

Bank of India Bulletin, all of which were also on the record. Respondents argue that one of the two Indian companies whose reports were used by the Department did not produce subject merchandise as of 1993. Therefore respondents argue that the Department was not justified in rejecting the financial statements of the other four companies for not being "actual producers of subject merchandise in the surrogate country." Petitioners argue that the Department's decision to use financial data from only two Indian companies, SAIL and TATA, was correct and consistent with Department's practice in other investigations. Petitioners point out that the Department stated that its decision to include TATA's annual reports in their calculations was based on the statement that TATA is a significant producer of steel and hot rolled coils and TATA may also produce products that the Department considers to be plate, but which may be incorporated into TATA's annual report in the category "sheets." See Final Determination at 61970.

We agree with petitioners this decision was clearly methodological in nature. See Final Determination at 61969-70. Although one sentence in TATA's annual report indicates that TATA has not produced any "plate" since 1993, another section of the same annual report lists plate as a product produced by TATA. In addition, Iron and Steel Works of the World, 12th Edition lists both companies as producers of plate.

Amended Final Results of Review

As a result of our review of the errors alleged and the correction of the two ministerial errors described above, we have determined that the following margins exist:

Weighted-average manufacturer/exporter	Margin (percent)
Anshan (AISCO/Anshan International/Sincerely Asia Ltd).	30.68
Baoshan (Bao/Baoshan International Trade Corp/Bao Steel Metals Trading Corp). ...	30.51
Liaoning	17.33
Shanghai Pudong	38.16
WISCO (Wuhan/International Economic and Trading Corp/ Cheerwu Trader Ltd).	128.59
China-wide Rate	128.59

China-wide Rate

The China-wide rate applies to all entries of the subject merchandise except for entries from exporters that are identified individually above.

On October 24, 1997, the Department entered into an Agreement with the Government of the PRC suspending this investigation. Pursuant to Section 734(g) of the Act, petitioners, Liaoning and Wuyang requested that this investigation be continued. Because the International Trade Commission's determination was affirmative, the Agreement shall remain in force but the Department shall not issue an Antidumping duty order so long as (1) the Agreement remains in force, (2) the Agreement continues to meet the requirements of subsection (d) and (l) of the Act, and the parties to the Agreement carry out their obligations under the Agreement in accordance with its terms. See Section 734(f)(3)(B) of the Act.

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

Dated: December 22, 1997.

Robert S. LaRussa,
Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-580-812]

Dynamic Random Access Memory Semiconductors of One Megabyte or Above From the Republic of Korea Antidumping Duty Administrative Review; Time Limits

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice of extension of time limits of preliminary results of review.

SUMMARY: The Department of Commerce is extending the time limit of the preliminary results of the fourth antidumping duty administrative review of dynamic random access memory semiconductors one megabyte and above from the Republic of Korea. The review covers two manufacturers/exporters of the subject merchandise to the United States and the period May 1, 1996 through April 30, 1997.

EFFECTIVE DATE: January 12, 1998.

FOR FURTHER INFORMATION CONTACT: Robert Blankenbaker or John Conniff, AD/CVD Enforcement, Group II, Office IV, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482-0989/1009.

SUPPLEMENTARY INFORMATION: Currently, the preliminary results for the fourth review of Dynamic Random Access Memory Semiconductors (DRAMs) from Korea are due January 30, 1998. This review covers the period May 1, 1996 to April 30, 1997. The Department has received submissions from three respondents: LG Semicon, Hyundai and Techgrow Limited. However, due to the complexity of the issues involved in this case, including an allegation of transshipment through third country exporters and the requests by respondents for revocation the Department has determined that it is not practicable to complete this review within the time limits set forth by section 751(a)(3)(A) of the Tariff Act of 1930, as amended. Therefore, the Department is extending the time limit for completion of the preliminary results until March 2, 1998. This extension is in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)(3)(A)).

Robert S. LaRussa,
Assistant Secretary for Import Administration.

Dated: January 5, 1998.
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DEPARTMENT OF COMMERCE

International Trade Administration

[A-401-040]

Stainless Steel Plate From Sweden: Final Results of Antidumping Duty Administrative Review

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

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On July 8, 1997, the Department of Commerce (the Department) published the preliminary results of the review of the antidumping duty finding on stainless steel plate from Sweden. The review covers two manufacturers/exporters of the subject merchandise to the United States and the period June 1, 1995 through May 31, 1996.

EFFECTIVE DATE: January 12, 1998.

FOR FURTHER INFORMATION CONTACT: Michael J. Heaney or Linda Ludwig, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W.,

Washington, D.C. 20230; telephone (202) 482-4475/3833.

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). In addition, unless otherwise indicated, all references to the Department's regulations are to Part 353 of 19 CFR (1997).

SUPPLEMENTARY INFORMATION:

Background

The Department of the Treasury published an antidumping finding on stainless steel plate from Sweden on June 8, 1973 (38 FR 15079). On July 8, 1997, the Department published in the **Federal Register** the preliminary results of antidumping duty administrative review of this antidumping finding (62 FR 36495). Under section 751(a)(3)(A) of the Act, the Department may extend the deadline for completion of an administrative review if it determines that it is not practicable to complete the review within the statutory 365 days. On August 27, 1997, the Department extended the time limits for these final results in this case: See Stainless Steel Plate from Sweden: Extension of Time Limit for Antidumping Administrative Review (62 FR 45397). The Department has now completed the administrative review in accordance with section 751 of the Tariff Act.

Scope of the Review

Imports covered by this review are shipments of stainless steel plate which is commonly used in scientific and industrial equipment because of its resistance to staining, rusting and pitting. Stainless steel plate is classified under Harmonized Tariff Schedule of the United States (HTSUS) item numbers 7219.11.00.00, 7219.12.00.05, 7209.12.00.15, 7219.12.00.45, 7219.12.00.65, 7219.12.00.70, 7219.12.00.80, 7219.21.00.05, 7219.21.00.50, 7219.22.00.05, 7219.23.00.10, 7219.22.00.30, 7219.22.00.60, 7219.31.00.10, 7219.31.00.50, 7220.11.00.00, 7222.30.00.00, and 7228.40.00.00. Although the subheading is provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

On July 11, 1995, the Department determined that Stavax ESR (Stavax), UHB Ramax (Ramax), and UHB 904L (904L) when flat-rolled are within the scope of antidumping finding.

On November 3, 1995, the Department determined that stainless steel plate products Stavax, Ramax, and 904L when forged, are within the scope of the antidumping finding.

On December 30, 1997 the Department determined that merchandise rolled into hot bands in Sweden from British slabs is subject to the finding.

The review covers the period June 1, 1995 through May 31, 1996. The Department has now completed this review in accordance with section 751 of the Act, as amended.

Verification

As provided in section 782(i) of the Tariff Act, from August 10 through August 15, 1997, we verified information submitted by Avesta. We used standard verification procedures including on-site inspection of respondent's production facilities and examination of relevant sales and financial records. The results of this verification are outlined in the public version of the verification report dated September 8, 1997.

On August 11, 1997, Avesta submitted corrections regarding its claims for the following home market charges: inland freight, warranty expenses, indirect selling expenses, and inventory carrying costs. We verified Avesta's revised claim for these charges, and have included the verified amount for these charges in these final results.

During the verification, we determined that more similar matches existed in the home market for three U.S. models. We revised Avesta's April 24, 1997 concordance to reflect those more similar matches, and have adjusted our calculations accordingly.

Additionally, based upon verified data provided by Avesta, we converted three sales denominated in Finnish Marks into Swedish Kronor before including those sales in our calculation of normal value.

We determined during the verification that Avesta could not substantiate, and we could not verify the inland freight charges reported by its hot rolled products (HRP) division. Section 776(a)(2) of the Act provides that "if an interested party or any other person * * * provides such information but the information cannot be verified as provided in section 782(i), the administering authority shall, subject to section 782(d) use the facts otherwise available in reaching the applicable determination under this title."

Because Avesta could not substantiate the home market inland freight incurred on its HRP sales, we calculated this adjustment based upon facts otherwise

available, pursuant to section 776. (See memo concerning revision to verification report dated December 9, 1996 and verification report at 12). As facts available, we used in these final results the average inland freight charges incurred by the HRP division on the pre-selected and surprise sales examined during the verification. (See Avesta Final Results Analysis Memorandum of January 5, 1998.)

Analysis of Comments Received

We invited interested parties to comment on the preliminary results of this administrative review. We received timely comments from Uddeholm and Avesta. We received timely rebuttal comments from the petitioners.

Comment 1

Uddeholm and Avesta note that in its preliminary calculations, the Department incorrectly matched U.S. sales to non-contemporaneous home market sales. Uddeholm and Avesta contend that in the final results, the Department should match U.S. sales with contemporaneous home market sales occurring within the 90/60 day window.

Department's Position

We agree with Avesta and Uddeholm. We have corrected this programming error in our final results, and matched U.S. sales with contemporaneous home market sales occurring within the 90/60 day window.

Comment 2

Uddeholm contends that the Department incorrectly calculated the CEP offset in its preliminary results. Uddeholm contends that the Department should base its calculation of the CEP offset on indirect selling expenses incurred during the month of the contemporaneous home market sale.

Department's Response

We agree with Uddeholm. In these final results we have corrected this error, and based our calculation of the CEP offset on indirect selling expenses incurred during the month of the contemporaneous home market sale.

Comment 3

Uddeholm argues that the Department should make no distinction in its model-match program for forged and flat-rolled versions of Stavax and Ramax. Uddeholm contends that both versions of these products are identical.

Uddeholm asserts that the Department concluded in its October 10, 1997 scope determination that the method of manufacture (forging or flat-rolling) did

not result in physical differences in the product. Uddeholm, therefore, contends that the Department should not differentiate between forged and flat-rolled versions of Stavax and Ramax in its margin calculations.

Petitioners note that the Department based its preliminary calculations on the classifications and product codes provided by Uddeholm. Petitioners additionally assert that the Department did not find in its October 10, 1997 scope redetermination on remand that forged and flat-rolled versions of Stavax and Ramax are "indistinguishable on any other basis" such as price or cost of manufacture.

Department's Response

We disagree with Uddeholm, and agree with petitioners. In its October 26, 1996 questionnaire response. Uddeholm provided separate product codes for forged and flat-rolled versions of Stavax and Ramax. We based our model match selections upon the product codes provided by Uddeholm.

The proper method for making sales comparisons is not addressed in our October 10, 1997 scope determination. In that scope redetermination, we applied the "totality of circumstances" test outlined in *United States v. Carborundum Co (Carborundum)* 536 F. 2d 373.337 (C.C.P.A.) 1976). In making this scope redetermination, we adhered to the instructions of the Court of International Trade which was to limit the analysis to record evidence before the Treasury Department in 1976. In considering that 1976 record evidence, we noted that Uddeholm made "no distinction between Stavax and Ramax when flat-rolled, and Stavax and Ramax when forced * * *."

While we determined in our October 10, 1997 scope redetermination that both forged and flat-rolled versions of Stavax and Ramax are subject to the scope of the finding, it does not follow from that analysis that these two versions of the product are identical to each other, or that no price differences exist between forged and flat-rolled versions of Stavax and Ramax. Because Uddeholm listed separate product codes for forged and flat-rolled versions of Stavax and Ramax, and because there is no evidence in the record indicating that forged and flat-rolled versions of the product are identical within the meaning of section 771(16) of the Tariff Act, we have continued in these final results to make separate comparisons for forged and flat-rolled versions of these products.

Comment 4

Avesta contends that the Department should make a deduction from the home market selling price for pre-sale warehousing expenses.

Department's Position

We agree. In these final results we have made an adjustment for pre-sale warehousing expenses incurred after the merchandise left the original place of shipment.

Comment 5

Avesta contends that the Department should recalculate the CEP profit ratio by applying the CEP ratio only to U.S. selling expenses related to individual U.S. sales transactions. Avesta contends that discounts, rebates and movement charges should be excluded from this calculation because they are not "selling expenses" as the Department defines and interprets the term for purposes of determining the CEP profit ratio.

Department's Position

We agree with Avesta. Consistent with our normal practice, we have not applied the CEP ratio to discounts, rebates, and movement charges.

Comment 6

Avesta contends that in the final results, the Department occasionally used an incorrect amount for difmer. Avesta contends that this error arose because the Department sometimes matched the U.S. model to a different home market model and month than that listed in the Department's product concordance. Avesta argues that in its final results, the Department should either (1) utilize a revised concordance submitted by Avesta in its affirmative comments (this concordance incorporates the matching scheme used by the Department in its preliminary results) or (2) recalculate difmer by utilizing the variable cost of manufacture information provided on Avesta's home market and U.S. sales listing.

Petitioners contend that Avesta has already submitted several product concordances some of which petitioners have found to be defective. Petitioners also observe that Avesta submitted this revised concordance after the deadline for submitting new information. Accordingly, petitioners argue that the Department should either disregard Avesta's recalculation of difmer, or "make its own calculations rather than relying on the data submitted out of time by Avesta."

Department's Position

In these final results, we have recalculated difmer to correspond with the model match selections made in our margin calculations. We based our calculation of difmer upon the verified variable cost of manufacture data provided by Avesta in its home market and U.S. sales listings. Finally, because the concordance provided by Avesta in its affirmative comments summarizes cost information previously analyzed and verified by the Department, we do not consider that concordance to be new information. The Department's practice is to reject untimely filings to the extent they contain new information. See *Sebacic Acid from the People's Republic of China: Final Results of Antidumping Duty Administrative Review*, 62 FR 65674, December 15, 1997 (where the Department rejected by striking from the record certain untimely new information contained in a party's case brief). We, thus, have maintained that concordance on the record of this proceeding.

Final Results of Review

As a result of this review, we determine that the following margins exist for the period June 1, 1995 through May 31, 1996:

Company	Margin (percent)
Avesta	29.36
Uddeholm	2.95

The U.S. Customs Service shall assess antidumping duties on all appropriate entries. Individual differences between U.S. price and normal value may vary from the percentages stated above. The Department will issue appraisal instructions directly to the U.S. Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of stainless steel plate from Sweden entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for reviewed firms will be the rate established in the final results of administrative review, (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in the original less-than-fair-value (LTFV) investigation or a previous review, the cash deposit will continue to be the most recent rate published in the final determination or final results for which the manufacturer or exporter received a company-specific rate; (3) if the exporter

is not a firm covered in this review, or the original investigation, but the manufacturer is, the cash deposit rate will be that established for the manufacturer of the merchandise in the final results of these reviews, or the LTFV investigation; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous reviews or the original fair value investigation, the cash deposit rate will be 4.46%.

We will calculate importer-specific duty assessment rates on a unit value per pound basis. To calculate the per pound unit value for assessment, we summed the margins on U.S. sales with positive margins, and then divided this sum by the entered pounds of all U.S. sales.

This notice also serves as a reminder to importers of their responsibility under 19 CFR 353.26(b) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during these review periods. 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 orders (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 notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: January 5, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98-611 Filed 1-9-98; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-427-811]

Certain Stainless Steel Wire Rods From France: Extension of Time Limit for Preliminary Results of the Antidumping Duty Administrative Review

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

ACTION: Notice of extension of time limit for preliminary results of antidumping duty administrative review.

SUMMARY: The Department of Commerce ("the Department") is extending the time limit for the preliminary results for the third review of certain stainless steel wire rods from France. This review covers the period January 1, 1996 through December 31, 1996.

EFFECTIVE DATE: January 12, 1998.

FOR FURTHER INFORMATION CONTACT: Bob Bolling or Stephen Jacques at 202-482-3434 or 482-1391; Office of AD/CVD Enforcement, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930 ("the Act") are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Rounds Agreements Act.

Postponement of Preliminary Results

The Department previously extended the preliminary results of this review by 90 days from October 3, 1997 to January 2, 1998. The Department has determined that it is not practicable to issue its preliminary results within the revised time limit. (See Decision Memorandum from Joseph A. Spetrini, Deputy Assistant Secretary, Enforcement Group III to Robert LaRussa, Assistant Secretary for Import Administration, January 2, 1998). Therefore, the Department is extending the time limit for completion of the preliminary results until January 16, 1998 in accordance with Section 751(a)(3)(A) of the Act.

The deadline for the final results of these reviews will continue to be 90 days after publication of the preliminary results.

Dated: January 2, 1998.

Richard O. Weible,

Acting Deputy Assistant Secretary for Enforcement Group III.

[FR Doc. 98-608 Filed 1-9-98; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-427-810]

Certain Steel Products From France; Notice of Court Decision and Suspension of Liquidation

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

ACTION: Notice.

SUMMARY: On December 5, 1997, in *Inland Steel Industries, Inc. v. United States*, Consol. Court No. 93-09-00567-CVD, a lawsuit challenging the Department of Commerce's final affirmative countervailing duty determination of certain steel products from France, the Court of International Trade affirmed the Department's redetermination on remand. As a result, the final net subsidy rate for all programs for Usinor Sacilor has increased from 15.12% to 15.13% *ad valorem*, and the "country-wide" rate has increased from 15.12% to 15.13% *ad valorem*.

Consistent with the decision of the Court of Appeals for the Federal Circuit in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990), Commerce will direct the Customs Service to change the cash deposit rates being used in connection with the suspension of liquidation of the subject merchandise once there is a "conclusive" decision in this case.

EFFECTIVE DATE: January 12, 1998.

FOR FURTHER INFORMATION CONTACT: Marian Wells, Office 1, Group 1, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., N.W., Washington D.C. 20230, telephone: (202) 482-6309.

SUPPLEMENTARY INFORMATION:

Background:

On July 9, 1993, the Department of Commerce (the "Department" or "Commerce") published notice of its final affirmative countervailing duty determinations of certain steel products from France. *Final Affirmative Countervailing Duty Determinations; Certain Steel Products from France*, 58