deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute but is published as a service to the international trading community.

Dated: September 28, 1998.

Holly A. Kuga,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 98–27278 Filed 10–8–98; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

Final Results of Sunset Review and Revocation of Antidumping Findings; Large Power Transformer From Italy, et al.

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

ACTION: Notice of final results of Sunset Reviews and Revocation of Antidumping Duty Findings: Large power transformers from Italy (A–475–031); Large power transformers from France (A–427–030); Large power transformers from Japan (A–588–032); Steel Jacks from Canada (A–122–006); Bicycle speedometers from Japan (A–588–038); Fish netting of manmade fiber from Japan (A–588–029); and Canned Bartlett pears from Australia (A–602–039).

SUMMARY: On July 6, 1998, the Department of Commerce (''the Department'') initiated sunset reviews of the antidumping duty findings on large power transformers from Italy, France, and Japan, steel jacks from Canada, bicycle speedometers from Japan, fish netting of manmade fiber from Japan, and canned Bartlett pears from Australia. Because no domestic interested party responded to the sunset review notice of initiation by the applicable deadline, the Department is revoking these findings.

EFFECTIVE DATE: January 1, 2000.

FOR FURTHER INFORMATION CONTACT: Martha V. Douthit, Scott E. Smith, or Melissa G. Skinner, Import Administration, International Trade Administration, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street, NW, Washington, DC 20230; telephone: (202) 482–3207, (202) 482–6937, or (202) 482–1560 respectively.

SUPPLEMENTARY INFORMATION:

Background

The Treasury Department issued antidumping findings on large power transformers from Italy (37 FR 11772, June 14, 1972), large power transformers from France (37 FR 11772, June 14, 1972), large power transformers from Japan (37 FR 11773, June 14, 1972), steel jacks from Canada (31 FR 11974, September 13, 1966), bicycle speedometers from Japan (37 FR 24826, November 22, 1972), fish netting of manmade fiber from Japan, (37 FR 11560, June 9, 1972, and canned Bartlett pears from Australia (38 FR 7566, March 23, 1973). Pursuant to section 751 (c) of the Tariff Act of 1930, as amended (''the Act''), the Department initiated sunset reviews of these findings by publishing notice of the initiation in the **Federal Register** (63 FR 36389, July 6, 1998). In addition, as a courtesy to interested parties, the Department sent letters, via first class mail, to each party listed on the Department's most current service list for these proceedings to inform them of the automatic initiation of a sunset review on these findings.

No domestic interested parties in any of these sunset reviews of these findings responded to the notice of initiation by the July 21, 1998, deadline (see § 351.218 (d)(1)(i) of *Procedures for Conducting Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders,* 63 FR 13520 (March 20, 1998)(''*Sunset Regulations*'')). In the sunset review on canned Bartlett pears from Australia, the Department determined that the response filed by the California Pear Advisory Board was inadequate (see Memorandum for Joseph A. Spetrini, Acting Assistant Secretary for Import Administration, August 17, 1998) and, therefore, consistent with § 351.218 (e)(1)(i)(C)(1) of the *Sunset Regulations* concluded that no domestic interested party responded to the notice of initiation.

Determination To Revoke

Pursuant to section 751 (c)(3)(A) of the Act and § 351.218 (d)(1)(iii)(B)(3) of the *Sunset Regulations,* if no interested party responds to the notice of initiation, the Department of Commerce shall issue a final determination, within 90 days after the initiation of the review, revoking the finding or terminating the suspended investigation. Because no domestic interested party responded to the notice of initiation by the applicable deadline July 21,1998 (see §§ 351.218 (d)(1)(i) and 351.218 (e)(1)(i)(C)(1) of the *Sunset Regulations*), we are revoking these antidumping findings.

Effective Date of Revocation

Pursuant to section 751 (c)(6)(A)(iv) of the Act, the Department will instruct the United States Customs Service to terminate the suspension of liquidation of the merchandise subject to these findings entered, or withdrawn from warehouse, on or after January 1, 2000. Entries of subject merchandise prior to the effective date of revocation will continue to be subject to suspension of liquidation and duty deposit requirements. The Department will complete any pending administrative reviews on these findings and will conduct administrative reviews on all entries prior to the effective date of revocation in response to appropriately filed requests for review.

Dated: October 5, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98–27276 Filed 10–8–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–823]

Professional Electric Cutting Tools From Japan; 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 June 5, 1998, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping duty order on professional electrical cutting tools (PECTs) from Japan. The period of review (POR) covers sales of the subject merchandise to the United States during the period July 1, 1996 through June 30, 1997.

We gave interested parties an opportunity to comment on our preliminary results. Based on our analysis of the comments received, we have changed the results from those presented in the preliminary results of the review.

EFFECTIVE DATE: October 9, 1998.

FOR FURTHER INFORMATION CONTACT: Lyn Baranowski, AD/CVD Enforcement Group III, Office 9, Import Administration, International Trade Administration, U.S. Department of

Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–3208.

SUPPLEMENTARY INFORMATION:

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 by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR part 351 (62 FR 27296; May 19, 1997).

Background

On June 5, 1998, we published in the **Federal Register** (63 FR 30706) the preliminary results of the administrative review of the antidumping duty order on PECTs from Japan (58 FR 37461); July 12, 1993. We received case briefs from one respondent, Makita Corporation and Makita U.S.A., Inc. (Makita) and the petitioner, Black and Decker (U.S.), Inc. (Black & Decker) on July 6, 1998. Petitioner and respondent submitted rebuttal briefs on July 13, 1998. The Department is conducting this review in accordance with section 751 of the Act.

Scope of the Review

Imports covered by this review are shipments of PECTs from Japan. PECTs may be assembled or unassembled, and corded or cordless.

The term ''electric'' encompasses electromechanical devices, including tools with electronic variable speed features. The term ''assembled'' includes unfinished or incomplete articles, which have the essential characteristics of the finished or complete tool. The term ''unassembled'' means components which, when taken as a whole, can be converted into the finished or unfinished or incomplete tool through simple assembly operations (*e.g.*, kits).

PECTs have blades or other cutting devices used for cutting wood, metal, and other materials. PECTs include chop saws, circular saws, jig saws, reciprocating saws, miter saws, portable bank saws, cut-off machines, shears, nibblers, planers, routers, joiners, jointers, metal cutting saws, and similar cutting tools.

The products subject to this order include all hand-held PECTs and certain bench-top, hand-operated PECTs. Hand-operated tools are designed so that only the functional or moving part is held and moved by hand while in use, the whole being designed to rest on a table top, bench, or other surface. Bench-top tools are small stationary tools that can be mounted or placed on a table or bench. These are generally distinguishable from other stationary tools by size and ease of movement.

The scope of the PECT order includes only the following bench-top, hand-operated tools: cut-off saws; PVC saws; chop saws; cut-off machines, currently classifiable under subheading 8461 of the Harmonized Tariff Schedule of the United States (HTSUS); all types of miter saws, including slide compound miter saws and compound miter saws, currently classifiable under subheading 8465 of the HTSUS; and portable band saws with detachable bases, also currently classifiable under subheading 8465 of the HTSUS.

This order does not include: professional sanding/grinding tools; professional electric drilling/fastening tools; lawn and garden tools; heat guns; paint and wallpaper strippers; and chain saws, currently classifiable under subheading 8508 of the HTSUS.

Parts or components of PECTs when they are imported as kits, or as accessories imported together with covered tools, are included within the scope of this order.

''Corded'' and ''cordless'' PECTs are included within the scope of this order. ''Corded'' PECTs, which are driven by electric current passed through a power cord, are, for purposes of this order, defined as power tools which have at least five of the following seven characteristics:

1. The predominate use of ball, needle, or roller bearings (*i.e.*, a majority or greater number of the bearings in the tool are ball, needle, or roller bearings;
2. Helical, spiral bevel, or worm gearing;
3. Rubber (or some equivalent material which meets UL's specifications S or SJ) jacketed power supply cord with a length of 8 feet or more;
4. Power supply cord with a separate cord protector;
5. Externally accessible motor brushes;
6. The predominate use of heat treated transmission parts (*i.e.*, a majority or greater number of the transmission parts in the tool are heat treated); and
7. The presence of more than one coil per slot armature.

If only six of the above seven characteristics are applicable to a particular ''corded'' tool, then that tool must have at least four of the six characteristics to be considered a ''corded'' PECT.

''Cordless'' PECTs, for the purposes of this order, consist of those cordless electric power tools having a voltage greater than 7.2 volts and a battery recharge time of one hour or less.

PECTs are currently classifiable under the following subheadings of the HTSUS: 8508.20.00.20, 8508.20.00.70, 8508.20.00.90, 8461.50.00.20, 8465.91.00.35, 85.80.00.55, 8508.80.00.65 and 8508.80.00.90. Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise under review is dispositive.

This review covers one company, Makita Corporation (Makita), and the period July 1, 1996 through June 30, 1997.

Analysis of the Comments Received

Comment 1

Makita argues that the Department should revise its CEP profit calculations to reflect the profit from the entire foreign like product, not just the profit from the home market models that are the closest matches to the U.S. models. Makita states that the statute and the Department's regulations (*see* 19 U.S.C. section 1677a(d)(3) and 1677b(e)(2)(A), and 19 CFR 351.402(d) and 351.405(b)) require the Department to base its CEP profit calculation on the entire home market sales database reported by Makita. According to Makita, the Department has conclusively stated that a calculation of CV and CEP should be based on sales of the ''foreign like product'' which includes all home market sales during the POR (*see Antifriction Bearings (Other than Tapered Roller Bearings) and Parts Thereof from France, Germany, Italy, Japan, Romania, Singapore, Sweden, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews*, 63 FR 33320, 33323 (June 18, 1998); *Color Picture Tubes from Japan: Final Results of Antidumping Duty Administrative Review*, 62 FR 34201 (June 25, 1997); *Antifriction Bearings (Other than Tapered Roller Bearings) and Parts Thereof from France, Germany, Italy, Japan, Romania, Singapore, Sweden, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews*, 62 FR 54043, (October 17, 1997); and *Certain Internal-Combustion Industrial Forklift Trucks from Japan: Final Results of Antidumping Duty Administrative Reviews*, 62 FR 5592 (February 6, 1997). Makita claims that in a previous administrative review of this proceeding, the Department erred in incorrectly limiting the home market database to those models used as matches for U.S. sales for the purposes

of calculating CV and CEP profit in the preliminary results. This error was corrected for the final results of that review (see *Professional Electric Cutting Tools from Japan: Final Results of Antidumping Duty Administrative Review*, 62 FR 386, 388 (January 3, 1997) (*PECT 94/95 Final*). Makita thus urges the Department to revise its calculation of CEP profit for the final results of this review and use the profit resulting from sales of all products in the home market database to calculate CEP profit.

Petitioner agrees that the Department should calculate the profit for purposes of the CEP sale on the basis of the foreign like product. However, it disagrees with Makita in its definition of the term ''foreign like product.'' In its interpretation, petitioner claims that the term ''foreign like product'' is defined by the statute as the sales used as a basis of comparison with sales to the United States (19 U.S.C. section 1677b(a)). Petitioner notes that 19 U.S.C. section 1677(16)(A), (B), and (C) requires the Department to select as the foreign like product merchandise that is, in the first instance, identical to that sold in the United States. If identical merchandise does not exist, the Department may select merchandise similar to the foreign like product, the objective being to develop a pool of comparable products, the prices of which are used to calculate NV. Petitioner cites *Koyo Seiko Co., Ltd.* versus *United States*, 66 F.3d 1204, 1209 (Fed. Cir. 1995) (*Koyo Seiko*) in support of its contention that the pool of matched models is the foreign like products from which the home market portion of the CEP profit is derived.

Petitioner concludes that if the foreign like product is expanded beyond the pool of matched models to include all similar products, as respondent requests, the resulting profit figure would be unrepresentative of the products that were used to determine NV.

Department's Position

We agree with respondents that we erred in limiting the home market database to those models used as matches for U.S. sales for purposes of calculating CEP profit in the preliminary results. For the final results, we have used all sales of the foreign like product for the purposes of calculating CEP profit.

19 CFR 351.402(d)(1) specifically states that the Department ''normally will use the aggregate of expenses and profit for...all foreign like products sold in the exporting country . . .'' As the Department stated in *PECT 94/95 Final*, for purposes of calculating CV and CEP profit, we interpret the term ''foreign like product'' to be inclusive of all merchandise sold in the home market which is in the same general class or kind of merchandise as that under consideration. We have continued to follow this practice in this review.

Comment 2

Petitioner asserts that the Department incorrectly granted Makita a Constructed Export Price (''CEP'') offset. As argument, they incorporated their rebuttal brief from the third administrative review of this proceeding. *See* the relevant portion of Comment 1 from the Final Results of the 95/96 Review of this proceeding (*Professional Electrical Cutting Tools from Japan: Final Results of Antidumping Duty Administrative Review*, 63 FR 6891 (February 11, 1998) (*PECT 95/96 Final*). Petitioner asserts that Makita has not established that sales to wholesalers in Japan were made at a different stage of marketing compared to its wholesaler in the United States.

Petitioner contends that even if the Department were correct that a CEP offset is appropriate, this methodology has been invalidated by the Court of International Trade in the case of *Borden, Inc. et al.* versus *United States*, 1988 WL 178722, Slip Op. 98–36 (CIT 1998) (*Borden*). Petitioner maintains that, in *Borden*, the Court held that Commerce's methodology in determining level of trade (''LOT'') adjustments and CEP offsets is contrary to the clear terms of the governing statute. The Court stated that Commerce should only make price adjustments to the starting prices of CEP sales after comparing those sales to home market sales in the LOT analysis.

According to petitioner, the Department applied the methodology for adjusting and calculating CEP that the Court rejected in *Borden*, and consequently should correct this error in the final results of this administrative review.

Makita argues that the Department was correct in granting Makita a CEP offset as the Department has a complete, fully documented and verified level of trade (LOT) analysis for the record of this review supporting the granting of this offset. Specifically, Makita responds that the Department has found ''vast (and verified) differences in selling functions and stages of marketing'' between Makita's HM sales and its CEP sales. Makita states that this analysis resulted in a fair pricing comparison and that, as a result, the Department's analysis is in full accordance with the law.

Makita further contends that the remand guidelines established in *Borden* do not invalidate the Department's LOT methodology, claiming that the LOT analysis performed by the Department meets all of the requirements set forth in *Borden*, and provides for a fair comparison of home market and U.S. prices. Makita maintains that the Court concedes that the statutory LOT adjustments to which the Court refers could bring about the same result created by the automatic deduction of expenses under 19 U.S.C. section 1677a(d) (''section (d) expenses''). As a result, Makita argues, there is no evidence that the Department's prior deduction of expenses and profit under 19 U.S.C. section 1677a(d) in any way affects the integrity, objectivity, or completeness of its LOT analysis, or that it results in unfair price comparisons. In fact, Makita asserts that the Department considered all relevant selling functions in its level of trade analysis, not just those relating to deductible expenses.

Makita asserts that if the *Borden* guidelines are interpreted as establishing the relevant U.S. LOT at the unadjusted CEP level, and therefore not allowing the deductions of section (d) expenses at any time, then these guidelines are contrary to the law. According to Makita, under this broad view of *Borden*, the relevant U.S. LOT would be the starting price (the unadjusted CEP level), the LOT would never change over the course of the Department's entire LOT inquiry, and section (d) expenses would never be deducted. Makita believes this methodology to be inconsistent with the Court's view that a determination of the proper LOT is the very purpose of the Department's LOT inquiry, and completely ignores the fact that the statutory offset remedy is, by its very terms, designed to correct for differences in the foreign parent company's indirect selling expenses (under 19 U.S.C. section 1677b(7)(B)). Makita asserts that section (d) expenses, which are incurred by the U.S. affiliate, have no bearing on these indirect selling expenses.

Respondent continues that the starting price is, by definition, never equal to the CEP level of sales. If the Court does not allow any changes to the LOT at the starting price, or does not allow adjustments to CEP even where this is required to allow for a fair comparison of home market and U.S. pricing, then the Court is depriving litigants of access to procedures which guarantee fair results.

In respondents' view, the Department has been consistently clear in stating

that where a level of trade comparison is warranted and possible, the level of trade for CEP sales will be evaluated based on the price after adjustments are made under section 772(d) of the Act. *See Static Random Access Memory Semiconductors from Taiwan: Final Determination of Sales at Less Than Fair Value*, 63 FR 8909, 8918–8920 (February 23, 1998); and *Large Newspaper Printing Presses and Components Thereof, Whether Assembled of Unassembled from Japan: Final Determination of Sales at Less Than Fair Value*, 61 FR 38139, 38143 (July 23, 1996). Makita believes that this practice represents a reasonable interpretation of the statute and should continue to be applied in this review.

Finally, Makita claims that, assuming that the Department's LOT analysis does not comport with *Borden*, the guidelines are still not binding on the Department because (1) *Borden's* applicability is limited to its facts, and (2) the remand is not a ''final decision'' because the Department has indicated that it plans to appeal *Borden*.

Department's Position

We agree with respondents that we correctly granted Makita a CEP offset in this case. We concluded, based on factual evidence, that (1) significant differences exist in the selling functions associated with each of the two home market levels of trade and the CEP level of trade; (2) the CEP level of trade is at a less advanced stage of distribution than either home market level of trade; and (3) the data available do not provide an appropriate basis for a level of trade adjustment for any comparisons to CEP. Therefore, the Department has granted Makita a CEP offset for the final results.

The Department is continuing its practice, articulated in section 351.412(c) of its regulations, of making level of trade comparisons for CEP sales on the basis of the CEP after adjustments provided for in section 772(d) of the statute. As stated in *Certain Stainless Steel Wire Rods from France: Final Results of Antidumping Duty Administrative Review*, 63 FR 30185 (June 3, 1998), we recognize that the Department's practice has been criticized by the Court of International Trade in *Borden*. However, the decision in *Borden* is not final, and we believe our practice to be in full compliance with the statute and the regulations. Thus, we will continue to apply the methodology articulated in the regulations at section 351.412.

Final Results of Review

As a result of our review, we determine that the following weighted-average dumping margin exists for the period June 30, 1996, through July 1, 1997:

Manufacturer/Exporter	Margin (percent)
Makita Corporation	0.05 (de minimis)

The Department will determine, and 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 appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of these final results for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date provided by section 751(a)(1) of the Act: (1) No cash deposit will be required for the reviewed company as the rate stated above is de minimis, *i.e.*, less than 0.5 percent; (2) if the exporter is not a firm covered in this review, a prior review, or the original less than fair value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (3) the cash deposit rate for all other manufacturers or exporters will continue to be the ''all others'' rate of 54.52 percent, the all others rate established in the LTFV investigation. These deposit requirements, when imposed, 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 351.402(f)(2) 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 the 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)(1), that continues to govern business proprietary information in this segment of the proceeding. 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 the terms of an APO is a sanctionable violation.

This determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: October 5, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98–27277 Filed 10–8–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 980413092–8224–03]

RIN 0648–ZA39

NOAA Climate and Global Change Program, Program Announcement

AGENCY: Office of global programs, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The Climate and Global Change Program represents a National Oceanic and Atmospheric Administration (NOAA) contribution to evolving national and international programs designed to improve our ability to observe, understand, predict, and respond to changes in the global environment. this program builds on NOAA's mission requirements and longstanding capabilities in global change research and prediction. The NOAA Program is a key contributing element of the U.S. Global Change Research Program (USGCRP), which is coordinated by the interagency Committee on Environmental and Natural Resources. NOAA's program is designed to complement other agency contributions to that national effort.

DATES: Strict deadlines for submission to the FY 1999 CLIVAR-Atlantic Program process are: Letters of intent must be received at OGP no later than November 6, 1998. Full proposals must be received at OGP no later than January 15, 1999. Applicants who have not received a response to their letter of intent by December 2, 1998, should contact the program office. The time from target date to grant award varies. We anticipate that review of full proposals will occur during the spring of 1999 for most approved projects. June 1, 1999, should be used as the proposed start date on proposals, unless otherwise