manufacturer is, the cash deposit rate will be that rate established for the manufacturer of the merchandise in earlier reviews or the original investigation, whichever is the most recent; and

(4) If neither the exporter nor the manufacturer is a firm covered in this or any previous review conducted by the Department, the cash deposit rate will be 162.14 percent, the ''all others'' rate established in the LTFV investigation.

This notice also 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 the 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 (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR § 353.34(d). 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 an APO is a violation which is subject to sanction.

This administrative review and this notice are in accordance with section 751(a)(2)(B) of the Act (19 U.S.C. 1675(a)(2)(B)) and 19 CFR § 353.22(h).

Dated: February 24, 1997.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97–5229 Filed 3–3–97; 8:45 am]

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INTERNATIONAL TRADE ADMINISTRATION

[A–489–807]

Notice of Final Determination of Sales at Less Than Fair Value: Certain Steel Concrete Reinforcing Bars From Turkey

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

EFFECTIVE DATE: March 4, 1997.

FOR FURTHER INFORMATION CONTACT: Shawn Thompson, Cameron Werker, or Fabian Rivelis, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–1776, (202) 482–3874, or (202) 482–3853, respectively.

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).

Final Determination

We determine that certain steel concrete reinforcing bars (rebar) from Turkey are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in § 735 of the Act.

Case History

Since the preliminary determination in this investigation (*Notice of Preliminary Determination and Postponement of Final Determination: Certain Steel Concrete Reinforcing Bars from Turkey*, 61 FR 53203, (Oct. 10, 1996)), the following events have occurred:

In October 1996, we issued supplemental sales and cost questionnaires to Colakoglu Metalurji A.S. (Colakoglu), Ekinciler Demir Celik A.S. (Ekinciler), and Habas Sinai Ve Tibbi Gazlar Istihsal Endustrisi A.S. (Habas), and a supplemental cost questionnaire to Izmir Metalurji Fabrikasi Turk A. S. (Metas). Responses to these questionnaires were also received in October 1996.

From October through December 1996, we verified the questionnaire responses of Colakoglu, Ekinciler, Habas, and Metas. We also verified that the following companies had no shipments of subject merchandise to the United States during the period of investigation (POI): Cebitas Demir Celik Endustrisi A.S., Cukurova Celik Endustrisi A.S., Icdas Istanbul Celik ve Demir Izabe Sanayii A.S., Diler Demir Celik Endustrisi ve Ticaret A.S., Diler Dis Ticaret A.S., and Yazici Demir Celik Sanayi ve Ticaret A.S.

On January 14 and 27, 1997, the Department requested that Colakoglu and Habas submit new computer tapes to include data corrections identified through verification. This information was submitted on January 17 and 29, 1997, respectively.

Petitioners (*i.e.*, AmeriSteel Corporation and New Jersey Steel Corporation) and three of the respondents (*i.e.*, Colakoglu, Ekinciler, and Habas) submitted case briefs on January 22, 1997, and rebuttal briefs on January 27, 1997. No case or rebuttal briefs were received from any other interested party.

Scope of Investigation

The product covered by this investigation is all stock deformed steel concrete reinforcing bars sold in straight lengths and coils. This includes all hot-rolled deformed rebar rolled from billet steel, rail steel, axle steel, or low-alloy steel. It excludes (i) plain round rebar, (ii) rebar that a processor has further worked or fabricated, and (iii) all coated rebar. Deformed rebar is currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers 7213.10.000 and 7214.20.000. The HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of this investigation is dispositive.

Period of Investigation

The POI is January 1, 1995, through December 31, 1995.

Facts Available

One of the respondents in this case, Izmir Demir Celik Sanayi A.S. (IDC), failed to respond completely to the Department's requests for information. Specifically, IDC submitted a response to Sections A, B, and C of the May 9 questionnaire, but did not provide any subsequent information, including a response to the supplemental sales questionnaire and the cost of production (COP) questionnaire.

On August 12, 1996, IDC informed the Department that it would not be able to provide any additional information in a timely manner and requested that the Department use the information already on the record in its analysis. However, we were unable to perform any analysis for IDC without a COP response because COP data is an essential component in our margin calculations. We afforded IDC an opportunity to request additional time for completion of its responses. However, IDC neither requested an extension nor submitted any additional data.

Section 776(a)(2) of the Act provides that if an interested party: (1) Withholds information that has been requested by the Department; (2) fails to provide such information in a timely manner or in the form or manner requested; (3) significantly impedes a determination under the antidumping statute; or (4) provides such information but the information cannot be verified, the Department shall, subject to subsections 782(c)(1) and (e) of the Act, use facts otherwise available in reaching the applicable determination. Because IDC

failed to respond to the Department's supplemental and COP questionnaires and because that failure is not overcome by the application of subsections 782(c)(1) and (e) of the Act, we must use facts otherwise available with regard to IDC.

Section 776(b) of the Act provides that adverse inferences may be used against a party that has failed to cooperate by not acting to the best of its ability to comply with requests for information. *See also* Statement of Administrative Action (SAA) accompanying the URAA, H.R. Doc. No. 316, 103d Cong., 2d Sess. 870. IDC's failure to reply to the Department's requests for information demonstrates that IDC has failed to act to the best of its ability in this investigation. Thus, the Department has determined that, in selecting among the facts otherwise available, an adverse inference is warranted with regard to IDC. As facts otherwise available, we are assigning to IDC the highest margin stated in the notice of initiation, 41.8 percent.

Section 776(c) of the Act provides that, when the Department relies on secondary information (such as the petition) in using the facts otherwise available, it must, to the extent practicable, corroborate that information from independent sources that are reasonably at its disposal. Corroborative means that the secondary information to be used has probative value. *See* SAA at 870. In analyzing the petition, the Department reviewed all of the data the petitioners relied upon in calculating the estimated dumping margins, and adjusted those calculations where necessary. *See* Memorandum to the File from Case Analysts, dated March 26, 1996. These estimated dumping margins were based on a comparison of a home market price list to: (1) A contracted price to a U.S. customer; and (2) an offer of sale to a U.S. customer. The estimated dumping margins, as recalculated by the Department, ranged from 27.4 to 41.8 percent. The Department corroborated all of the secondary information from which the margin was calculated during our pre-initiation analysis of the petition to the extent appropriate information was available for this purpose at that time. For purposes of this determination, the Department re-examined the price information provided in the petition in light of information developed during the investigation and found that it continued to be of probative value.

Fair Value Comparisons

Petitioners have requested that the Department and the ITC find that there is a regional industry [1] and perform the requisite analysis, in accordance with § 771(4)(C) of the Act. Section 736(d)(1) of the Act directs the Department to assess duties only on the subject merchandise of the specific exporters and producers that exported the subject merchandise for sale into the region concerned during the POI. In our notice of initiation we indicated that the petition had met the requirements of § 771(4)(C) and § 732(c)(4)(C) of the Act. However, because respondents were not able to provide requested information on sales which were ultimately made in the region, we have not limited our analysis in the LTFV investigation to only shipments entering ports located in the region. We will again attempt to collect this information during any subsequent administrative reviews, in the event that an antidumping duty order is issued in this case.

To determine whether sales of the subject merchandise by Colakoglu, Ekinciler, Habas, and Metas to the United States were made at less than fair value, we compared the Export Price (EP) to the Normal Value (NV), as described in the ''Export Price'' and ''Normal Value'' sections of this notice.

Regarding Habas, we calculated NV based on constructed value (CV) in accordance with § 773(a)(4) of the Act because Habas's home market sales did not provide an appropriate basis for calculating NV. *See* the ''Normal Value'' section of this notice, below, for further discussion.

Regarding Metas, we calculated NV on the basis of CV because we found no home market sales at prices above COP. *See* the ''Normal Value'' section of this notice, below, for further discussion.

Regarding Colakoglu and Ekinciler, as set forth in § 773(a)(1)(B)(i) of the Act, we calculated NV based on sales at the same level of trade as the U.S. sale. In accordance with § 777A(d)(1)(A)(i) of the Act, we compared weighted-average EPs to weighted-average NVs. In determining averaging groups for comparison purposes, we considered the appropriateness of such factors as physical characteristics, level of trade, and significant inflation.

(i) Physical Characteristics

In accordance with § 771(16) of the Act, we considered all products covered by the description in the *Scope of Investigation* section, above, produced in Turkey and sold in the home market during the POI, to be foreign like products for purposes of determining appropriate product comparisons to U.S. sales. Regarding Colakoglu and Ekinciler, where there were no sales of identical merchandise in the home market pursuant to § 771(16)(B) of the Act, to compare to U.S. sales, we compared U.S. sales to the next most similar foreign like product on the basis of the physical characteristics listed in Appendix III of the Department's antidumping questionnaire.

(ii) Level of Trade

In its preliminary determination, the Department found that no differences in level of trade existed between home market and U.S. sales for any participating respondent. Our findings at verification confirmed that the respondents performed essentially the same selling activities for each reported home market and U.S. marketing stage. Accordingly, we determine that all price comparisons are at the same level of trade and that an adjustment pursuant to § 773(a)(7)(A) of the Act is unwarranted.

(iii) Significant Inflation

Turkey experienced significant inflation during the POI, as measured by the Wholesale Price Index (WPI) published by the International Monetary Fund (IMF) in the *International Financial Statistics.* Accordingly, to avoid the distortions caused by the effects of significant inflation on prices, we calculated EPs and NVs on a monthly-average basis, rather than on a POI-average basis. *See, e.g., Notice of Final Determination of Sales at Less Than Fair Value: Certain Pasta from Turkey*, 61 FR 30309, 30315 (June 14, 1996) (*Pasta*).

Export Price

We calculated EP, in accordance with subsections 772 (a) and (c) of the Act, where the subject merchandise was sold directly to the first unaffiliated purchaser in the United States prior to importation and where constructed export price was not otherwise warranted based on the facts of record.

A. Colakoglu

We based EP on packed prices to the first unaffiliated purchaser in the United States. We made deductions to EP for foreign inland freight, dunnage expenses, lashing expenses, loading charges, despatch expenses (which included an adjustment for revenue that was realized on a contractual agreement between Colakoglu and its ocean freight

[1] The region identified by the petitioners includes Maine, New Hampshire, Connecticut, Massachusetts, Rhode Island, Vermont, New Jersey, New York, Pennsylvania, Delaware, Florida, Georgia, Louisiana, Maryland, North Carolina, South Carolina, Virginia, West Virginia, Alabama, Kentucky, Mississippi, Tennessee, the District of Columbia, and Puerto Rico.

carrier), demurrage expenses, and ocean freight, where appropriate, in accordance with § 772(c)(2)(A) of the Act. We disallowed an adjustment to EP for wharfage revenue and freight commissions earned by an affiliated party because we were unable to make a corresponding deduction for the affiliate's costs (*see* Comment 8).

We based our calculations on the revised U.S. sales database submitted by Colakoglu after verification. We revised the amount of despatch revenue received on one U.S. sale based on our findings at verification because this correction was not incorporated into the revised sales listing.

B. Ekinciler

We based EP on packed prices to the first unaffiliated purchaser in the United States. We made deductions for foreign inland freight, warehousing expenses, loading charges, tallying expenses, forklift expenses, dunnage expenses, demurrage expenses (which included an adjustment for despatch revenues), ramneck tape expenses, customs fees, detention expenses, stevedoring expenses, wharfage expenses, overage insurance, and ocean freight, where appropriate, in accordance with § 772(c)(2)(A) of the Act. We disallowed an adjustment to EP for agency fee revenue and freight commissions earned by an affiliated party because we were unable to make a corresponding deduction for the affiliate's costs (*see* Comment 8).

We made the following corrections to the data reported by Ekinciler, based on our findings at verification: a) we revised the price and quantity for two U.S. sales; b) we revised the control number used for matching purposes for certain U.S. sales; c) we revised the following movement expenses for certain U.S. sales: international freight, forklift expenses, inland freight from plant to port, overage insurance, and pre-sale warehouse expenses; and d) we revised bank fees for two U.S. sales. In addition, we disallowed Ekinciler's claim for dunnage revenue on certain U.S. sales (*see* Comment 13).

C. Habas

We based EP on packed prices to the first unaffiliated purchaser in the United States. We made deductions to EP for foreign inland freight, dunnage expenses, despatch expenses (which included an adjustment for revenue that was realized on a contractual agreement between Habas and its customer), brokerage and handling, demurrage expenses, customs fees, ocean freight, and marine insurance, where appropriate, in accordance with § 772(c)(2)(A) of the Act. We disallowed an adjustment to EP for freight revenue earned by an affiliated party because we were unable to make a corresponding deduction for the affiliate's costs (*see* Comment 8). We revised the amounts reported for demurrage, brokerage, international freight, marine insurance, and export fees for certain vessels based on our findings at verification.

D. Metas

We based EP on packed prices to the first unaffiliated purchaser in the United States. We made deductions for foreign inland freight, lashing expenses, brokerage and handling, demurrage expenses (which included an upward adjustment for revenue that was realized on a contractual agreement between Metas and its ocean freight carrier), and ocean freight, where appropriate, in accordance with § 772(c)(2)(A) of the Act.

Normal Value

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable 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 § 773(a)(1)(C) of the Act. Because each respondent's aggregate volume of home market sales of the foreign like product was greater than five percent of its aggregate volume of U.S. sales for the subject merchandise, we determined that the home market was viable for each respondent.

Regarding Habas, however, we did not use home market sales as the basis for NV. Rather, we based NV on CV in accordance with § 773(a)(4) of the Act. In its questionnaire responses, Habas notified the Department that its home market was a residual market and that it did not maintain the records necessary to accurately report the unique physical characteristics of its home market products. We examined Habas's record-keeping practices at verification and confirmed that Habas was unable to report specific product characteristics for its home market database. Consequently, we are unable to use these products to make price-to-price comparisons according to the matching criteria listed in Appendix III of the Department's questionnaire.

Regarding Ekinciler and Metas, these respondents made sales of subject merchandise to affiliated parties in the home market during the POI. Consequently, we tested these sales to ensure that, on average, they were made at ''arm's-length'' prices, in accordance with 19 CFR 353.45. To conduct this test, we compared the gross unit prices of sales to affiliated and unaffiliated customers net of all movement charges, rebates, and packing. Based on the results of that test, we discarded from each respondent's home market database all sales made to an affiliated party that failed the ''arm's-length'' test.

Based on the cost allegation submitted by petitioners, the Department determined, pursuant to § 773(b) of the Act, that there were reasonable grounds to believe or suspect that sales in the home market were made at prices below the cost of producing the merchandise. Consequently, the Department initiated an investigation to determine whether the respondents made home market sales during the POI at prices below their respective COPs.

We calculated the COP based on the sum of each respondent's cost of materials and fabrication for the foreign like product, plus amounts for home market selling, general, and administrative expenses (SG&A), in accordance with § 773(b)(3) of the Act. As noted above, we determined that the Turkish economy experienced significant inflation during the POI. Therefore, in order to avoid the distortive effect of inflation on our comparison of costs and prices, we requested that respondents submit monthly COP figures based on the current production costs incurred during each month of the POI. *See Pasta*.

We used the respondents' monthly COP amounts, adjusted as discussed below, and the WPI from the IMF (*see* Comment 2) to compute an annual weighted-average COP for each respondent during the POI. We compared the weighted-average COP figures to home market sales of the foreign like product, as required under § 773(b) of the Act, in order to determine whether these sales had been made at prices below their COP. On a product-specific basis, we compared the COP to the home market prices, less any applicable movement charges, rebates, and packing expenses. We did not deduct selling expenses from the home market price because these expenses were included in the SG&A portion of COP.

In determining whether to disregard home market sales made at prices below the COP, we examined: 1) whether, within an extended period of time, such sales were made in substantial quantities; and 2) whether such sales were made at prices which permitted the recovery of all costs within a reasonable period of time.

Where 20 percent or more of a respondent's sales of a given product during the POI were at prices below the COP, we found that sales of that model were made in ''substantial quantities,'' and within an extended period of time, in accordance with § 773(b)(2) (B) and (C) of the Act. To determine whether prices were such as to provide for recovery of costs within a reasonable period of time, we tested whether the prices which were below the per-unit COP at the time of the sale were above the weighted-average per-unit COP for the POI, in accordance with § 773(b)(2)(D) of the Act. If prices that were below cost at the time of sale were above the weighted-average cost for the POI, we included such prices in determining NV (for all respondents except Habas). Otherwise, we disregarded them.

In accordance with § 773(e) of the Act, we calculated CV based on the sum of each respondent's cost of materials, fabrication, SG&A, profit, and U.S. packing costs, except as noted in the company-specific sections below. In accordance with § 773(e)(2)(A) of the Act, where possible, we based SG&A expenses and profit on the amounts incurred and realized by each of these companies in connection with the production and sale of the foreign like product in the ordinary course of trade, for consumption in the foreign country. In addition, to account for the effects of inflation on costs, we calculated each respondent's CV based on the methodology described in the calculation of COP above. Company-specific calculations are discussed below.

A. Colakoglu

We relied on the respondent's COP and CV amounts except in the following instances:

(1) We adjusted Colakoglu's submitted scrap cost to include the transfer prices it paid to an affiliated company for freight service because the transfer prices were made at arm's length and represent the actual cost to Colakoglu (*see* Comment 11).

(2) Colakoglu based its reported SG&A and financing expense rates on amounts contained in the company's tax return. However, because the Department prefers to use figures from audited financial statements, we revised the SG&A and financing expense rates for COP and CV using amounts reported in Colakoglu's 1995 audited financial statements.

(3) We indexed the submitted monthly SG&A and financing expenses using the IMF's WPI (*see* Comment 2).

(4) We included translation losses in financing expense (see Comment 3).

(5) Because Colakoglu did not report costs for products which were once-folded, we assigned to these products the COP and CV amounts calculated for the same products sold in straight lengths, based on our findings at verification confirming that there were no appreciable cost differences associated with folding.

For those comparison products for which there were sales at prices above the COP, we based NV on ex-factory prices to home market customers. In accordance with § 773(a)(6) of the Act, we deducted home market packing costs and added U.S. packing costs. In addition, we adjusted for differences in the circumstances of sale, in accordance with § 773(a)(6)(C)(iii) of the Act. These adjustments included differences in imputed credit expenses (offset by the interest revenue actually received by the respondent), bank charges, testing and inspection fees, and Exporters'' Association fees. We revised the interest revenue amounts received on certain home market sales based on our findings at verification. In addition, we recalculated credit expenses using the interest rates associated with Colakoglu's actual borrowings in the home market (see Comment 7). Where appropriate, we made adjustments to NV to account for differences in physical characteristics of the merchandise, in accordance with § 773(a)(6)(C)(ii) of the Act and 19 CFR 353.57.

Where we compared CV to export prices, we deducted from CV the weighted-average home market direct selling expenses and added the weighted-average U.S. product-specific direct selling expenses.

B. Ekinciler

We relied on the respondent's COP and CV amounts except in the following instances:

(1) We revised the reported COP and CV amounts to account for the costs of rebar produced by subcontractors.

(2) We used the IMF's WPI to inflate the idle asset revalued depreciation expense adjustment, SG&A and financing expense (*see* Comment 2).

(3) We included translation losses in financing expense and amortized them over the remaining life of the loans (*see* Comment 3).

(4) We disallowed Ekinciler's offset to financing expenses for foreign exchange gains related to accounts receivable because they occurred after the sale date and therefore are not relevant to the Department's margin calculations.

(5) We added intra-factory freight expense to the cost of billets (*see* Comment 19).

(6) We reduced G&A expenses by non-operating revenue and increased G&A expenses by non-operating expenses (*see* Comment 17).

For those comparison products for which there were sales at prices above the COP, we based NV on ex-factory, ex-warehouse or delivered prices to home market customers. We excluded from our analysis home market sales by Ekinciler of non-subject merchandise because this merchandise was not within the class or kind of merchandise subject to investigation (*see* Comment 12 and § 731 and § 771(16) of the Act). Where appropriate, we made deductions from the starting price for foreign inland freight, inland insurance, and direct warehousing expenses. We revised certain foreign inland freight expenses based on our findings at verification. In accordance with § 773(a)(6) of the Act, we deducted home market packing costs and added U.S. packing costs. As facts available for a portion of Ekinciler's total packing expenses, we used the highest verified packing expense for one of Ekinciler's mills (*see* Comment 15). In addition, we adjusted for differences in the circumstances of sale, in accordance with § 773(a)(6)(C)(iii) of the Act. These adjustments included differences in imputed credit expenses, bank charges, warranty expenses, testing and inspection fees, and Exporters'' Association fees. Where appropriate, we made adjustments to NV to account for differences in physical characteristics of the merchandise, in accordance with § 773(a)(6)(C)(ii) of the Act and 19 CFR § 353.57.

Where we compared CV to export prices, we deducted from CV the weighted-average home market direct selling expenses and added the weighted-average U.S. product-specific direct selling expenses.

C. Habas

As noted in the ''Fair Value Comparisons'' section above, we determined NV for Habas on the basis of CV. We relied on the respondent's CV amounts except in the following instances:

(1) We revised the reported CV amounts to account for the cost of billets and rebar produced by subcontractors.

(2) Because Habas could not accurately report the unique physical characteristics of its home market products, we were unable to determine whether Habas made home market sales in the ordinary course of trade (*e.g.*, perform the cost test). Consequently, we based Habas's SG&A expenses and

profit on the weighted average of the profit and SG&A data computed for those respondents with home market sales of the foreign like product in the ordinary course of trade (*i.e.*, Colakoglu and Ekinciler) in accordance with § 773(e)(2)(B)(ii) of the Act.

Because we were unable to use Habas's home market sales data for purposes of making price-to-price comparisons, we compared export prices to CV. We deducted from CV the weighted-average home market direct selling expenses and added the weighted-average U.S. product-specific direct selling expenses. Home market direct selling expenses were based on the weighted average of the selling expense data computed for Colakoglu and Ekinciler (the respondents for whom we found home market sales of the foreign like product in the ordinary course of trade after performing the cost test) in accordance with § 773(e)(2)(B)(ii) of the Act. U.S. direct selling expenses included imputed credit expenses, bank charges, testing and inspection fees, and Exporters' Association fees. We revised the total bank fee amount to account for unreported bank fees based on our findings at verification.

Regarding Habas's U.S. packing expenses, we revised the monthly reported figures based on corrections found at verification.

D. Metas

We relied on the respondent's COP and CV amounts except in the following instances:

(1) We used the IMF's WPI to recalculate the company's SG&A and financing expenses (*see* Comment 2).

(2) We adjusted material costs by using the actual mix of scrap purchased during 1995 (*see* Comment 23).

(3) We adjusted SG&A expenses to exclude expenses associated with the movement of finished goods because COP is calculated on an ex-factory basis, in accordance with § 773 of the Act.

(4) Because Metas made no home market sales in the ordinary course of trade (*i.e.*, all sales were found to be below cost), we based the profit and SG&A expenses used in CV on the weighted average of the profit and SG&A data computed for Colakoglu and Ekinciler, in accordance with § 773(e)(2)(B)(ii) of the Act.

Because all of Metas's home market sales were sold below their COP, we compared export prices to CV. We deducted from CV the weighted-average home market direct selling expenses and added the weighted-average U.S. product-specific direct selling expenses. Home market direct selling expenses were based on the weighted average of the selling expense data computed for Colakoglu and Ekinciler (those respondents with home market sales of the foreign like product in the ordinary course of trade after performing the cost test), in accordance with § 773(e)(2)(B)(ii) of the Act. U.S. direct selling expenses included imputed credit expenses (offset by the interest revenue actually received by the respondent), bank charges, testing and inspection fees, and Exporters' Association fees.

Currency Conversion

The Department's preferred source for daily exchange rates is the Federal Reserve Bank. However, the Federal Reserve Bank does not track or publish exchange rates for Turkish Lira. Therefore, we made currency conversions based on the daily exchange rates from the Dow Jones News/Retrieval Service. *See* 19 CFR § 353.60. *See e.g., Pasta.*

Critical Circumstances

In the petition, petitioners made a timely allegation that there is a reasonable basis to believe or suspect that critical circumstances exist with respect to imports of subject merchandise.

According to § 733(e)(1) of the Act, if critical circumstances were alleged under § 733(e) of the Act, the Department will determine whether:

(A)(i) there is a history of dumping and material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise, or

(ii) the person by whom, or for whose account, the merchandise was imported knows or should have known that the exporter was selling the subject merchandise at less than its fair value and that there was likely to be material injury by reason of such sales, and

(B) there have been massive imports of the subject merchandise over a relatively short period.

In this investigation, the first criterion is satisfied because the Republic of Singapore began imposing antidumping measures against rebar from Turkey in 1995. Therefore, we determine that there is a history of dumping of rebar by Turkish producers/exporters. Because there is a history of dumping, it is not necessary to address whether the importer had knowledge that dumping was occurring and material injury was likely.

Because we have found that the first statutory criterion is met, we must consider the second statutory criterion: whether imports of the merchandise have been massive over a relatively short period. Pursuant to 19 CFR 353.16(f) and 353.16(g), we consider the following to determine whether imports have been massive over a relatively short period of time: (1) Volume and value of the imports; (2) seasonal trends (if applicable); and (3) the share of domestic consumption accounted for by the imports.

When examining volume and value data, the Department typically compares the export volume for equal periods immediately preceding and following the filing of the petition. Under 19 CFR 353.16(f)(2), unless the imports in the comparison period have increased by at least 15 percent over the imports during the base period, we will not consider the imports to have been ''massive.''

To determine whether or not imports of subject merchandise have been massive over a relatively short period for all respondents, except IDC, we compared each respondent's export volume for the seven months subsequent to and including the filing of the petition to that during the comparable period prior to the filing of the petition. Based on our analysis, we find that imports of the subject merchandise from Ekinciler, Habas, and Metas increased by more than 15 percent over a relatively short period, whereas the imports of subject merchandise from Colakoglu did not increase by more than 15 percent. Moreover, regarding IDC, as facts available, we are making the adverse assumption that imports have been massive over a relatively short period of time in accordance with § 735(a)(3)(B) of the Act.

Therefore, because there is a history of dumping of such or similar merchandise, and because we find that imports of rebar from all respondents except Colakoglu have been massive over a relatively short period of time, we determine that critical circumstances exist with respect to exports of rebar from Turkey by Ekinciler, Habas, IDC, and Metas. Regarding Colakoglu, because we find that imports of rebar from this company have not been massive over a relatively short period of time, we determine that critical circumstances do not exist with respect to exports of rebar from Turkey by Colakoglu. For further discussion, *see* Comment 10.

Regarding all other exporters, because we find that critical circumstances exist for three of the four investigated companies, we also determine that critical circumstances exist for companies covered by the ''All Others'' rate.

Verification

As provided in § 782(i) of the Act, we verified the information submitted by the respondents for use in our final determination. We used standard verification procedures, including examination of relevant accounting and production records and original source documents provided by respondents.

Interested Party Comments

A. General

Comment 1: *Use of Total Facts Available for the Final Determination*

Petitioners assert that the Department should base its final determination with regard to Ekinciler on total facts available due to the numerous errors discovered by the Department at verification. Petitioners contend that these errors are so numerous and substantial that they call into question the propriety of using Ekinciler's response as the basis for calculating a dumping margin. Petitioners cite the following examples: (1) Ekinciler included non-subject merchandise in its home market sales database; (2) Ekinciler's packing expenses contained errors; (3) Ekinciler did not report the cost of old stocks (*i.e.*, fuel oil) and certain service production costs; and (4) Ekinciler was unable to provide the Department with heat sheets for grade 60 billets as requested.

In support of their position, petitioners cite to *Circular Welded Non-Alloy Steel Pipe from South Africa: Notice of Final Determination of Sales at Less Than Fair Value,* 61 FR 24274 (May 14, 1996) (*Steel Pipe*), where the Department used facts available because ''the number of errors discovered draw into question the completeness and accurateness of respondent's remaining sales (*i.e.*, sales not specifically reviewed at verification).'' Petitioners state that the antidumping law and the Department's practice require that the Department strive to calculate accurate margins, but that an accurate and fair comparison is not possible in view of the errors in Ekinciler's responses. Therefore, according to petitioners, the final determination for Ekinciler should be based on total facts available. Moreover, petitioners urge the Department to consider applying total facts available to Colakoglu and/or Habas on the same basis, even though their errors were not as egregious or numerous as those of Ekinciler.

Ekinciler argues that its reported sales and cost data were substantially verified by the Department and, as a result, the use of total facts available for the final determination is not supported by evidence on the record. Respondent cites to *Certain Cut-To-Length Carbon Steel Plate from Germany: Final Results of Antidumping Duty Administrative Review,* 61 FR 13834 (March 28, 1996), where the Department rejected petitioner's request to base the final results of the review on total best information available because respondent had been cooperative throughout the proceeding and the errors found at verification were not so large as to render the respondent's reported information unusable. Ekinciler maintains that, pursuant to § 776(a)(2) of the Act, when errors or gaps appear in otherwise timely and verified information and the respondent has been cooperative, the Department will simply revise the information or fill the gaps using non-adverse facts available. Accordingly, Ekinciler asserts that the Department should, consistent with this practice, fill the gaps in its reported data found at verification with non-adverse facts available.

Colakoglu and Habas argue that the information they have submitted on the record was also substantially verified, and, thus, the use of total facts available is not supported by evidence on the record.

DOC Position

We agree with respondents. Although our verifications uncovered certain errors in the responses of these companies, those errors are not so egregious as to resort to total facts available for purposes of the final determination. The errors found at Ekinciler consisted primarily of minor variations in the reported movement expenses due to clerical errors and inadvertent omissions—errors that the Department routinely corrects in making its final determination. Regarding the inclusion of non-subject merchandise, the Department normally excludes sales from its analysis which were found at verification to have been incorrectly included. *See Final Results of Antidumping Duty Administrative Review: Certain Welded Carbon Steel Pipe and Tube from Turkey,* 61 FR 69067, 69068 (Dec. 31, 1996), *Final Results of Antidumping Duty Administrative Review: Extruded Rubber Thread from Malaysia,* 61 FR 54767 (Oct. 22, 1996), and *Final Determination of Sales at Less Than Fair Value: Small Diameter Circular Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe from Brazil,* 60 FR 31960, 31965 (June 19, 1995).

Contrary to petitioners' assertion, the errors found at Ekinciler were not of the same magnitude as the errors described in *Steel Pipe.* The errors encountered at verification in *Steel Pipe* undermined the fundamental components of the respondent's submitted data and included most notably quantity and value reconciliation errors, unreported sales, and incorrect prices for a majority of sales. Such errors led the Department to determine that respondent's questionnaire responses were unverifiable. In the instant case, the discrepancies found in Ekinciler's responses are not so material and pervasive as to warrant use of total facts available. Consequently, in accordance with our practice, we have used facts available only for certain aspects of Ekinciler's response, as discussed in other comments below.

Comment 2: Selection of Inflation Index

Respondents argue that monthly costs should be inflated to year-end values using the WPI published by the IMF rather than the primary metals index (PMI) published by the Turkish Institute of Statistics. Respondents note that the WPI was used to determine that Turkey was experiencing hyperinflation and, thus, this index should be used to account for distortions caused by hyperinflation. Additionally, respondents argue that they paid for major material inputs using U.S. dollars. For this reason, respondents argue that the Department should use the WPI—which is a general indicator of the price levels of the whole economy—because it provides a reliable, macroeconomic indicator of the relative values of the Turkish lira and the U.S. dollar. Respondents assert that the PMI does not reflect macroeconomic considerations.

Petitioners counter that PMI should be used to inflate monthly costs to year-end values because this index is industry-specific and, unlike the WPI, it is not subject to influences which are irrelevant to the merchandise under investigation. Petitioners argue that the test of whether an economy is experiencing hyperinflation is a threshold test and the use of a particular index to determine whether the threshold has been met does not imply that the same index should be used to measure the impact of inflation. Petitioners also claim that it is irrelevant whether the index used is a reliable indicator of the relative values of the Turkish lira and the U.S. dollar because the index is being used for a different purpose—to inflate Turkish lira-denominated monthly expenses and cost of sales to year-end amounts.

DOC Position

We agree with petitioners that it is irrelevant whether the index used is a

macroeconomic indicator of the relative value of the Turkish lira and the U.S. dollar since inflation adjustments concern only the Turkish lira. However, we have reconsidered our use of the PMI in the preliminary determination and, for the reasons set forth below, have used instead the WPI published by the IMF to account for inflation in the final determination.

There are no financial reporting requirements prescribed by Turkish authorities that require the financial statements of Turkish companies to be restated to account for the effects of inflation. Consequently, in the absence of this requirement, none of the respondents restated their financial statements to correct for the effects of inflation. Accordingly, in this instance, we relied on International Accounting Standard (IAS) 29 entitled ''Financial Reporting in Hyper-inflationary Economies'' for guidance on an appropriate methodology. (*See* Memorandum to the File from Paul McEnrue, dated February 12, 1997.) According to IAS 29, financial statements prepared in the currency of a highly inflationary economy must be restated to account for the effects of inflation. The statement requires the use of a general price index that reflects changes in general purchasing power to restate financial statements. The IAS statement also notes that the same index should be used for all enterprises that report in the currency of the same economy. Because the WPI measures changes in the general price index, while the PMI does not, we find that it is more appropriate to use the WPI to account for inflation for purposes of the final determination.

Comment 3: Translation Losses [2]

Respondents contend that translation losses from their foreign currency borrowings (which were principally U.S. dollar-denominated) should be excluded from the submitted costs. Respondents reason that, since the translation losses are not a result of cash transactions, the losses are fictional. Respondents explain that the translation losses result from converting dollar-denominated loans into their Turkish lira equivalents as of the balance sheet date. Respondents argue that the translation losses are equivalent to monetary corrections on domestic loans and the Department's practice is to exclude monetary corrections from reported costs. Respondents note that, where the indexation (*i.e.*, adjustment for inflation) of domestic loan balances is required by the generally accepted accounting principles (GAAP) of a hyperinflationary economy, the Department's practice has been to exclude the monetary corrections on such loan balances and to treat the indexation of those loan balances as an adjustment which is not relevant to the determination of cost (*see Final Determination of Sales at Less Than Fair Value: Tubeless Disc Wheels From Brazil,* 52 FR 8947, 8949 (March 20, 1987) and *Notice of Amended Final Determination of Sales at Less Than Fair Value: Ferrosilicon From Brazil,* 59 FR 8598, 8598 (Feb. 23, 1994)). Respondents maintain that their adjustment of foreign currency loan balances for translation losses is equivalent to the indexation of domestic loans and, thus, the Department should not include respondents'' translation losses in COP and CV. Additionally, because costs included in CV are eventually converted into dollars, respondents argue that the Department should base loan costs on the U.S. dollar-denominated loan balances and avoid the conversion from dollars to Turkish lira and back to dollars which creates a loss that does not exist in dollar terms.

Petitioners argue that translation losses are ''real costs'' that should be included in COP and CV. To support their position, petitioners cite the decision of the Court of International Trade (CIT) in *Micron Tech.* v. *United States,* 993 F. Supp. 21, 29–30 (CIT 1995). In that case, the CIT held that ''increased liability for borrowed funds caused by fluctuations in the exchange rate . . . are akin to an increased cost of borrowing funds that should be included in any reasonable measure of the cost climate faced by the company during the period of investigation. . . .'' Moreover, petitioners maintain that it is the Department's practice to include foreign exchange translation losses in the cost of manufacturing (*see Final Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Products, Certain Cold-Rolled Carbon Steel Products, Certain Corrosion-Resistant Carbon Steel Products and Certain Cut-to-Length Carbon Steel Plate from Korea,* 58 FR 37176, 37187 (July 9, 1993)).

Petitioners contend that respondents'' argument for excluding translation costs from COP and CV fails for the following reasons. First, CV is the cost of producing merchandise in the exporting country and not the cost of producing merchandise in the United States or in U.S. dollars. Therefore, the fact that a translation loss does not exist in dollars is irrelevant. Second, the Department's practice of excluding from costs monetary adjustments from the indexation of domestic loan balances does not apply in this case because respondents do not index their foreign currency or domestic loans and Turkish GAAP does not call for such indexation. Third, respondents did not cite any precedent which establishes the Department's position regarding the treatment of monetary corrections for foreign currency loans. Thus, petitioners urge the Department to include respondents'' translation losses in COP and CV.

DOC Position

We agree with petitioners. The cases cited by respondents are not specifically related to the Department's treatment of monetary corrections for foreign currency loans. The Department does not agree with respondents' supposition that their translation losses are fictional. The translation losses are recorded in respondents'' financial statements in the ordinary course of business. In the past, the Department has found that translation losses represent an increase in the actual amount of cash needed by respondents to retire their foreign currency-denominated loan balances. *See Notice of Final Determination of Sales at Less Than Fair Value: Fresh Cut Roses from Ecuador,* 24 FR 7019, 7039, (Feb. 6, 1995). We have therefore included the translation losses in our calculation of COP and CV and have amortized these expenses over the remaining life of the companies'' loans.

Comment 4: Waste and Discarded Material

Petitioners note that the accounting method used by each respondent to record the value of scrap (either generated from or recycled back into rebar production) can result in a significant understatement of costs. Petitioners reason, therefore, that the Department should closely scrutinize the quantity, value and accounting treatment of scrap reported by each respondent.

Respondents maintain that each company's treatment of scrap is reasonable and does not result in a significant understatement of costs.

DOC Position

We reviewed and verified the respondents' accounting treatment of

[2] Foreign currency translation is the process of expressing amounts denominated in one currency in terms of a second currency, by using the exchange rate between the currencies. Assets and liabilities are translated at the current exchange rate on the balance sheet date. The Department typically includes foreign exchange translation gains and losses in a respondent's financial expenses if such gains and losses are related to the cost of acquiring debt for purposes of financing the production of the subject merchandise.

scrap. We found respondents' treatment accurately reflects the value of scrap. *See* Colakoglu Cost Verification Report at 6 and 7; Ekinciler Cost Verification Report at 10 and 18; Habas Cost Verification Report at 9 and 17; and Metas Cost Verification Report at 10 and 18.

Comment 5: Treatment of Defective Bar and ''Out-of-form'' Billets

Petitioners assert that Colakoglu and Habas improperly treated defective bar and ''out-of-form'' billets, respectively, as co-products. Petitioners argue that both respondents should have treated these products as by-products. Petitioners state that by-products are: (1) products that have low sales value compared to the sales value of the main product; and (2) produced unintentionally as part of the manufacturing process from the intended product. Petitioners assert that Colakoglu's defective bar and Habas's out-of-form billet satisfy all the by-product criteria and, therefore, should be treated as such.

Colakoglu maintains that its co-product accounting treatment of defective bar is proper, stating that a co-product accounting methodology is consistent with the manner in which defective bar is treated in its books and records in the normal course of business. Colakoglu argues that during verification the Department did not find its co-product methodology distortive.

Habas argues that it properly treated ''out-of-form'' billet as a co-product because billets are a finished good and are treated as such in Habas's books. Furthermore, Habas contends that it accounts for such billets in the same manner as it accounts for plain billets in the ordinary course of business. Habas also states that the only difference between billet and rebar production processes is the additional rolling time required for rebar.

DOC Position

We agree with respondents. We believe that the methods used by Colakoglu and Habas to account for defective bar and ''out of form'' billet, respectively, are reasonable because we found that they do not distort the cost of producing rebar. Consequently, we have relied on them for purposes of the final determination.

According to § 773(f)(1)(A) of the Act, ''costs shall normally be calculated based on the records of the exporter or producer of the merchandise, if such records are kept in accordance with the generally accepted accounting principles of the exporting country (or the producing country, when appropriate) and reasonably reflect the costs associated with the production and sale of the merchandise.'' *See also* H.R. Doc. No. 316 (SAA) at 834 and 835. The CIT has upheld the Department's use of expenses recorded in the company's financial statements, when those statements are prepared in accordance with the home country's GAAP and do not significantly distort the company's actual costs. *See e.g., Laclede Steel Co.* v. *United States*, Slip Op. 94–160 at 22 (CIT 1994).

Accordingly, our practice is to adhere to an individual firm's recording of costs, if we are satisfied that such principles reasonably reflect the costs of producing the subject merchandise and are in accordance with the GAAP of its home country. *See, e.g., Final Determination of Sales at Less Than Fair Value: Canned Pineapple Fruit from Thailand,* 60 FR 29553, 29559 (June 5, 1995); *Final Determination of Sales at Less Than Fair Value: Certain Stainless Steel Welded Pipe from the Republic of Korea,* 57 FR 53693, 53705 (Nov. 12, 1992); and *Final Determination of Sales at Less Than Fair Value: Furfuryl Alcohol from South Africa,* 60 FR 22550, 22556 (May 8, 1995). Normal accounting practices provide an objective standard by which to measure costs, while allowing respondents a predictable basis on which to compute those costs. However, in those instances where it is determined that normal accounting practices result in an unreasonable allocation of production costs, the Department will make certain adjustments or may use alternative methodologies that more accurately capture the costs incurred. *See, e.g., Final Determination of Sales at Less Than Fair Value: New Minivans from Japan,* 57 FR 21937, 21952 (May 26, 1992).

In the instant proceeding, therefore, the Department examined whether respondents' accounting methodology for defective bar and ''out of form'' billet reasonably reflects the cost of producing the subject merchandise. We found that the quantity of defective bar and ''out of form'' billet produced by these companies, in relation to total production of all bar products, is so small as to not significantly affect the per-unit cost for rebar. *See* Colakoglu Cost Verification Report at 12 and Habas Cost Verification Report at 11. As such, we have determined that respondents' methods of accounting for defective bar and ''out of form'' billet do not distort the cost of producing rebar. Moreover, these methods are used in the normal course of business. Accordingly, we have accepted these methods for purposes of the final determination.

Comment 6: Revised Cost Databases Submitted by Colakoglu and Habas

Petitioners argue that several fields in the cost databases submitted after verification were revised without explanation from those used for the preliminary determination. Therefore, petitioners argue that the Department should use facts available instead of the unexplained values contained in the altered fields. If the Department has the information at its disposal, petitioners ask that the Department explain why certain fields were omitted from the revised cost databases.

In addition, petitioners state that Habas reported costs for certain products for months during which there was no production of those products. Petitioners maintain that the Department should ensure that Habas did not fail to account for all costs actually incurred and that the method Habas used to calculate monthly costs appropriately allocated all costs. Petitioners argue that the Department should use total facts available if Habas's submissions do not account for all costs actually incurred, or if all costs are accounted for but inappropriately allocated.

Colakoglu maintains that certain fields in its cost database were altered due to changes that were requested by the Department. Furthermore, Colakoglu states that certain fields were omitted because the Department did not use those fields for the preliminary determination, and, in fact, never requested that such data be reported.

DOC Position

We disagree with petitioners. We analyzed respondents' revised databases and found that all revisions were the direct result of changes requested by the Department. Moreover, regarding the omitted fields, we agree with Colakoglu that these fields were unnecessary and were not used in our analysis. Therefore, we have accepted respondents' revised databases for purposes of the final determination.

Company-Specific Issues

B. Colakoglu

Comment 7: Interest Rate Used to Calculate Home Market Credit Expenses

Colakoglu argues that the Department should not use loans issued by the Turkish Eximbank in calculating its home market imputed credit expenses. Colakoglu asserts that its Eximbank loans were related to export-oriented activities and, as such, were not used to

finance home market sales. As precedent for its position, Colakoglu cites *Porcelain-on-Steel Cooking Ware From Mexico; Final Results of Antidumping Duty Administrative Review,* 58 FR 43327 (Aug. 16, 1993) *(Porcelain-on-Steel Cooking Ware),* where the Department excluded short-term export loans from the information used to calculate the home market interest rate.

Petitioners disagree, stating that the Department should use Colakoglu's Eximbank loans in calculating credit because Colakoglu had no other source of borrowings denominated in Turkish lira during the POI. Petitioners maintain that Colakoglu's actual borrowings are more indicative of the company's short-term borrowing experience than are the rates published by the IMF. Moreover, petitioners claim that the facts in this case are distinguishable from those in *Porcelain-on-Steel Cooking Ware* because the respondent in *Porcelain-on-Steel Cooking Ware* had other short-term loans denominated in the home market currency.

DOC Position

We agree with petitioners. In general, the Department's practice with regard to the interest rate used to calculate home market imputed credit expenses is to base the rate on a company's actual borrowings in the home market currency. The Department makes exceptions to this practice either when there are no loans in the home market currency or when a company is able to prove that its loans in that currency do not form an appropriate basis for the home market interest rate (*e.g.*, when they are tied to specific export transactions).

In *Porcelain-on-Steel Cooking Ware*, it was demonstrated to the Department's satisfaction that the loans at issue were tied directly to exports of subject merchandise. In this case, however, not only is there no evidence on the record showing that these loans are tied to U.S. sales of rebar, but there is also no evidence that they are tied to exports at all. Moreover, these loans are based on Turkish lira-denominated borrowings and bear interest rates into which inflation has been factored. Consequently, we find that the interest rates paid on these loans are more indicative of Colakoglu's actual borrowing experience than are the interest rates published by the IMF. Accordingly, we have used them in our calculation of home market credit for purposes of the final determination.

Comment 8: SG&A Expenses Incurred by Affiliated Parties at the Port

Colakoglu argues that the Department should not include in its U.S. movement expenses those SG&A expenses incurred by Denak, an affiliated party, in connection with export-related activities at the port. According to Colakoglu, the administrative services performed by Denak consist of securing vessels and communicating with vessel owners, not running the port or moving goods. As such, Colakoglu asserts that these circumstances are analogous to the circumstances in which a respondent itself secures the services of an unaffiliated ocean freight company. Colakoglu notes that, in such an instance, the Department does not add a respondent's overhead expenses to the amount reported for ocean freight.

Colakoglu also contends that in the event that the Department decides that it must make an adjustment for Denak's SG&A expenses, the Department should exclude those expenses which were unrelated to services provided on behalf of Colakoglu.

Petitioners assert that the Department should make an adjustment for Denak's SG&A expenses in order to ensure that all U.S. movement expenses are captured in the margin calculation.

DOC Position

We disagree with petitioners and have made no adjustment for Denak's SG&A expenses for the reasons explained below.

Regarding services provided by affiliated parties, the Department's practice is to value the services at an arm's-length price. In order to determine whether the price between the parties is at arm's length, the Department generally looks at prices charged by the affiliate to unaffiliated parties or at prices paid by the respondent to an unaffiliated party. *See, e.g., Final Determination of Sales at Less Than Fair Value: Coated Groundwood Paper from Finland,* 56 FR 56363 (Nov. 4, 1991). When there is no transaction with an unaffiliated party, the Department must find another way to value the services in question.

In this case, we examined Denak's role in the export process at verification. We noted that Denak performed several services for Colakoglu related to the shipment of the subject merchandise to the United States. However, we were unable to determine the arm's-length value of these services because we found that Denak did not charge Colakoglu for such services, nor did Colakoglu secure the same services from an outside party. As an alternative, we examined Denak's total SG&A expenses at verification. However, we are unable to use these expenses in our margin calculations because they relate to Denak's operations as a whole, and not just to the shipment of rebar to the United States.

Under these circumstances, the Department would normally base the per-unit amount of the expense on facts available. Given the particular facts of this case, however, we find that this is not appropriate for Colakoglu. Specifically, we find that there is no net cost associated with Denak's activities because: (1) Denak received revenue from unaffiliated parties which was directly related to Colakoglu's export of subject merchandise to the United States; and (2) Denak's revenues exceeded its aggregate costs during the POI. As such, we determine that no adjustment for Denak's SG&A expenses (or the directly-related revenues) is warranted in this case.

We note that two of the other respondents, Ekinciler and Habas, had similar arrangements with affiliated parties during the POI and similar problems in determining the amount of per-ton SG&A expenses. Consistent with our treatment of Colakoglu's situation, we have made no adjustments for either the expenses or revenues associated with these transactions.

Comment 9: Use of Data Contained in Revised Sales Database

At verification, the Department found that in certain instances Colakoglu had reported average home market price and interest revenue data. Colakoglu argues that the Department should accept its revised database correcting these data for purposes of the final determination. Colakoglu maintains that the averaging affected only a limited portion of the home market database. Moreover, Colakoglu notes that the corrected information was verified by the Department.

Petitioners contend that the Department should not use the data in question. According to petitioners, this information is untimely because it was submitted after the deadline for submission of factual information (*i.e.*, seven days prior to the start of verification). Petitioners cite *Elemental Sulfur from Canada: Preliminary Results of Antidumping Duty Administrative Review,* 62 FR 969 (Jan. 7, 1997) (*Elemental Sulfur*), which outlines the conditions under which the Department will accept new information

at verification.[3] Petitioners claim that the conditions set forth in *Elemental Sulfur* do not apply here.

DOC Position

We disagree with petitioners. The information in question was not new information within the meaning of 19 CFR § 353.31 because it consisted of minor corrections to data which were already on the record and affected only a limited portion of Colakoglu's home market database. Accordingly, consistent with our practice outlined in *Elemental Sulfur,* we used Colakoglu's revised home market database for purposes of the final determination.

Comment 10: Critical Circumstances

Colakoglu maintains that the Department should determine that critical circumstances do not exist with respect to its shipments based on the fact that the increase in its imports has not been massive prior to the preliminary determination. According to Colakoglu, it is the Department's practice to use in its analysis the longest period for which information is available from the month of the filing of the petition until the effective date of the preliminary determination. In this case, the appropriate period would be seven months.

Petitioners contend, however, that the Department should define the period used in its analysis as the five-month period between the filing of the petition and the date of the preliminary determination as originally scheduled (*i.e.*, August 1996). Petitioners argue that, had it not been for the Department's decision to conduct a below-cost investigation, the Department would have issued the preliminary determination in August and Colakoglu would have been effectively precluded from making its argument on critical circumstances. Moreover, petitioners assert that a finding in Colakoglu's favor would have a chilling effect on petitioners' use of either the below-cost provisions or the critical circumstances provisions of the antidumping law, by forcing petitioners to choose between alleging the existence of sales below cost or critical circumstances.

DOC Position

We agree with Colakoglu. In determining whether imports have been massive within the meaning of § 735(a)(3)(B) of the Act, it is the Department's practice to base its analysis on the longest period for which information is available, normally beginning with the month of filing of the petition[4] and ending with the date of the preliminary determination. *See Notice of Final Determinations of Sales at Less Than Fair Value: Brake Drums and Brake Rotors from the People's Republic of China* (issued on Feb. 24, 1997), where the Department used a seven-month period; *Notice of Preliminary Determination of Sales at Less Than Fair Value: Bicycles from the People's Republic of China*, 60 FR 56567, 56574 (Nov. 9, 1995), where the Department used periods ranging from three to six months, based on ''the Department's practice of using the longest period for which information is available from the month that the petition was submitted through the effective date of the preliminary determination,'' affirmed in *Notice of Final Determination of Sales at Less Than Fair Value: Bicycles from the People's Republic of China,* 61 FR 19026, 19031 (April 30, 1996)); and *Notice of Preliminary Determination of Critical Circumstances: Disposable Pocket Lighters from the People's Republic of China,* 60 FR 436, 437 (Jan. 4, 1995), where the Department used a period of seven months, affirmed in *Notice of Final Determination of Sales at Less Than Fair Value: Disposable Pocket Lighters from the People's Republic of China,* 60 FR 22359, 22363 (May 5, 1995).

Consequently, we have based our analysis on the seven-month period between the filing of the petition and the date of the preliminary determination. Using these data, we find that imports by Colakoglu have not been massive over a relatively short period of time. Accordingly, we find that critical circumstances do not exist for Colakoglu.

Comment 11: Affiliated Party Freight Services

Colakoglu argues that the transfer prices that it pays to its affiliate Denak for transporting imported scrap are not equivalent to market prices and, therefore, should not be used in the Department's final determination. Respondent notes that, in the past, the Department has included transfer prices only when it was demonstrated that they were equivalent to market prices. *See Final Determination at Less Than Fair Value: High Information Content Flat Panel Displays and Display Glass from Japan,* 56 FR 32376, 32376 (July 16, 1991). Respondent reasons that, in order for the Department to conclude that the transfer price between Colakoglu and its affiliate is at arm's length, the Department must conclude that prices charged by the affiliate are comparable to those charged by an unaffiliated freight supplier. Respondent argues that the discrepancy between Denak's price and the unaffiliated price demonstrates that the amount charged by Denak is not an arm's-length price and should be disregarded. Respondent notes that the statute does not specify that only transfer prices that are lower than market prices may be disregarded. Rather, respondent points out that in the past the Department has also disregarded transfer prices which are higher than arm's-length prices. *See Final Results of Antidumping Duty Administrative Review: Color Picture Tubes from Japan,* 55 FR 37915, 37922 (Sept. 14, 1990).

Petitioners argue that the Department should continue to use the price Colakoglu paid to Denak for freight services because it is an arm's-length price. Petitioners note that the Department has recently found that ''in the case of a transaction between affiliated persons involving a major input, we will use the highest of the transfer price between the affiliated parties, the market price between unaffiliated parties, and the affiliated supplier's cost of producing the major input.'' *See Final Results of Antidumping Administrative Review: Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from France, Germany, Italy, Japan, Singapore, and the United Kingdom,* 62 FR 2081, 2115 (Jan. 15, 1997) (*AFB's*).

DOC Position

We agree with petitioners. In determining whether a transaction occurred at an arm's-length price for a major input, as stated in *AFB's*, the Department will use the highest of the transfer price between the affiliated parties, the market price between unaffiliated parties, and the affiliated supplier's cost of producing a major input.

In the normal course of business Colakoglu records the transfer price in its books to account for freight costs from its affiliate. However, Colakoglu submitted its affiliate's cost of providing freight service, the transfer price paid by Colakoglu, and prices from unaffiliated freight companies. In accordance with the practice outlined in *AFB's*, we

[3] These conditions are: (1) the need for the information was not evident previously, (2) the information makes minor corrections to information already on the record, or (3) the information corroborates, supports, or clarifies information already on the record.

[4] The date on which a petition is filed will determine whether the month of filing will be included in the base or comparison period.

compared these data and found that the price paid to Denak was an arm's-length price for freight services pursuant to § 773(f) (2) or (3) of the Act. Accordingly, we have used the affiliated company's transfer price to value freight services.

C. Ekinciler

Comment 12: *Non-Subject Merchandise*

Ekinciler argues that the inclusion of de minimis quantities of non-subject merchandise in its home market database is not material to the calculation of dumping and that the Department should not adjust its reported home market sales database with regard to non-subject merchandise. Ekinciler states that the number of sales of fabricated rebar inadvertently included in its home market sales database is so small as to be insignificant. Ekinciler maintains that a comparison of the relative prices of the non-subject rebar to the subject rebar demonstrates that the inclusion of the non-subject merchandise is of no consequence and may work to its disadvantage. Thus, Ekinciler asserts that the Department should continue to use Ekinciler's submitted home market database without making adjustments for fabricated rebar for purposes of the final determination.

Petitioners contend that, if the Department does not base Ekinciler's margin on total facts available (*see* Comment 1), it should use the most adverse facts available for this aspect of Ekinciler's margin.

DOC Position

We disagree with respondent, in part. We agree with respondent that the Department should continue to use its home market sales listing because the quantity of non-subject merchandise included is small. However, according to § 773(a)(1)(B)(i) of the Act, the price on which normal value is based is ''the price at which the foreign like product is first sold (or, in the absence of a sale, offered for sale) for consumption in the exporting country * * *'' Therefore, we are required by the statute to exclude non-subject merchandise from our calculation of normal value.

Petitioners point to the inclusion of non-subject merchandise as evidence that Ekinciler's entire response is unreliable and propose the use of the most adverse facts available for this aspect of Ekinciler's response. We find, however, that adverse facts available is not warranted in this instance because we were able to verify Ekinciler's home market sales of subject merchandise. Accordingly, we have excluded all sales of non-subject merchandise discovered at verification.

Comment 13: Dunnage Revenue

Petitioners argue that the Department should omit dunnage revenue from the calculation of U.S. price for Ekinciler because dunnage revenue could not be verified. Specifically, petitioners cite to the verification report which stated that Ekinciler was ''unable to provide bills of lading for third country sales that would have confirmed which shipment was more appropriately associated with the dunnage sales.''

Ekinciler contends that, although it was not possible to directly tie the reported dunnage revenue to a specific U.S. sale, its methodology is reasonable, and the Department should make an adjustment for the reported revenue. Ekinciler maintains that, as stated in the verification report, no more than one vessel may dock at the port for loading at any one time. Therefore, since Ekinciler matched dunnage sales to shipments that left the port on approximately the same date as the date of the dunnage sale, it claims that it is reasonable to assume that the reported dunnage revenues were earned in connection with the identified U.S. shipments.

DOC Position

We agree with petitioners. At verification, we noted that Ekinciler did not receive revenue from the sale of dunnage materials on every export shipment. Consequently, we were unable to verify that the reported dunnage revenue actually corresponded to shipments of U.S.-bound rebar and not to shipments to other export markets. Therefore we did not include dunnage revenue in our final margin calculation for Ekinciler.

Comment 14: Home Market Credit Expense

Ekinciler asserts that the Department should make no adjustment for imputed home market credit expense for the final determination because this adjustment is de minimis. Ekinciler claims that the imputed credit expense resulting from the use of its verified average number days outstanding is insignificant, and that the Department should disregard this insignificant adjustment to NV in accordance with § 777A(a)(2) of the Act and 19 CFR 353.59(a). Alternatively, Ekinciler contends that the Department should correct its calculation of credit to reflect that the interest rate reported is an annual rate.

DOC Position

We agree with respondent, in part. According to § 773A(a)(2) of the Act, the Secretary may disregard adjustments that are insignificant. However, there is no requirement that adjustments which may be insignificant must be disregarded. We have made the adjustment to NV for imputed credit expenses because this adjustment can be easily made and the information on which it is based has been verified and is reliable. However, we agree with respondent that this expense was calculated incorrectly for the preliminary determination. Accordingly, we have corrected our calculation for the final determination to reflect that the interest rate was reported on an annual basis.

Comment 15: Packing Expenses

Ekinciler argues that the Department should accept its packing expenses as reported. Ekinciler maintains that, although the Department's verification report indicates that there was a variation in the reported packing expenses for one of its mills as well as a difference in home market and U.S. packing, it was unaware that there was any significant discrepancy between the reported packing costs and those found at verification. Ekinciler states that, if the Department should find that the packing expenses with respect to the mill in question need to be corrected, the Department may use any of the reported monthly packing expenses from its other mills. According to Ekinciler, these sources provide accurate, verified data reasonable for use as facts available, particularly since Ekinciler can be assumed to have sourced all of its packing materials for all of its mills from the same sources at the same prices.

Petitioners argue that, if the Department does not base Ekinciler's margin on total facts available (*see* Comment 1), it should use the most adverse facts available for this aspect of Ekinciler's margin calculation.

DOC Position

We disagree with Ekinciler that the Department should accept its submitted packing expenses. At verification, Ekinciler was unable to demonstrate that the packing expenses associated with one of its mills were reported correctly. Consequently, we have based the packing expenses for the mill in question on facts available. As facts available, we used the highest verified monthly packing expense reported by Ekinciler for any of its other mills.

Comment 16: Depreciation

Petitioners claim that Ekinciler failed to allocate the year-end inflation adjustment for depreciation expense to each month of the year. Thus, petitioners maintain that Ekinciler's monthly depreciation costs are understated.

According to Ekinciler, its cost submissions clearly show that the year-end inflation adjustment to depreciation expense was included in the monthly costs used to derive COP and CV. Also, Ekinciler asserts that, if the Department inflates its monthly production costs as it did in the preliminary determination, it will overstate its depreciation expense because this expense was already adjusted to account for inflation. Ekinciler notes that the Department verified its reported depreciation expense included a monthly adjustment. This adjustment was calculated at year-end using the revaluation index published by the Turkish Ministry of Finance and applied to each month's costs. Therefore, Ekinciler contends that in the final determination the Department should either: (1) Not inflate reported monthly depreciation expenses; or (2) deflate the reported monthly depreciation expenses to remove the effects of the revaluation before depreciation expenses are inflated.

DOC Position

We agree with Ekinciler. Ekinciler expressed the year-end inflation adjustment to depreciation expense as a percentage of cost of sales and applied this percentage to reported monthly manufacturing costs to derive the monthly depreciation expense reported for COP and CV. Thus, contrary to petitioners'' claim, the adjustment to inflate depreciation expense was applied to each month of the POI.

Additionally, the Department found at verification that the reported depreciation expense was calculated using asset costs that had been revalued with the revaluation index published by the Turkish Ministry of Finance. Moreover, Ekinciler provided a translation of the Ministry of Finance's regulations concerning asset revaluation which indicated that the revaluation index is based on an inflation index. Thus, revaluation using this index means that the depreciation expense was already adjusted for inflation. Accordingly, for the final determination we have subtracted depreciation expense from total manufacturing costs before inflating those costs to year-end values. We added inflated manufacturing costs to the reported depreciation expense to derive the total cost of manufacturing.

Comment 17: Other Revenue and Expenses

Petitioners maintain that Ekinciler should include non-operating and other expenses in general and administrative (G&A) expenses because these expenses are related to the production of subject merchandise. However, petitioners argue that non-operating and other revenue should not be used to offset G&A expenses because this revenue is either from activities unrelated to the sale or manufacture of rebar or from accounting adjustments.

Ekinciler maintains that both non-operating and other expenses and revenue should be included as reported because these are components of G&A expenses. Unless G&A expenses are reported on a divisional or product-line basis, Ekinciler contends that it is irrelevant that an element of G&A does not relate to the subject merchandise.

DOC Position

We agree with Ekinciler that both non-operating and other revenue and expenses should be included in G&A. At verification, we identified each item included in non-operating and other revenue and expenses. After examining these items we determined that, except for one revenue item, Ekinciler's non-operating and other revenue and expenses relate to the subject merchandise. We reached this conclusion because these items are generated from resources associated with the production of subject merchandise. The Department's practice is to adjust G&A expenses for miscellaneous revenue and expenses related to the production of subject merchandise (*see Final Determination of Sales at Less Than Fair Value: Oil Country Tubular Goods From Argentina*, 60 FR 33539, 33550, (June 28, 1995)). Therefore, we have increased G&A by non-operating and other expenses and reduced G&A expenses by non-operating and other revenue except for the one revenue item unrelated to the production of subject merchandise.

Comment 18: G&A Rate

Petitioners note that Ekinciler included certain non-manufacturing costs (*i.e.*, costs associated with operating Ekinciler's port and cafeteria) in the denominator of its G&A ratio, but did not report these costs elsewhere in its response. Petitioners argue that, because these non-manufacturing costs were not included in COP and CV, the Department should base both Ekinciler's G&A rate and COP on adverse facts available. Petitioners claim that Ekinciler's failure to report the costs in question demonstrates that the company's response contains other inaccuracies. At a minimum, however, petitioners argue that, if the Department does not apply adverse facts available, it should treat the non-manufacturing costs consistently (*i.e.*, either exclude or include such costs from both the G&A rate and the reported costs).

Ekinciler maintains that the Department should accept its G&A rate as reported (*i.e.*, by including the non-manufacturing costs in question as part of the denominator of the calculation of the G&A rate). Ekinciler notes that the Department defined G&A expenses in its cost questionnaire as ''those period expenses which relate to the activities of the company as a whole rather than to the production process alone.''

DOC Position

We agree with Ekinciler. Because the G&A expenses used to derive the G&A rate relate to the activities of the company as a whole, including non-manufacturing activities, we have determined that the methodology Ekinciler used to compute the G&A rate is appropriate. Furthermore, the non-manufacturing costs are related to a separate line of business and, thus, they are unrelated to the manufacture of the subject merchandise. Therefore, these costs were properly excluded from the COP and CV.

Comment 19: Billet Transportation Costs

At verification, the Department found that Ekinciler failed to include the cost of transporting billets within the factory in its reported billet cost. Ekinciler urges the Department to accept the reported billet costs because the omission found at verification is insignificant.

Petitioners claim Ekinciler's failure to include intra-factory transportation costs in reported billet costs indicates Ekinciler's responses are unreliable and therefore, the Department should base Ekinciler's billet cost on adverse facts available.

DOC Position

We disagree with petitioners. For the reasons stated in Comment 1, we do not find that Ekinciler's omission of intra-factory transportation costs satisfies the statutory requirements for using facts available or making adverse inferences in reaching a determination. Therefore, consistent with the Department's practice of correcting minor errors where the use of adverse facts available is unwarranted, we adjusted the

reported billet cost to include intra-factory transportation costs (*see Notice of Final Determination of Sales at Less Than Fair Value: Beryllium Metal and High Beryllium Alloys From the Republic of Kazakstan,* 62 FR 2648, 2650 (Jan. 17, 1997)).

D. Habas

Comment 20: Packing Expenses

Habas acknowledges that the Department was unable to verify the monthly production quantities of exported billet, which together with monthly rebar production quantities serve as the denominator for monthly per-unit strap expense. However, Habas maintains that the Department was able to successfully verify all other components of its packing calculation. Habas, therefore, argues that the Department should continue to use Habas's reported packing costs in the margin calculation.

Petitioners argue that, because the Department found Habas's packing expense to be erroneous at verification, the Department should either base Habas's packing expense on adverse facts available or recalculate Habas's packing expense taking into account the information discovered at verification. Petitioners maintain that using adverse facts available with respect to calculating Habas's packing expense is appropriate because: 1) the respondent has an obligation to provide accurate data; 2) the Department has a practice of not accepting new information submitted at verification; and 3) the Department's resorting to the use of facts available constitutes a significant incentive for the submission of accurate data.

DOC Position

To calculate the per unit strap expense in its overall packing calculation, Habas used billets produced for export along with total rebar production as part of the calculation's denominator. At verification, Habas was unable to provide supporting documentation for billets produced for export. We agree with respondent that, other than this one element, the Department was able to successfully verify all other packing material and labor expenses. Therefore, we disagree with petitioners that adverse facts available is warranted in this instance. We do, however, agree with petitioners that the Department should recalculate Habas's packing expense taking into account the information discovered at verification. Therefore, rather than billets produced for export, we used the total verified 1995 exports of billets and total rebar production as the denominator for the per-unit strap calculation.

Comment 21: Home Market Credit

Habas states that, as reported to the Department, its books do not accurately reflect the date of receipt of payment for home market sales. However, Habas contends that its methodology for reporting payment dates and amounts of payment is consistent with the records kept by Habas in the ordinary course of business. Therefore, Habas argues that the Department should continue to use its reported home market credit expenses in the final determination.

DOC Position

Because we did not use Habas's selling expense data for purposes of the final determination, this issue is moot.

Comment 22: G&A Expenses

Petitioners assert that, as facts available, the Department should base Habas's G&A expenses on Habas's annual corporate-wide G&A expenses for 1995, adjusted for inflation, rather than the G&A expenses for the iron and steel division. As support for this position, petitioners cite the Department's practice in the following determinations: *Final Determination of Sales at Less than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products, Certain Cold-Rolled Carbon Steel Flat Products, Certain Corrosion-Resistant Carbon Steel Flat Products, Certain Cut-to-Length Carbon Steel Plate from Canada,* 58 FR 37099, 37114 (July 9, 1993).

Habas maintains that the Department verified all of its SG&A expenses. Habas states that, although the Department frequently uses a corporate-wide G&A rate, the Department's practice is to use selling expenses which are based on the expenses of the relevant division within a company. Therefore, Habas maintains that the correct ratio to use for the sales portion of the SG&A is the indirect selling expenses of the iron and steel division divided by the iron and steel division's cost of sales.

DOC Position

Insofar as we did not use Habas's G&A expenses in the calculations for the final determination, this issue is moot.

E. Metas

Comment 23: Material Costs

Petitioners argue that Metas's submitted cost of materials is not based on the actual quantities of scrap used in the production of rebar. Petitioners note that Metas calculated its submitted cost of scrap inputs based on the company's policy regarding the preferred mixture of different scrap types. Petitioners maintain that the Department was unable to verify that Metas's policy of preferred scrap usage is indicative of the actual scrap used to produce rebar during the POI. Petitioners believe that Metas's schedule of scrap purchases during the POI is the best evidence on the record of actual scrap used and argue that the Department should adjust Metas's material costs so that the average usage of scrap reflects the ratio of scrap purchased during 1995.

DOC Position

We agree with petitioners. In order to provide the Department with product-specific material costs, Metas calculated the cost of materials using the average scrap quantities it believes are typical of the mixtures required to make rebar. During verification, we found that Metas does not specifically track the quantity of the types of scrap used in the production of rebar. As a result, Metas was unable to provide us with documentation to substantiate the ratio of scrap types used in its calculations. Therefore, we recalculated Metas's material costs using the actual mix of scrap purchased during 1995.

Continuation of Suspension of Liquidation

In accordance with § 735(c) of the Act, we are directing the Customs Service to continue to suspend liquidation of all entries of rebar from all companies except Colakoglu that are entered, or withdrawn from warehouse, for consumption on or after July 12, 1996, which is 90 days prior to the date of publication of the notice of the preliminary determination in the Federal Register. Regarding Colakoglu, we are directing the Customs Service to continue to suspend liquidation of all entries of rebar from Colakoglu that are entered, or withdrawn from warehouse, for consumption on or after October 10, 1996, the date of publication of our preliminary determination in the Federal Register. We will instruct the Customs Service to require a cash deposit or the posting of a bond equal to the weighted-average amount by which NV exceeds export price, as indicated in the chart below. This suspension of liquidation will remain in effect until further notice.

Exporter/manufacturer	Weighted-average margin percentage	Critical circumstances
Colakoglu	9.84	No.
Ekinciler	18.68	Yes.
Habas	19.15	Yes.

Exporter/manufacturer	Weighted-average margin percentage	Critical circumstances
IDC	41.80	Yes.
Metas	30.16	Yes.
All Others	16.25	Yes.

ITC Notification

In accordance with § 735(d) of the Act, we have notified the ITC of our determination. As our final determination is affirmative, the ITC will determine, within 45 days, whether these imports are causing material injury, or threat of material injury, to an industry in the United States. 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 canceled. 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.

This determination is published pursuant to § 735(d) of the Act.

Dated: February 24, 1997.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97–5228 Filed 3–3–97; 8:45 am]

BILLING CODE 3510–DS–P

International Trade Administration

Export Trade Certificate of Review; Notice of Application to Amend Certificate

SUMMARY: The Office of Export Trading Company Affairs (''OETCA''), International Trade Administration, Department of Commerce, has received an application to amend an Export Trade Certificate of Review. This notice summarizes the proposed amendment and requests comments relevant to whether the amended Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: W. Dawn Busby, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the Federal Register identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. If the comments include any priviledged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked privileged or confidential business information will be deemed to be nonconfidential. An original and five copies, plus two copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1800H, Washington, D.C. 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as ''Export Trade Certificate of Review, application number 95–A0006.''

The Water and Wastewater Equipment Manufacturers Association (''WWEMA'') original Certificate was issued on June 21, 1996 (61 FR 36708, July 12, 1996). A summary of the application for an amendment follows.

Summary of the Application

Applicant: Water and Wastewater Equipment Manufacturers Association (''WWEMA''), 101 E. Holly Avenue, Suite 14, Sterling, Virginia 22170.

Contact: Randolph J. Stayin, Partner.

Telephone: (202) 289–1313.

Application No.: 95–A0006.

Date Deemed Submitted: February 19, 1997.

Proposed Amendment: WWEMA seeks to amend its Certificate to:

1. Add the following companies as new ''Members'' of the Certificate within the meaning of Section 325.2(1) of the Regulations (15 CFR 325.2(1)): Ashbrook Corporation, Houston, Texas and The F.B. Leopold Company Inc., Zelienople, Pennsylvania (Parent: Thames Water Products & Services); Jeffrey Chain Corporation, Morristown, Tennessee; and Waterlink, Inc., Canton, Ohio, and its subsidiaries which include Aero-Mod, Incorporated, Manhattan, Kansas; Great Lakes Environmental, Inc., Addison, Illinois; Mass Transfer Systems, Inc., Fall River, Massachusetts; SanTech, Inc. dba Sanborn Technologies, Medway, Massachusetts; Water Equipment Technologies, Inc., West Palm Beach, Florida; and Waterlink Operational Services, Inc. dba Blue Water Services, Manhattan, Kansas.

Dated: February 26, 1997.

W. Dawn Busby,

Director, Office of Export Trading Company Affairs.

[FR Doc. 97–5252 Filed 3–3–97; 8:45 am]

BILLING CODE 3510–DR–P

National Oceanic and Atmospheric Administration

[I.D. 011597A]

Pacific Salmon Fisheries off the Coasts of California, Oregon, Washington, Alaska and in the Columbia River Basin

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of intent; scoping meeting; extension of comment period.

SUMMARY: In the Federal Register of January 27, 1997, NMFS announced its intent to hold scoping meetings, prepare Environmental Assessments (EAs) and an Environmental Impact Statement (EIS) on ocean and in-river fisheries that may result in the incidental take of Pacific salmonids currently listed or proposed for listing under the Endangered Species Act. NMFS will hold an additional scoping meeting in Alaska and is also extending the comment period on the EIS and EAs.

DATES: Written comments will be accepted through March 21, 1997. The scoping meeting will be held on March 6, 1997, 1:30–3:30 p.m., Sitka, AK.

ADDRESSES: Written comments and requests to be included on a mailing list of persons interested in the EIS should be sent to Joseph R. Blum, Office of Protected Resources, Endangered Species Division (PR3), National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.