By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 98–26218 Filed 9–29–98; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

Silicon Metal from Argentina, Brazil, and China; Dismissal of Request for Institution of a Section 751(b) Review Investigation

AGENCY: United States International Trade Commission (Commission).

ACTION: Dismissal of a request to institute a section 751(b) investigation concerning the Commission's affirmative determinations in investigations Nos. 731–TA–470–472 (Final): Silicon Metal from Argentina, Brazil, and China.

SUMMARY: The Commission determines, pursuant to section 751(b) of the Tariff Act of 1930 (the Act)[1] and Commission rule 207.45,[2] that the subject request does not show changed circumstances sufficient to warrant institution of an investigation to review the Commission's affirmative determinations in investigations Nos. 731–TA–470–472 (Final): Silicon Metal from Argentina, Brazil, and China. Silicon metal is provided for in subheadings 2804.69.10 and 2804.69.50 of the Harmonized Tariff Schedule of the United States (HTS).[3]

FOR FURTHER INFORMATION CONTACT: Fred Fischer (202–205–3179) or Vera Libeau (202–205–3176), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server at http://www.usitc.gov.

BACKGROUND INFORMATION: On June 23, 1998, the Commission received a request to review its affirmative determinations concerning silicon metal from Argentina, Brazil, and China (the request), in light of changed circumstances, pursuant to section 751(b) of the Act.[4] The request was filed by counsel on behalf of General Motors Corp. (GM), Detroit, MI. GM is an importer of silicon metal.

The aluminum and chemical industries are the two major consumers of silicon metal. The aluminum industry adds silicon metal to aluminum alloys to reduce shrinkage and hot cracking, and to improve the castability, corrosion resistance, hardness, tensile strength, wear resistance, and weldability. The chemical industry uses silicon metal to produce silicones, silanes (silicon hydrides), and ultra-pure silicon for silicon memory chips.

Pursuant to section 207.45(b) of the Commission's Rules of Practice and Procedure,[5] the Commission published a notice in the **Federal Register** on July 21, 1998,[6] requesting comments as to whether the alleged changed circumstances warranted the institution of review investigations. The Commission received comments in support of the request from two domestic importers/purchasers of silicon metal, Dow Corning Corp. and the General Electric Company, and the Aluminum Association, an association of domestic producers of primary- and secondary-aluminum ingot, mill products, and castings. Comments in opposition to the request were received from counsel on behalf of American Alloys, Inc., American Silicon Technologies, Elkem Metals Co., and Globe Metallurgical, Inc., domestic producers of silicon metal.

Analysis

In considering whether to institute a review investigation under section 751(b), the Commission will not institute such an investigation unless it is persuaded there is sufficient information demonstrating:

(1) That there are significant changed circumstances from those in existence at the time of the original investigations;

(2) That those changed circumstances are not the natural and direct result of the imposition of the antidumping and/or countervailing duty orders, and;

(3) That the changed circumstances, allegedly indicating that revocation of the order would not be likely to lead to continuation or recurrence of material injury to the domestic industry, warrant a full investigation.[7]

After consideration of the request for review and the response to the notice inviting comments, the Commission has determined, pursuant to section 751(b) of the Act and Commission rule 207.45, that the information of record does not show changed circumstances sufficient to warrant institution of investigations to review the Commission's affirmative determinations in investigations Nos. 731–TA–470–472 (Final): Silicon Metal from Argentina, Brazil, and China.

The alleged changed circumstances include (1) structural changes in market demand, competition, and economic conditions, and (2) the extent to which alleged price-fixing activity may have affected the Commission's original silicon metal investigations.

The information available on the record does not persuade us that an investigation is warranted based on the allegations contained in the request. In particular:

Structural Changes in Demand, Competition, and Economic Conditions

The requester asserts that an increase in demand for silicon metal in the chemical-use segment of the market has caused a ''clear division'' between market segments served by domestic and imported silicon metal sources thereby reducing competition between domestic and imported sources. Additionally, the requester asserts that overall economic indicators such as capacity, production, shipments, investments, and prices have improved significantly since the original investigations as a result of the alleged structural changes, representing a changed circumstance sufficient to warrant a review.

Changes in Demand

While there appears to have been an increase in demand for silicon metal in the chemical-use segment of the market, there also has been a similar, though smaller in magnitude increase in demand for metallurgical-use silicon metal. In the original investigations, there was a similar pattern of growth, and the Commission observed that demand patterns among the two market

[1] 19 U.S.C. 1675(b).

[2] 19 CFR 207.45.

[3] Semiconductor-grade silicon (silicon metal containing by weight not less than 99.9 percent of silicon and provided for in subheading 2804.61.00 of the HTS) is not subject to these investigations.

[4] 19 U.S.C. 1675(b).

[5] 19 CFR 207.45(b).

[6] 63 FR 39107.

[7] *See,* 19 U.S.C. 1675(b)(2)(A); Heavy Forged Handtools from the People's Republic of China, 62 FR 36305 (July 7, 1997); Certain Cold-Rolled Carbon Steel Flat Products from Germany and the Netherlands, 61 FR 17319 (April 19, 1996); *A. Hirsh, Inc.* v. *United States,* 737 F. Supp. 1186 (CIT 1990); *Avesta AB* v. *United States,* 724 F. Supp. 974 (CIT 1989), aff'd 914 F.2d 232 (Fed. Cir. 1990); and *Avesta AB* v. *United States,* 689 F. Supp. 1173 (CIT 1988).

In the Uruguay Round Agreements Act of 1994 (the URAA), Congress changed the substantive standard applicable to changed circumstances reviews from whether the domestic industry would be materially injured or threatened with material injury if the order were revoked to whether revocation of the order is likely to lead to the continuation or recurrence of material injury to the domestic industry.

segments moved independently of each other. Even though growth in the chemical-use segment of the market has been substantial, such growth does not appear to have significantly changed the structure of the market.

Changes in Competition Within the Industry

During the original investigations, the Commission considered that the market for silicon metal was segmented into chemical-use and metallurgical-use segments. In the original investigations, the record reflected that domestic producers, while selling to both segments, focused greater efforts on the chemical-use market. Thus, the requester's assertion of the existence of a new competitive environment is not a changed circumstance, but rather represents an issue previously considered by the Commission in the original determinations. Moreover, even with the existence of a greater concentration of domestic sales in the chemical-use market, the requester has failed to provide persuasive evidence that the Commission's original finding of significant price competition among market segments has changed.

Changes in Economic Conditions in the Industry

While the economic condition of the domestic silicon metal industry appears to have improved since the original investigations, such improvements coincide with a general improvement in the overall economy. Moreover, the domestic industry's capacity was substantially below overall consumption in the silicon metal market during the original investigations. Given this, the inability of the domestic producers to supply all of the market is not a circumstance that has changed since the original investigations.

Alleged Price-Fixing Activity

The request asserts that key data and information provided to the Commission by the U.S. industry during the original investigations may have been distorted and misleading due to the alleged involvement of several U.S. producers in a price-fixing conspiracy. Despite making allegations of price-fixing activities among domestic producers, the requester and other interested parties in support of a review have failed to provide the Commission with any positive evidence of the existence of a price-fixing scheme within the silicon metal industry. As parties in support of a review, they bear the burden of providing such evidence'evidence that goes beyond mere conjecture and speculation. Moreover, the circumstances of these investigations are significantly different from those underlying the Commission's recent decision to institute changed circumstance reviews on ferrosilicon. Unlike the 751(b) request on ferrosilicon which provided the Commission with clear evidence of a conspiracy to fix prices among three U.S. producers (two companies pled guilty and one was found guilty), none of the silicon metal producers has pled guilty to or been convicted of fixing silicon metal prices or of participating in a conspiracy to fix silicon metal prices.[8]

In light of the above analysis, the Commission determines that institution of a review investigation under section 751(b) of the Act concerning the Commission's affirmative determinations in investigations Nos. 731–TA–470–472 (Final): Silicon Metal from Argentina, Brazil, and China, is not warranted.

Issued: September 22, 1998.

By order of the Commission.

Donna R. Koehnke,

Secretary.

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[8] SKW Metals & Alloys, Inc. (SKW), which was found guilty of conspiracy to fix prices on ferrosilicon, was acquitted of charges involving silicon metal. A federal judge found no preponderance of evidence showing the existence of a silicon metal conspiracy. See, brief of domestic producers at pp. 13–15 and exhibit 2.

DEPARTMENT OF JUSTICE

Office of Community Oriented Policing Service; Agency Information Collection Activities: Extension of a Currently Approved Collection; Comment Request

ACTION: Notice of information collection under review; (Reinstatement, without change, of a previously approved collection for which approval has expired) Grantee Satisfaction Survey.

The Department of Justice, Office of Community Oriented Policing Services, has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. Office of Management and Budget approval is being sought for the information collection listed below. This proposed information collection was previously published in the **Federal Register** on July 9, 1998, allowing for a 60-day public comment period.

The purpose of this notice is to allow an additional 30 days for public comment until October 30, 1998. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may be submitted to OMB via facsimile to (202) 395–7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Deputy Clearance Officer, Suite 850, 1001 G Street, NW, Washington, D.C. 20530.

Written comments and/or suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of the information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information

(1) Type of information collection: Extension of previously approved collection.

(2) The title of the form;/collection: Grantee Satisfaction Survey.

(3) The agency form number, if any, and the applicable component of the Department sponsoring the collection: The form number is 27/01, Office of Community Oriented Policing Services, United States Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: State, Local or Tribal Government.

Other: none.

The Grantee Satisfaction Survey will allow the COPS Office to set performance goals that are consistent