

adjustment to the vanadium slag value for purported differences in freight expenses.

**Comment 12: Odermet's Export Shipment Expenses**

Odermet claims it correctly reported its per-unit freight expenses based on gross weight, rather than contained vanadium weight, because this methodology reflects the manner in which it is billed for freight services.

GfE and Shieldalloy contend that, as USP is reported in terms of contained vanadium weight, the freight expenses should be reported on the same basis and thus must be corrected.

**DOC Position**

We agree with GfE and Shieldalloy and have adjusted these expenses accordingly. Price adjustments are always made on the same basis upon which price is reported. Although Odermet is correct that expenses should be reported on the same basis on which they are incurred, since Odermet reported its sales prices on a contained vanadium weight basis, the proper basis for allocating movement expenses on a per-unit basis is contained vanadium weight. To allocate these expenses on a gross weight basis would understate the expense to Odermet, not overstate it as Odermet claims.

**Comment 13: Inflation Adjustments and Exchange Rate Conversions for Surrogate Values**

GfE and Shieldalloy contend that the Department erred by not properly inflating pre-POI surrogate values to the POI for raw materials where the value was based on 1993 data. These parties contend that the pre-POI surrogate values must be converted to U.S. dollar values using contemporaneous exchange rates in order to accurately reflect costs and market conditions during the time these costs were incurred. Thus, according to GfE and Shieldalloy, to value these factors properly, the Department should first convert the value to U.S. dollars using the average exchange rate for 1993, and then inflate the value to the POI using the ratio between the average price index for 1993 and the average price index for the POI.

Chusovoy, Galt, and Tulachermet contend that the exchange rate methodology used in preliminary determination was proper, and that GfE and Shieldalloy's methodology is internally inconsistent. If contemporaneous exchange rates must be used, they say, then contemporaneous prices must also be used. However, Chusovoy, Galt, and

Tulachermet add that there is no reason to inflate these 1993 prices because the period during which the subject merchandise was produced includes months in 1993, and there is no basis to conclude that average prices for 1993 went up or down relative to average prices during the POI.

**DOC Position**

The Department's consistent practice has been to first inflate non-contemporaneous surrogate values to the POI, to reflect the economic trends in the surrogate country, and then convert the POI value to U.S. dollars according to the POI exchange rate (see, e.g., *Pencils*). Converting to U.S. dollars first and then inflating the U.S. dollar-denominated prices risks pulling into the valuation equation variables that have no bearing on factor prices in the surrogate country. Moreover, our practice is not to inflate values when the time period of the value—in this case 1993—overlaps with any part of the POI—in this case December 1993. GfE and Shieldalloy offer no compelling arguments to change our practice; thus we have made no changes to our inflation rate and exchange rate adjustment methodologies.

**Continuation of Suspension of Liquidation**

In accordance with section 733(d)(1) of the Act, we directed the Customs Service to suspend liquidation of all entries of ferrovanadium and nitrated vanadium from the Russian Federation entered, or withdrawn from warehouse, for consumption on or after January 4, 1995, which is the date of publication of our notice of preliminary determination in the **Federal Register**. We shall instruct the Customs Service to require a cash deposit or posting of a bond equal to the estimated amount by which the FMV exceeds the USP as shown below, as of the effective date of this notice. The suspension of liquidation instructions will remain in effect until further notice.

The weighted-average margins are as follows:

Manufacturer/producer/exporter	Weighted-average margin
Galt Alloys, Inc. ....	3.75
Gesellschaft far Elektrometallurgie m.b.H. (and its related companies Shieldalloy Metallurgical Corporation, and Metallurg, Inc.)	11.72
Odermet .....	10.10
Russia-wide Rate .....	108.00

**ITC Notification**

In accordance with section 735(d) of the Act, we have notified the ITC of our determination. As our final determination is affirmative, the ITC will determine whether these imports are causing material injury, or threat of material injury, to the industry in the United States, within 45 days. If the ITC determines that material injury, or threat of material injury, does not exist, the proceeding will be terminated and all securities posted will be refunded or cancelled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing Customs officials to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Dated: May 19, 1995.

**Susan G. Esserman,**

*Assistant Secretary for Import Administration.*

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**Countervailing Duty Order; Opportunity to Request a Section 753 Injury Investigation**

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

**ACTION:** Notice of Opportunity to Request a Section 753 Injury Investigation for Countervailing Duty Orders.

**SUMMARY:** The Department of Commerce (the Department) is notifying domestic interested parties of their right to request an injury investigation under section 753 of the Tariff Act of 1930, as amended (the Act), for countervailing duty orders listed in the Appendix that were issued under former section 303 of the Act.

**EFFECTIVE DATE:** May 26, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Cameron Cardozo, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482-2786; or Vera Libeau, Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone: (202) 205-3176.

## SUPPLEMENTARY INFORMATION:

**Background**

We have listed in the appendix to this notice countervailing duty orders issued under former section 303 of the Act. At the time these orders were issued, U.S. law did not require injury determinations as a prerequisite to their issuance. With the accession of the United States to the World Trade Organization (WTO) and the enactment of the Uruguay Round Agreements Act of 1994 (URAA), P.L. 103-465, U.S. law has changed. Under the URAA, the Government of the United States may not assess countervailing duties on imports from a WTO member country in the absence of an injury determination. Thus, as noted in the Statement of Administrative Action, new section 753 of the Act (as amended by the URAA) provides that for such orders ". . . a domestic interested party may request that the [International Trade] Commission initiate an investigation to determine whether an industry in the United States is likely to be materially injured by reason of imports of the merchandise subject to the CVD order if the order is revoked." See Statement of Administrative Action, URAA, p.272.

**Opportunity to Request a Section 753 Injury Investigation**

On January 1, 1995, the countries listed in the Appendix joined the WTO.<sup>1</sup> Therefore, for each countervailing duty order listed in the Appendix, we are notifying all domestic interested parties, as described in sections 771(9)(C), (D), (E), (F), or (G) of the Act, of their right to request an injury investigation under section 753(a) from the U.S. International Trade Commission (the Commission). In accordance with sections 753(b) (3) and (4) of the Act, outstanding section 303 orders for which the Commission has not previously made an affirmative injury determination will be revoked by the Department unless a request for an injury investigation is submitted to the Commission within six months of the date on which the country covered by the order joins the WTO, and the Commission renders an affirmative injury determination pursuant to section 753(a)(1) of the Act. For those countries which joined the WTO on January 1, 1995, requests must be filed with the Commission no later than June 30, 1995.

Requests for injury investigations under section 753 must be filed with the Commission in accordance with 19 CFR

207.46(b), added by 60 FR 18, 22-23 (January 3, 1995). All requests should be addressed to: Secretary, U.S. International Trade Commission, 500 E Street, NW., Washington, DC 20436.

If investigations under section 753(a) of the Act are requested with respect to more than one countervailing duty order covering the same or comparable subject merchandise, the Commission may conduct such investigations jointly. Domestic interested parties, in their requests under section 753(a), may propose for the Commission's consideration countervailing duty orders suitable for joint consideration.

In addition, domestic interested parties that request an injury investigation under section 753(a) of the Act may request under section 751(c) of the Act that "sunset reviews" of any outstanding antidumping or countervailing duty order involving the same or comparable subject merchandise be expedited so that these reviews are conducted contemporaneously with the investigation(s) under section 753(a). Requests for expedited sunset reviews must be submitted to the Department in accordance with the procedures and requirements established for administrative reviews in 19 CFR 355.31 on the same day as the request for an investigation under section 753(a) is filed with the Commission. If the Department, after consulting with Commission, commences an expedited sunset review under section 751(c), the Commission may conduct contemporaneous proceedings under sections 751(c) and 753(a) of the Act and may cumulate imports from the subject countries.

Dated: May 23, 1995.

**Susan G. Essermen,**

*Assistant Secretary for Import Administration.*

Argentina: Apparel (C-357-404)  
 Argentina: Carbon Steel—Cold-Rolled Flat Products (C-357-005)  
 Argentina: Leather (C-357-803)  
 Argentina: Leather Wearing Apparel (C-357-001)  
 Argentina: Line Pipe (C-357-801)  
 Argentina: Non-Rubber Footwear (C-357-052)  
 Argentina: OCTG (C-357-403)  
 Argentina: Standard Pipe (C-357-801)  
 Argentina: Textile Mill Products (C-357-404)  
 Argentina: Tubing, Heavy-Walled Rectangular (C-357-801)  
 Argentina: Tubing, Light-Walled Rectangular (C-357-801)  
 Argentina: Wool (C-357-002)  
 Israel: Roses (C-508-064)  
 Malaysia: Extruded Rubber Thread (C-557-806)

Malaysia: Wire Rod, Carbon Steel (C-557-701)  
 Mexico: Ceramic Tile (C-201-003)  
 Mexico: Leather Wearing Apparel (C-201-001)  
 Mexico: Textile Mill Products (C-201-405)  
 New Zealand: Brazing Copper Rod & Wire (C-614-501)  
 New Zealand: Steel Wire (C-614-601)  
 New Zealand: Steel Wire Nails (C-614-701)  
 New Zealand: Wire Rod, Carbon Steel (C-614-504)  
 Peru: Cotton Sheeting and Sateen (C-333-001)  
 Peru: Cotton Yarn (C-333-002)  
 Peru: Rebar (C-333-502)  
 Peru: Textile Mill Products (C-333-402)  
 South Africa: Ferrochrome (C-791-001)  
 Sri Lanka: Textile Mill Products (C-542-401)  
 Thailand: Apparel (C-529-401)  
 Thailand: Butt-Weld Pipe Fittings (C-549-804)  
 Thailand: Malleable Iron Pipe Fittings (C-549-803)  
 Thailand: Steel Wire Rope (C-549-806)  
 Thailand: Pipe and Tube (C-549-501)  
 Thailand: Rice (C-549-503)  
 Thailand: Steel Wire Nails (C-549-701)  
 Venezuela: Circular Welded Nonalloy Steel Pipe (C-307-806)  
 Venezuela: Ferrosilicon (C-307-808)<sup>1</sup>  
 Zimbabwe: Wire Rod, Carbon Steel (C-796-601)

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**Minority Business Development Agency****Business Development Center Applications: Charleston, South Carolina**

**AGENCY:** Minority Business Development Agency.

**ACTION:** Amendment.

**SUMMARY:** On page 24838, issue dated Wednesday, May 10, 1995, solicitation to operate the Charleston Minority Business Development Center is amended to read: *Metropolitan Area: Charleston, South Carolina, office to be located in the Charleston Small Business Resource Center, 284 King Street, Charleston, South Carolina 29401, telephone Number (803) 853-3900.* The closing date for applications is June 16, 1995.

**FOR FURTHER INFORMATION AND AN APPLICATION PACKAGE, CONTACT:** Robert Henderson at (404) 730-3300.

<sup>1</sup> Applies only to the dutiable merchandise within the scope of the order.

<sup>1</sup> Zimbabwe became a signatory to the WTO on March 3, 1995, and Israel became a signatory to the WTO on April 21, 1995.