

Issued: September 25, 1998.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 98-26216 Filed 9-29-98; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 751-TA-21-27]

Ferrosilicon From Brazil, China, Kazakhstan, Russia, Ukraine, and Venezuela

AGENCY: United States International Trade Commission.

ACTION: Issuance of a schedule for the conduct of investigations Nos. 751-TA-21-27: Ferrosilicon from Brazil, China, Kazakhstan, Russia, Ukraine, and Venezuela.

EFFECTIVE DATE: September 30, 1998.

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. For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, C, D, and E (19 CFR part 207).

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 (<http://www.usitc.gov>).

SUPPLEMENTARY INFORMATION:

Background

On July 28, 1998, the Commission published notice (63 FR 40314) of its institution of investigations pursuant to section 751(b) of the Tariff Act of 1930 (19 U.S.C. 1675(b)) (the Act) to review its determinations in countervailing duty investigation No. 303-TA-23 (Final) concerning ferrosilicon from Venezuela, and antidumping investigations Nos. 731-TA-566-570 and 731-TA-641 (Final) concerning ferrosilicon from Brazil, China, Kazakhstan, Russia, Ukraine, and Venezuela. In that notice, the Commission waived rule 207.45(c),

delaying issuance of a schedule for the conduct of investigations Nos. 751-TA-21-27.

Participation in the Investigations and Public Service List

Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, no later than 21 days after the publication date of this notice. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days after the publication date of this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff Report

The prehearing staff report in these investigations will be placed in the nonpublic record on December 11, 1998, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

Hearing

The Commission will hold a hearing in connection with these investigations beginning at 9:30 a.m. on January 12, 1999, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before December 14, 1998. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on December 17, 1998, at the U.S. International Trade Commission

Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony in camera no later than 7 days prior to the date of the hearing.

Written Submissions

Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.23 of the Commission's rules; the deadline for filing is December 21, 1998. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is January 19, 1999; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations on or before January 19, 1999. On February 9, 1999, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before February 11, 1999, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.45 of the Commission's rules.

Issued: September 22, 1998.

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

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.

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