

use of automated collection techniques or forms of information technology.

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

Dated: March 2, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 98-6140 Filed 3-9-98; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-806]

Silicon Metal From The People's Republic of China; Preliminary Results of Antidumping Duty Administrative Review

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

ACTION: Notice of preliminary results of the antidumping duty administrative review of silicon metal from the People's Republic of China.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on silicon metal from the People's Republic of China (PRC) in response to a request by a United States importer, Midland Exports, Ltd. This review covers shipments of this merchandise to the United States during the period June 1, 1996 through May 31, 1997.

We have preliminarily determined that sales have been made below normal value (NV). If these preliminary results are adopted in our final results, we will instruct the U.S. Customs Service to assess antidumping duties based on the difference between export price and NV.

Interested parties are invited to comment on these preliminary results. Parties who submit argument are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument.

EFFECTIVE DATE: March 10, 1998.

FOR FURTHER INFORMATION CONTACT: Gideon Katz or Maureen Flannery, Antidumping/Countervailing Duty Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC. 20230; telephone (202) 482-4733.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the provisions codified at 19 CFR part 353, as they existed on April 1, 1996.

Background

The Department published in the **Federal Register** an antidumping duty order on silicon metal from the PRC on June 10, 1991 (56 FR 26649). On June 11, 1997, the Department published in the **Federal Register** (62 FR 31786) a notice of opportunity to request an administrative review of the antidumping order on silicon metal from the PRC covering the period June 1, 1996 through May 31, 1997.

On June 28, 1997, in accordance with 19 CFR 353.2(k)(1), Midland Exports, Ltd., a U.S. importer of the subject merchandise, requested that we conduct an administrative review of Shaanxi Machinery & Equipment Corporation (Shaanxi) and Hinan Peng-Hua National Industries, Corporation (Hinan). We published a notice of initiation of this antidumping duty administrative review on August 1, 1997 (62 FR 41339). The Department is conducting this administrative review in accordance with section 751 of the Act.

Scope of Review

Imports covered by this review are shipments of silicon metal containing at least 96.00 but less than 99.99 percent of silicon by weight. Also covered by this review is silicon metal from the PRC containing between 89.00 and 96.00 percent silicon by weight but which contains a higher aluminum content than the silicon metal containing at least 96.00 percent but less than 99.99 percent silicon by weight. Silicon metal is currently provided for under subheadings 2804.69.10 and 2804.69.50 of the Harmonized Tariff Schedule (HTS) as a chemical product, but is commonly referred to as a metal. Semiconductor-grade silicon (silicon metal containing by weight not less than 99.99 percent of silicon and provided for in subheading 2804.61.00 of the HTS) is not subject to this review. Although the HTS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

This review covers the period June 1, 1996 through May 31, 1997.

Facts Available

We preliminarily determine that, in accordance with section 776(a) of the Act, the use of facts available is appropriate for Shaanxi and Hinan because these firms did not respond to the Department's antidumping questionnaire. Because necessary information is not available on the record with regard to sales by these two firms, the use of facts available is warranted.

Where a respondent has failed to cooperate to the best of its ability, section 776(b) of the Act authorizes the Department to use facts available that are adverse to the interests of that respondent, which may include information derived from the petition, the final determination, a previous administrative review, or other information placed on the record. As facts available, we are using the rate from the petition, as adjusted by the Department in the investigation of sales at less than fair value (LTFV), 139.49 percent.

Section 776(c) of the Act provides that when the Department relies on "secondary information," the Department shall, to the extent practicable, corroborate that information with independent sources reasonably at the Department's disposal. That Statement of Administrative Action (SAA) accompanying the URAA clarifies that the petition is "secondary information." See SAA at 870. The SAA also clarifies that "corroborate" means to determine whether the information used has probative value. *Id.* In accordance with this requirement, we corroborated the margin in the petition, to the extent practicable. (See Corroboration Memorandum from Gideon Katz to Edward Yang, March 2, 1998, on file in Room B-099 of the Commerce Department.)

Preliminary Results of Review

We preliminarily determine that the following dumping margin exists:

Manufacturer/exporter	Time period	Margin (percent)
PRC rate	6/1/96-5/31/97	139.49

Parties to the proceeding may request disclosure within 5 days of the date of publication of this notice in accordance with 19 CFR 353.22(c)(6). Any interested party may request a hearing within 10 days of publication in accordance with 19 CFR 353.38(b). Any hearing, if requested, will be held 44 days after the publication of this notice, or the first workday thereafter. Interested parties may submit case briefs

within 30 days of the date of publication of this notice in accordance with 19 CFR 353.38(c). Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. The Department will publish a notice of final results of this administrative review, which will include the results of its analysis of issues raised in any such comments, within 120 days after the date of publication of this notice.

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisal instructions directly to the U.S. Customs Service.

Furthermore, the following deposit rate will be effective upon publication of the final results of this administrative review for all shipments of silicon metal from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for all PRC exporters will be the PRC-wide rate established in the final results of this administrative review; and (2) the cash deposit rates for non-PRC exporters and subject merchandise from the PRC will be the rates applicable to the PRC supplier of that exporter.

These deposit rates, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary 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 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: March 2, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98-6148 Filed 3-9-98; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

North Carolina State University; Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 97-097. *Applicant:* North Carolina State University, Raleigh, NC 27695. *Instrument:* Sample Cartridges for Photoelectron Emission Microscope. *Manufacturer:* Elmitec, Germany. *Intended Use:* See notice at 63 FR 809, January 7, 1998.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. *Reasons:* This is a compatible accessory for an existing instrument purchased for the use of the applicant. The instrument and accessory were made by the same manufacturer. The accessory is pertinent to the intended uses and we know of no domestic accessory which can be readily adapted to the previously imported instrument.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 98-6149 Filed 3-9-98; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Environmental Protection Agency

Coastal Nonpoint Pollution Control Program: Conditional Approvals, Findings Documents, Responses to Comments, and Records of Decision

AGENCY: National Oceanic and Atmospheric Administration, U.S. Department of Commerce, and the U.S. Environmental Protection Agency.

ACTION: Notice of conditional approval of Coastal Nonpoint Pollution Control Programs and availability of Findings Documents, Responses to Comments, and Records of Decision for Maine, North Carolina, South Carolina, Oregon, and Virginia.

SUMMARY: Notice is hereby given of the conditional approval of the Coastal Nonpoint Pollution Control Programs (coastal nonpoint programs) and of the availability of the Findings Documents, Responses to Comments, and Records of Decision for Maine, North Carolina, South Carolina, Oregon, and Virginia. Section 6217 of the Coastal Zone Act Reauthorization Amendments (CZARA), 16 U.S.C. section 155b, requires states and territories with coastal zone management programs that have received approval under section 306 of the Coastal Zone Management Act to develop and implement coastal nonpoint programs. Coastal states and territories were required to submit their coastal nonpoint programs to the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Environmental Protection Agency (EPA) for approval in July 1995.

NOAA and EPA have approved, with conditions, the coastal nonpoint programs submitted by Maine, North Carolina, South Carolina, Oregon, and Virginia.

NOAA and EPA have prepared a Findings Document for each 6217 program submitted for approval. The Findings Documents were prepared by NOAA and EPA to provide the rationale for the agencies' decision to approve each state and territory coastal nonpoint program. Proposed Findings Documents, Environmental Assessments, and Findings of No Significant Impact prepared for the coastal nonpoint programs submitted by Maine, North Carolina, South Carolina, Oregon, and Virginia were made available for public comment in the **Federal Register**. Public comments were received and responses prepared on the programs submitted by South Carolina, Oregon, and Virginia. No public comments were received on the programs submitted by Maine and North Carolina.

In accordance with the National Environmental Policy Act (NEPA), NOAA has also prepared a Record of Decision on each program. The requirements of 40 CFR Parts 1500-1508 (Council on Environmental Quality (CEQ) regulations to implement the National Environmental Policy Act) apply to the preparation of a Record of Decision. Specifically, 40 CFR 1505.2 requires an agency to prepare a concise public record of decision at the time of its decision on the action proposed in an environmental impact statement. The Record of Decision shall: (1) State what the decision was; (2) identify all alternatives considered, specifying the alternative considered to be environmentally preferable; and (3) state