Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: May 14, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 98–13793 Filed 5–21–98; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–846]

Brake Rotors From the People's Republic of China: Initiation of New Shipper Antidumping Duty Administrative Review

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

SUMMARY: The Department of Commerce has received a request to conduct a new shipper administrative review of the antidumping duty order on brake rotors from the People's Republic of China. In accordance with 19 CFR 351.214(d), we are initiating this administrative review.

EFFECTIVE DATE: May 22, 1998.

FOR FURTHER INFORMATION CONTACT: Brian Smith or Sunkyu Kim, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–1766 or 482–2613, respectively.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (''the Act''), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department of Commerce (''the Department'') regulations are to the provisions codified at 19 CFR part 351 (62 FR 27295, May 19, 1997).

SUPPLEMENTARY INFORMATION:

Background

The Department has received a timely request from Yantai Chen Fu Machinery Co., Ltd., (''YCFM''), in accordance with 19 CFR 351.214(d), for a new shipper review of the antidumping duty order on brake rotors from the People's Republic of China (''PRC''), which has an April anniversary date. YCFM (''the respondent'') has certified that it did not export brake rotors to the United States during the period of investigation (''POI''), and that it is not affiliated with any exporter or producer which did export brake rotors during the POI.

In accordance with section 751(a)(2)(B) of the Act, as amended, and 19 CFR 351.214(b), and based on information on the record, we are initiating the new shipper review as requested.

It is the Department's usual practice in cases involving non-market economies to require that a company seeking to establish eligibility for an antidumping duty rate separate from the country-wide rate provide *de jure* and *de facto* evidence of an absence of government control over the company's export activities. Accordingly we will issue a separate rates questionnaire to the above-named respondent, allowing 30 days for response. If the response from the respondent provides sufficient indication that the YCFM is not subject to either *de jure* or *de facto* government control with respect to its exports of brake rotors, this review will proceed. If, on the other hand, YCFM does not demonstrate its eligibility for a separate rate, then YCFM will be deemed to be affiliated with other companies that exported during the POI and that did not establish entitlement to a separate rate, and this review will be terminated.

Initiation of Review

In accordance with section 751(a)(2)(B)(ii) of the Act and 19 CFR 351.214(d)(1), we are initiating a new shipper review of the antidumping duty order on brake rotors from the PRC. On May 11, 1998, YCFM agreed to waive the time limits in order that the Department, pursuant to 19 CFR 351.214(j)(3), may conduct this review concurrent with the first annual administrative review of this order for the period October 10, 1996–March 31, 1998, which is being conducted pursuant to section 751(a)(1) of the Act. See, Antidumping Duties, Countervailing Duties; Final Rule, (62 FR 27295, 27395, May 19, 1997). Therefore, we intend to issue the final results of this review not later than 245 days after the last day of the anniversary month.

Antidumping duty proceeding	Period to be reviewed
PRC: Brake Rotors, A–570–846:	
Yantai Chen Fu Machinery Co., Ltd ...	10/10/96–03/31/98

We will instruct the U.S. Customs Service to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for each entry of the merchandise exported by the above listed company. This action is in accordance with 19 CFR 351.214(e) and (j)(3).

Interested parties that need access to the proprietary information in this new shipper review should submit applications for disclosure under administrative protective orders in accordance with 19 CFR 353.34(b).

This initiation and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.214(d).

Dated: May 14, 1998.

Maria Harris Tildon,

Acting Deputy Assistant Secretary, Import Administration.

[FR Doc. 98–13803 Filed 5–21–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Commission

[A–351–820]

Ferrosilicon From Brazil: 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 January 16, 1998, the Department of Commerce published the preliminary results of the administrative review of the antidumping duty order on Ferrosilicon from Brazil. This review covers exports of this merchandise to the United States by one manufacturer/exporter, Companhia de Ferro Ligas da Bahia, during the period March 1, 1996, through February 28, 1997.

We gave interested parties an opportunity to comment on the preliminary results. Based on our analysis of the comments received, we have not changed the final results from those presented in the preliminary results.

EFFECTIVE DATE: May 22, 1998.

FOR FURTHER INFORMATION CONTACT: Wendy Frankel or Sal Tauhidi, AD/CVD Enforcement Group II, Office Four, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–5849 or (202) 482–4851, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act) are references to the provisions effective January 1, 1995, the effective date of the amendments to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all references to the Department of Commerce's (the Department's) regulations refer to the regulations as codified at 19 CFR part 353 (April 1, 1997).

Background

The Department published the antidumping duty order on ferrosilicon from Brazil on March 14, 1994 (59 FR 11769). On January 16, 1998, the Department published the preliminary results of the 1996–1997 administrative review of that antidumping duty order (63 FR 2661). On March 4, 1998, and March 16, 1998, we received case and rebuttal briefs from Companhia de Ferro Ligas da Bahia (Ferbasa), and Aimcor and SKW Metals & Alloys, Inc. (the petitioners). Based on our analysis of the comments received, we have not changed the final results from those presented in the preliminary results.

Scope of Review

The merchandise subject to this review is ferrosilicon, a ferro alloy generally containing, by weight, not less than four percent iron, more than eight percent but not more than 96 percent silicon, not more than 10 percent chromium, not more than 30 percent manganese, not more than three percent phosphorous, less than 2.75 percent magnesium, and not more than 10 percent calcium or any other element. Ferrosilicon is a ferro alloy produced by combining silicon and iron through smelting in a submerged-arc furnace. Ferrosilicon is used primarily as an alloying agent in the production of steel and cast iron. It is also used in the steel industry as a deoxidizer and a reducing agent, and by cast iron producers as an inoculant.

Ferrosilicon is differentiated by size and by grade. The sizes express the maximum and minimum dimensions of the lumps of ferrosilicon found in a given shipment. Ferrosilicon grades are defined by the percentages by weight of contained silicon and other minor elements. Ferrosilicon is most commonly sold to the iron and steel industries in standard grades of 75 percent and 50 percent ferrosilicon. Calcium silicon, ferrocalcium silicon, and magnesium ferrosilicon are specifically excluded from the scope of this review. Calcium silicon is an alloy containing, by weight, not more than five percent iron, 60 to 65 percent silicon, and 28 to 32 percent calcium. Ferrocalcium silicon is a ferro alloy containing, by weight, not less than four percent iron, 60 to 65 percent silicon, and more than 10 percent calcium. Magnesium ferrosilicon is a ferro alloy containing, by weight, not less than four percent iron, not more than 55 percent silicon, and not less than 2.75 percent magnesium. Ferrosilicon is currently classifiable under the following subheadings of the Harmonized Tariff Schedule of the United States (HTSUS): 7202.21.1000, 7202.21.5000, 7202.21.7500, 7202.21.9000, 7202.29.0010, and 7202.29.0050. The HTSUS subheadings are provided for convenience and customs purposes. Our written description of the scope of this review is dispositive.

Ferrosilicon in the form of slag is included within the scope of this order if it meets, in general, the chemical content definition stated above and is capable of being used as ferrosilicon. Parties that believe their importations of ferrosilicon slag do not meet these definitions should contact the Department and request a scope determination.

Analysis of Comments Received

Comment 1

Ferbasa maintains that the Department's recalculation of cost of manufacturing (COM) for ferrosilicon based on the six-month period, September 1, 1996 through February 28, 1997, instead of the twelve-month fiscal year, January 1, 1996 through December 31, 1996, is inconsistent with the instructions set forth in the Department's questionnaire. Ferbasa notes the fact that, in a letter from the Department dated June 19, 1997, the Department allowed the company to report home market sales data for the six-month period. (See, the Department's letter from Holly Kuga to Gilvan Durao, Executive Director of Ferbasa.) At the same time, however, Ferbasa observes that it followed the Department's questionnaire instructions which allow respondents to report production costs on a fiscal-year basis in certain circumstances.

Ferbasa adds that the Department verified its submitted fiscal year costs and notes that the recalculation of COM based on a six-month period is inconsistent with the full-year selling, general and administrative expenses (SG&A) and interest ratio calculations used by the Department to compute cost of production (COP) in the preliminary results of this case. For these reasons, Ferbasa contends that the Department must use the company's full fiscal-year cost data to compute COP for the final results of this administrative review.

The petitioners argue that the Department correctly calculated Ferbasa's COM based on the six-month period rather than the submitted fiscal year data. The petitioners note that the Department reasonably recalculated COM based on the period of time which coincides with Ferbasa's reported home market sales data. Moreover, the petitioners maintain that the fact Ferbasa reported its cost data on a fiscal-year basis does not obligate the Department to use that information in its sales-below-cost analysis.

The petitioners further note that both the fiscal year and the six-month data were tested at verification and, therefore, the Department is not compelled to use only the submitted fiscal-year data. Finally, the petitioners conclude that the Department's normal calculation of SG&A and interest expense ratios based on the fiscal year data is appropriate.

Department's Position

We agree with petitioners that it was appropriate in this case for us to revise Ferbasa's submitted COM figures to reflect the six-month period. Based on a timely request from Ferbasa, we permitted the company to limit its reporting of home market sales to only those months that were contemporaneous to its one U.S. sale. We further note that the Department's questionnaire reflects our general practice of allowing a respondent to report costs for its normal fiscal year *if* this fiscal period corresponds closely with the period under investigation or review.

In the instant proceeding, although Ferbasa's fiscal year corresponds closely with the entire period under review it was not sufficiently correlated to the sales reporting period. We advised Ferbasa of our intent to examine at verification the extent to which the submitted fiscal year costs were representative of costs incurred during the six-month sales reporting period. (See, Cost Verification Agenda, October 27, 1997, Section IV. C., at 5.)

Based on our testing at verification, we determined that the reported fiscal year costs were *not* reasonably reflective of the costs incurred to produce the subject merchandise sold during the six-month sales reporting period. (See, Memorandum to the Official File re: Verification of Cost of Production and Constructed Value Information (Cost Verification Report), at 2, and Section IV.C., at 10 (January 12, 1998); see also,

Memorandum to the Official File re: Adjustments to Cost of Production and Constructed Value (January 12, 1998).)

Accordingly, in reaching our preliminary determination we relied on the actual costs incurred to produce the subject merchandise during the six-month period contemporaneous to the reported sales. This approach is consistent with the Department's obligation to ensure that the calculations are based on costs which ''* * * reasonably reflects and accurately captures all of the actual costs incurred in producing * * * the product under investigation or review.'' (See, Statement of Administrative Action accompanying the URRA, H.R. 5110, H.R. Doc. No. 103–316, vol. 1 (1994) at 834 (SAA); see also Final Results of Antidumping Duty Administrative Reviews: Certain Cold-Rolled and Corrosion-Resistant Carbon Steel Flat Products From Korea, 63 FR 13170, 13192 (March 18, 1998), where the Department determined that the POR costs differed from the company's fiscal year costs, and after reviewing the information, based the margin calculations on the POR costs rather than on the fiscal year costs.) Accordingly, we continue to rely on costs incurred during the six-month period in these final results.

As to Ferbasa's comment that the Department's general practice of calculating SG&A and interest expense based on the fiscal year requires that COM be based on that same period, we disagree. The Department normally calculates SG&A and interest expenses over the closest corresponding fiscal year's audited financial statements. We then use these ratios to determine the per-unit SG&A and interest expense associated with each product. This calculation measures, over a full fiscal year, the level of G&A expenses associated with the company's sales. The basis for calculating these ratios over the full fiscal year is not because it is the exact same period as that examined for the cost calculation, but rather because using the annual ratio is most reflective of these type of expenses, which are typically incurred unevenly throughout the year. (See Final Determination of Sales at Less Than Fair Value: Oil Country Tubular Goods from Argentina, 60 FR 33,539, 33,549 (June 28, 1995); and Final Determination of Sales at Less Than Fair Value: Hot-Rolled Carbon Steel Flat Products, Cold-Rolled Carbon Steel Flat Products, Corrosion-Resistant Carbon Steel Flat Products, and Cut-to Length Carbon Steel Plate from Canada, 58 FR 37105, 37113 (July 9, 1993).)

Comment 2

Ferbasa contends that the Department should not have included valued added taxes (IPI and ICMS) in the calculation of constructed value (CV). According to Ferbasa, section 773(a)(6)(B) of the Act provides for the exclusion of home market consumption taxes from normal value (NV) in order to maintain a tax neutral comparison for purposes of measuring whether dumping has occurred.

The petitioners contend that the Department properly included the IPI and ICMS taxes in CV. According to the petitioners, section 773(e) of the Act provides that any home market tax imposed on export goods should be included in CV unless the tax is refunded or remitted upon exportation. The petitioner argues that Ferbasa has not stated nor did the verification conclude that these IPI and ICMS taxes have been remitted or refunded upon exportation.

Department's Position:

Because the NV in these final results was based on Ferbasa's home market prices and not on CV, this issue is moot. Therefore, we are not addressing it here.

Final Results of Review

Our final results are unchanged from those presented in our preliminary results. Therefore, the dumping margin for Ferbasa remains at zero percent for the period March 1, 1996, through February 28, 1997.

The following deposit requirement will be effective for all shipments of subject merchandise from Brazil entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed company will be zero; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in previous reviews or the original less-than-fair-value (LTFV) investigation, the cash deposit rate will continue to be the rate published in the most recent final results or determination for which the manufacturer or exporter received a company-specific rate; (3) if the exporter is not a firm covered in this review, a previous review, or the LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the manufacturer of the merchandise in the final results of this review, earlier review or the LTFV investigation, whichever is the most recent; (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous reviews, the cash deposit will be 35.95 percent, the ''All Others'' rate made effective by the antidumping duty order (59 FR 11769, March 14, 1994).

This notice serves as a final reminder to importers of their responsibility under 19 CFR 353.26 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 353.34(d) of the Department's regulations. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of the APO is a sanctionable violation.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: May 14, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98–13802 Filed 5–21–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–826]

Small Diameter Circular Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe From Brazil; Notice of Initiation and Preliminary Results of Changed Circumstances Antidumping Duty Administrative Review, and Intent to Revoke Order in Part

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

ACTION: Notice of initiation and preliminary results of changed circumstances antidumping duty administrative review, and intent to revoke order in part.

SUMMARY: In response to a request made on April 27, 1998, by the Gulf States Tube Division of Vision Metals (''Gulf