product to Mexico were greater than five percent of their sales, by volume, of the subject merchandise to the United States (see the Memoranda to Richard Moreland dated August 25, 1999, for Venus and August 26, 1999, for Meltroll, "Selection of Third Country Comparison Market," which are available in the public records of the Department's Central Records Unit, Room B-099).

2. Cost of Production Analysis

As noted above, based on cost allegations made by the petitioners, the Department found reasonable grounds to believe or suspect that sales by Isibars in the comparison market were made at prices below its respective costs of production ("COP"). As a result, we have conducted an investigation to determine whether this company made comparison market sales during the POR at prices below its respective COP, within the meaning of section 773(b) of the Act. We also conducted a cost investigation for Facor, because we disregarded sales pursuant to the cost test for this company in the most recently completed previous review (see *Stainless Steel Bar from India: Final Results of New Shipper Antidumping Duty Administrative Review*, 63 FR 19712 (April 21, 1998)).

We conducted the COP analysis described below.

A. Calculation of COP

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

and packing costs. We relied on the COP data submitted by the companies.

B. Test of Comparison Market Prices

We compared the weighted-average COP for the respective companies to comparison market sales of the foreign like product, as required under section 773(b) of the Act, in order to determine whether these sales had been made at prices below the COP. In determining whether to disregard comparison market sales made at prices below the COP, we examined whether such sales were made (1) within an extended period of time in substantial quantities, and (2) at prices which permitted the recovery of all costs within a reasonable period of time in the normal course of trade, in accordance with section 773(b)(1)(A) and (B) of the Act. On a product-specific basis, we compared the COP to comparison market prices, less movement charges, discounts, and direct and indirect selling expenses.

C. 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 were at prices less than the COP, we determined that such sales have been made in "substantial quantities" within an extended period of time in accordance with section 773(b)(2)(B) of the Act. In such cases, we also determined that such sales were not made at prices which would permit recovery of all costs within a reasonable period of time, in accordance with section 773(b)(2)(D) of the Act. Therefore, we disregarded the below-cost sales. Where all sales of a specific product were at prices below the COP, we disregarded all sales of that product.

We found that Facor and Isibars 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.

3. Calculation of CV

In accordance with section 773(e)(1) of the Act, we calculated CV for Facor and Isibars based on the sum of the respective respondent's cost of materials, labor, overhead, G&A, selling, profit, and U.S. packing costs. (As discussed in the "Use of Facts Otherwise Available" section above, we did not calculate CV for Chandan because its CV information was incomplete.)

Price-to-Price Comparisons

For comparisons to those products for which there were comparison market sales at prices at or above the COP, we based NV on prices to comparison market customers. We made adjustments, where appropriate, for physical differences in the merchandise in accordance with section 773(a)(6)(C)(ii) of the Act. We also made additions and deductions, where appropriate, for interest revenue, rebates, inland freight, international freight, marine insurance, and brokerage and handling. In addition, we made circumstance-of-sale adjustments for credit and bank charges, where appropriate. Finally, in accordance with section 773(a)(6) of the Act, we deducted comparison market packing costs and added U.S. packing costs.

We note that, with respect to the calculation of Isibars' circumstance-of-sale adjustment, we have asked Isibars to clarify and provide further information on those sales for which it has not yet reported a payment date. In the event that Isibars is unable to comply with our request for information, we may resort to the use of facts available, which may, if appropriate, be adverse to the interests of the company.

Price-to-CV Comparisons

For price-to-CV comparisons, we made adjustments to CV in accordance with section 773(a)(8) of the Act.

Preliminary Results of the Reviews

As a result of our comparison of EP and NV, we preliminarily determine the following weighted-average dumping margins:

Manufacturer/ Exporter	Period	Margin (percent)
Chandan	2/1/98-1/31/99	0.00
Facor	2/1/98-1/31/99	12.13
Isibars	2/1/98-1/31/99	0.42
Panchmahal	2/1/98-1/31/99	21.02
Parekh	2/1/98-1/31/99	21.02

Manufacturer/ Exporter	Period	Margin (percent)
Sindia	2/1/98–1/31/99	0.01
Venus	2/1/98–1/31/99	0.00
Viraj	2/1/98–1/31/99	21.02
Meltroll	2/1/98–1/31/99	0.00

In accordance with section 351.224(b) of our regulations, we will disclose to the relevant parties the calculations performed for these preliminary results. Any interested party may request a hearing within 30 days of publication. A hearing, if requested, will be held 37 days after the publication of this notice, or the first businessday thereafter. Interested parties may submit case briefs within 30 days of the date of publication of this notice. Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than 35 days after the date of publication of this notice. The Department will issue the final results of these administrative and new shipper reviews, which will include the results of its analysis of issues raised in any such comments, within 120 days of publication of these preliminary results.

Upon completion of these administrative and new shipper reviews, the Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. 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 entered value of the same sales. In order to estimate the entered value, we subtracted international movement expenses (e.g., international freight) from the gross sales value. This rate will be assessed uniformly on all entries made during the POR. The Department will issue appraisal instructions directly to the Customs Service.

The following deposit requirements will be effective upon publication of the final results of these administrative and new shipper reviews for all shipments of stainless steel bar from India 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 the reviewed companies will be the rates established in the final results of these reviews; (2) if the exporter is not a firm covered in these reviews, but was covered in a previous review or the original 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

previous review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers and/or exporters of this merchandise, shall be 12.45 percent, the "all others" rate established in the LTFV investigation (59 FR 66915, December 28, 1994).

These requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary 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 administrative review, new shipper review, and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 28, 2000.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-583-827]

Static Random Access Memory Semiconductors From Taiwan; Final Results of Antidumping Duty New Shipper Review

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

ACTION: Notice of final results of antidumping duty new shipper review.

SUMMARY: On October 12, 1999, the Department of Commerce published the preliminary results of the new shipper review of the antidumping duty order

on static random access memory semiconductors from Taiwan. The products covered by this order are synchronous, asynchronous, and specialty static random access memory semiconductors from Taiwan, whether assembled or unassembled. The review covers one manufacturer/exporter. The period of review is October 1, 1997, through September 30, 1998.

We requested and received revised cost of production and constructed value databases from the respondent. We have used these databases, and we have made changes in the margin calculations. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margin for the reviewed firm is listed below in the section entitled "Final Results of Review."

EFFECTIVE DATE: March 8, 2000.

FOR FURTHER INFORMATION CONTACT:

Shawn Thompson, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 482-1776.

SUPPLEMENTARY INFORMATION:

The 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 of Commerce's (the Department's) regulations are to 19 CFR Part 351 (1998).

Background

The review covers one manufacturer/exporter, Giga Semiconductor, Inc. (GSI Technology). The period of review (POR) is October 1, 1997, through September 30, 1998.

On October 12, 1999, the Department published in the **Federal Register** the preliminary results of the new shipper review of the antidumping duty order on static random access memory semiconductors (SRAMs) from Taiwan (64 FR 55251). Also in October 1999, GSI Technology submitted revised cost of production and constructed value databases at the Department's request.