

DEPARTMENT OF COMMERCE

International Trade Administration

Agency Information Collection Activities; Proposed Collection; Comment Request

TITLE: Request for Duty-Free Entry of Scientific Instruments or Apparatus.

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burdens, invites the general public and other Federal Agencies to take this opportunity to comment on the continuing information collections, as required by the paperwork reduction Act of 1995, Pub. L. 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before March 16, 1998.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th & Constitution Avenue, NW, Washington, D.C. 20230. Telephone Number: (202) 482-3272.

FOR FURTHER INFORMATION CONTACT: Request for additional information or copies of the information collection instrument and instructions should be directed to: Katie Stephenson, Statutory Import Programs Staff, Room 4211, U.S. Department of Commerce, Washington, D.C. 20230; telephone number: (202) 482-2723 and fax number: (202) 482-0949.

SUPPLEMENTARY INFORMATION:**I. Abstract**

The Departments of Commerce and Treasury are required to determine whether nonprofit institutions established for scientific or educational purposes are entitled to duty-free entry under the Florence Agreement of scientific instruments they import. Form ITA-338P enables (1) Treasury to determine whether the statutory eligibility requirements for the institution and the instrument are fulfilled, and (2) Commerce to make a comparison and finding as to the scientific equivalency of comparable instruments being manufactured in the United States. Without the collection of the information, Treasury and Commerce would not have the necessary information to carry out the responsibilities of determining eligibility for duty-free entry assigned by law.

II. Method of Collection

The Department of Commerce distributes Form ITA-338P to potential applicants upon request. The applicant completes the form and then forwards it to the United States Customs Service. Upon acceptance by Customs as a valid application, the application is transmitted to Commerce for processing.

III. Data

OMB Number: 0625-0037.

Form Number: ITA-338P.

Type of review: Extension-Regular Submission.

Affected Public: State or local governments; Federal agencies; nonprofit institutions.

Estimated Number of Respondents: 100.

Estimated Time Per Response: 2 hours.

Estimated Total Annual Burden Hours: 200 hours.

Estimated Total Annual Costs: The estimated annual cost for this collection is \$208,800 (\$8,800 for respondents and \$200,000 for the federal government).

IV. Request for Comments

Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and costs) of the proposed collection of information (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 8, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 98-878 Filed 1-13-98; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-580-809]

Circular Welded Non-Alloy Steel Pipe From the Republic of Korea; Amendment of Final Results of Antidumping Duty Administrative Review

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

ACTION: Notice of amendment of Final Results of Antidumping Duty Administrative Review.

SUMMARY: On October 27, 1997, the Department of Commerce published the final results of its administrative review of the antidumping duty order on circular welded non-alloy steel pipe from the Republic of Korea covering the period of review from April 28, 1992, through October 31, 1993. Based on the correction of certain ministerial errors made in the final results, we are publishing this amendment.

EFFECTIVE DATE: January 14, 1998.

FOR FURTHER INFORMATION CONTACT: Michael Panfeld, Mark Ross, Thomas Schauer, or Richard Rimlinger, AD/CVD Enforcement Group I, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-4733.

SUPPLEMENTARY INFORMATION:**The Applicable Statute**

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Tariff Act), are references to the provisions in effect as of December 31, 1994. In addition, unless otherwise indicated, all citations to the Commerce Department's regulations are to the regulations as codified at 19 CFR Part 353 (April 1, 1997).

Background

On October 27, 1997, the Department of Commerce (the Department) published the final results of its administrative review of the antidumping duty order on circular welded non-alloy steel pipe from the Republic of Korea (62 FR 55574). The review covered seven manufacturers/exporters and the period April 28, 1992, through October 31, 1993. After publication of our final results, we received timely allegations from petitioners and respondents that we had made ministerial errors in calculating the final results. We corrected our

calculations, where we agree that we made ministerial errors, in accordance with section 751(f) of the Tariff Act.

Analysis of Ministerial-Error Allegations Received from Interested Parties

Comment 1: Pusan Steel Pipe Co., Ltd. (PSP), alleges that the Department made a ministerial error in calculating the interest expense factor used to derive the per-unit interest expenses used in the calculation of the cost of production and constructed value. The company notes that in the Final Results of Antidumping Duty Administrative Review and Partial Termination of Administrative Review; Circular Welded Non-Alloy Steel Pipe From the Republic of Korea, 62 FR 55574, 55584 (October 27, 1997) (Final Results), the Department stated that "for the final results, we have recalculated the G&A expense and interest expense factors using the methodology we required in our November 8, 1996, supplemental questionnaire." PSP argues, however, that the methodology employed to calculate the interest expense factor in the final results is different from the methodology required by the November 8, 1996, supplemental questionnaire. PSP asserts that as a result of this ministerial error the Department overstated the interest expense factor and, consequently, overstated the dumping margin.

Department's Position: We agree with PSP that a ministerial error occurred in our calculation of the interest expense factor. It was our intention to calculate PSP's interest expense factor using the methodology we requested in the November 8, 1996, supplemental questionnaire. Specifically, we intended that the expenses in the numerator of the factor calculation include a portion of the affiliates' interest expense amounts determined by applying the ratio of resales (purchases from PSP) of all products (both subject and non-subject) by the affiliates over total sales to the calculated interest expense as shown on the affiliates' financial statements. We have applied this methodology for the amended final results.

Comment 2: Petitioners allege that, from the Department's discussion of duty drawback in the Final Results at 55577, the Department clearly intended to limit the duty-drawback adjustment to no more than the duties paid on the coil included in the pipe exported to the United States. Petitioners contend, however, that under certain conditions the Department's computer programming language will not accomplish this goal in its calculations.

Petitioners provide revised programming instructions that they suggest will correct the problem.

Respondents agree with petitioners' allegation but contend that a correction is unnecessary because it will not affect the margins.

Department's Position: We agree with petitioners' ministerial-error allegation and have corrected the problem for those respondents that reported that they received duty drawback under the fixed-rate provision, i.e., Dongbu Steel Co., Ltd., Korea Steel Pipe Co., Ltd., and PSP. In the final results, where respondents reported that they received duty drawback under the fixed-rate provision, we adjusted the drawback claim to reflect the amount of duty drawback actually paid by multiplying the reported duty drawback by the factor converting theoretical weight to actual weight. However, due to an error in our programming instructions, under certain conditions, i.e., where the conversion factor is greater than 1, our adjustment to the drawback claim did not result in a value that reflected the amount of duty drawback actually paid. To correct this problem, we altered the programming language so that duty drawback on each sale is only multiplied by the conversion factor when the conversion factor is less than one.

Comment 3: Petitioners contend that, in collapsing Korea Iron & Steel Co., Ltd. (KISCO), and Union Steel Co., Ltd. (Union), the Department erred in its application of the test for sales below the cost of production. Petitioners contend that only the sales by Union were subject to a below-cost examination. However, petitioners assert that, due to ministerial errors, the Department actually examined sales by both companies for below-cost transactions. Petitioners provide programming instructions to correct the alleged ministerial error.

Respondents contend that petitioners' ministerial-error allegation is incorrect because the programming language indicates that KISCO's sales are excluded from the below-cost-of-production examination. Respondents further contend that the change petitioners request will not affect the margin.

Department's Position: We agree with petitioners that a ministerial error occurred in our application of the test for sales below the cost of production. As noted in the Final Results at 55588, in calculating a single weighted-average margin for KISCO and Union, we did not intend to subject KISCO's home market sales to a below-cost-of-production examination. We have

corrected the ministerial error for the amended final results.

Comment 4: Petitioners contend that the Department made a ministerial error in the calculation of assessment values for Korea Steel Pipe Co., Ltd. Petitioners assert that this error results in the calculation of separate assessment values for purchase price and exporter's sales price transactions made through the same importer.

Korea Steel Pipe Co., Ltd., contends that the calculation of separate assessment values for different types of sales made through the same importer is not a ministerial error. The company further contends that in the case at hand the methodology employed does not affect the overall amount paid by the importer in question.

Department's Position: We agree with petitioners. For this case, we did not intend to calculate separate assessment values for purchase price and exporter's sales price transactions made through the same importer. For the amended final results, we have modified the assessment programming language so that only one per-unit value is calculated for each importer.

Amended Final Results of Review

As a result of the amended margin calculations, the following percentage weighted-average margins exist for the period April 28, 1992, through October 31, 1993:

Company	Margin (percent)
Dongbu Steel Co., Ltd.	* 1.71
Korea Iron & Steel Co., Ltd./Union Steel Co., Ltd.	1.52
Korea Steel Pipe Co., Ltd.	* 3.15
Pusan Steel Pipe Co., Ltd.	5.31

*This rate did not change as a result of our corrections for ministerial errors.

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. Applying the procedures set forth in the Final Results at 55589, we will calculate, wherever possible, an exporter/importer-specific assessment value. In addition, we will direct the Customs Service to collect cash deposits of estimated antidumping duties on all appropriate entries. The amended deposit requirements are effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and shall remain in effect until publication of the final results of the next administrative review.

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 this 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 an administrative protective order (APO) 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 sections 751 (a)(1) and (f) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.28.

Dated: January 6, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98-801 Filed 1-13-98; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-351-605]

Frozen Concentrated Orange Juice From Brazil: Preliminary Results of Antidumping Duty Administrative Review; Termination in Part; and Intent Not to Revoke in Part

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

ACTION: Notice of preliminary results of antidumping duty administrative review; termination in part; and intent to revoke in part.

SUMMARY: In response to timely requests from three producer/exporters, Branco Peres Citrus, S.A. (Branco Peres), CTM Citrus, S.A. (CTM) (formerly Citropectina), and Citrovita, S.A., the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on frozen concentrated orange juice (FCOJ) from Brazil. This review covers the period May 1, 1993, through April 30, 1994. Since Citrovita timely withdrew its request for review in accordance with

19 CFR 353.22(a)(5), and no other party requested a review of Citrovita, we are terminating the review with respect to this firm.

For these results, we preliminarily determine the dumping margins for Branco Peres and CTM to be 0.52 percent and zero, respectively. Moreover, we do not intend to revoke the order with respect to CTM because, although CTM submitted a timely request for revocation, it has not met the necessary requirements. We invite interested parties to comment on these preliminary results. Parties who submit argument in this proceeding are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument.

EFFECTIVE DATE: January 14, 1998.

FOR FURTHER INFORMATION CONTACT: Fabian Rivelis or Irina Itkin, Office 5, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230; telephone: (202) 482-3853 or (202) 482-0656, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 5, 1987, the Department published in the **Federal Register** (52 FR 16426) the antidumping duty order on FCOJ from Brazil. On May 4, 1994, the Department published a notice of "Opportunity to Request an Administrative Review" of this antidumping duty order for the period May 1, 1993, through April 30, 1994. We received timely requests for review from three respondents: Branco Peres, Citrovita, and CTM. In addition, CTM submitted a timely request for revocation of the antidumping duty order, accompanied by the certification required by 19 CFR 353.25(b)(1) of the Department's regulations.

On June 15, 1994, the Department published a notice of initiation (59 FR 30770) covering Branco Peres and CTM. On July 15, 1994, we published a notice of initiation covering Citrovita (59 FR 36161), which we had inadvertently omitted from the June initiation notice. Because Citrovita subsequently withdrew its request for review in a timely manner, the Department is terminating the review of Citrovita for this period.

Applicable Statute and Regulations

The Department is conducting this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). Unless otherwise indicated, all citations to the

statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994.

Scope of the Review

The merchandise covered by this review is frozen concentrated orange juice from Brazil. The merchandise is currently classifiable under item 2009.11.00 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS item number is provided for convenience and for customs purpose. The written description remains dispositive.

Period of Review

The review period is May 1, 1993, through April 30, 1994.

Verification

As provided in section 776(b) of the Act, we verified information provided by one respondent, CTM, using standard verification procedures, including on-site inspection of the manufacturer's facilities, examination of relevant sales and financial records, and selection of original documentation containing relevant information. Our verification results are outlined in the public version of the verification report.

United States Price

In calculating the United States price (USP), we used purchase price as defined in section 772 of the Act because all of Branco Peres's and CTM's sales to the first unrelated purchaser took place prior to importation to the United States and exporter's sales price methodology was not otherwise indicated.

We calculated purchase price based on the packed FOB or C&F price to the first unrelated trading company/wholesale distributor because respondents had knowledge that their sales to these unrelated parties were destined for the United States. We made deductions from USP, where appropriate, for foreign inland freight, Brazilian brokerage and handling expenses, ocean freight, and insurance, in accordance with section 772(d)(2) of the Act.

Foreign Market Value

In order to determine whether there were sufficient sales of FCOJ in the home market to serve as a viable basis for calculating foreign market value (FMV), we compared each respondent's volume of FCOJ to the volume of third-country sales, in accordance with section 773(a)(1)(B) of the Act and 19 CFR 353.48(a). We found that the home market was not viable for either