a producer if that producer also exports merchandise from other suppliers) which were produced in more than one country of orgin and each country of orgin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Seven copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room 1870, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230. The Department also asks parties to serve a copy of their requests to the Office of Antidumping/ Countervailing Enforcement, Attention: Sheila Forbes, in room 3065 of the main Commerce Building. Further, in accordance with § 351.303(f)(l)(i) of the regulations, a copy of each request must be served on every party of the Department's service list.

The Department will publish in the **Federal Register** a notice of ''Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation'' for requests received by the last day of November 1998. If the Department does not receive, by the last day of November 1998, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct the Customs Service to assess antidumping or countervailing duties on those entries at a rate equal to the cash 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: November 5, 1998.

Holly A. Kuga,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 98–30281 Filed 11–10–98; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties

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

ACTION: Rebuttal period for comments on policy concerning assessment of antidumping duties.

SUMMARY: On October 15, 1998, the Department of Commerce published in the **Federal Register** (63 FR 55361) a request for parties to comment on the Department's regulation on automatic liquidation where a reseller has been involved in the chain of commerce for merchandise. This notice establishes a rebuttal period.

FOR FURTHER INFORMATION CONTACT: Joan L. MacKenzie, Senior Attorney, Office of the Chief Counsel for Import Administration, (202) 482–1310, or Laurie Parkhill, Director, Office 3, Import Administration, (202) 482–4733.

SUPPLEMENTARY INFORMATION: On October 15, 1998, the Department of Commerce published in the **Federal Register** (63 FR 55361) a request for parties to comment on the Department's regulation on automatic liquidation where a reseller has been involved in the chain of commerce for merchandise. This notice establishes a rebuttal period to any comments submitted in response to the October 15, 1998, notice.

Subsequent to the publication of the October 15, 1998 notice, we received a request to extend the due date for comments. This request was granted and comments are now due Friday, November 13, 1998. In addition, on October 23, 1998, we received a request that we establish a period for rebuttal to any comments submitted in response to the October 15, 1998, notice. The Department is granting the request for a rebuttal period. All rebuttal comments will be due Friday, December 4, 1998.

To help simplify the processing and distribution of comments and rebuttals, the Department requests that a submission in electronic form accompany the required paper copies. Comments filed in electronic form should be on a DOS formatted 3.5'' diskette in either WordPerfect format or a format that the WordPerfect program can convert into WordPerfect. Please make each comment a separate file on the diskette and name each separate file using the name of the proposed document, *e.g.*, ''Reseller Liquidation.''

Comments received on diskette will be made available to the public on the Web at the following address: ''http://www.ita.doc.gov/import admin/ i records/''. In addition, upon request, the Department will make comments filed in electronic form available to the public on 3.5'' diskettes (at cost) with specific instructions for accessing compressed data (if necessary). Any questions concerning file formatting, document conversion, access on the Web, or other electronic filing issues should be addressed to Andrew Lee Beller, IA Webmaster, at (202) 482-0866 or via e-mail at andrew lee beller@ita.doc.gov.

Address written comments to Robert S. LaRussa, Assistant Secretary for Import Administration, Dockets Center, Room 1870, Pennsylvania Avenue and 14th Street, N.W., Washington, D.C. 20230. Attention: Laurie Parkhill, Comment on Automatic Liquidation.

Dated: November 3, 1998.

Holly A. Kuga,

Acting Assistant Secretary for Import Administration.

[FR Doc. 98–30237 Filed 11–6–98; 3:08 pm]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–810]

Stainless Steel Bar from India; Preliminary Results of Antidumping Duty Administrative Review and New Shipper Review

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

ACTION: Notice of preliminary results of 1997–1998 antidumping duty administrative review and new shipper review of stainless steel bar from India.

SUMMARY: In response to requests from Bhansali Bright Bars Pvt. Ltd. and Venus Wire Industries Limited, the Department of Commerce is conducting an administrative review of the antidumping duty order on stainless steel bar from India. In response to requests from Sindia Steels Limited, Chandan Steel Limited, and Madhya Pradesh Iron & Steel Company, the Department of Commerce is conducting a new shipper review of the antidumping duty order on stainless steel bar from India. These reviews cover sales of stainless steel bar to the United States during the period February 1, 1997, through January 31, 1998.

We have preliminarily determined that, during the period of review, Venus Wire Industries Limited, Sindia Steels Limited, and Madhya Pradesh Iron & Steel Company made sales below normal value and that Bhansali Bright Bars Pvt. Ltd. and Chandan Steel Limited did not make sales below normal value. If these preliminary results are adopted in our final results of administrative review and new shipper review, we will instruct the Customs Service to assess antidumping duties equal to the difference between the export price and the normal value.

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

EFFECTIVE DATE: November 12, 1998.

FOR FURTHER INFORMATION CONTACT: Zak Smith or James Breeden, Office 1, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230; telephone (202) 482–0189 or (202) 482–1174, respectively.

SUPPLEMENTARY INFORMATION:

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, all references to the Department of Commerce's (''the Department's'') regulations are to 19 CFR part 351 (April 1998).

Background

On February 23 and February 25, 1998, the Department received requests from Bhansali Bright Bars Pvt. Ltd. (''Bhansali'') and Venus Wire Industries Limited (''Venus'') to conduct an administrative review of the antidumping duty order on stainless steel bar from India. The Department published in the **Federal Register**, on March 23, 1998, a notice of initiation of an administrative review of Bhansali and Venus covering the period February 1, 1997, through January 31, 1998 (63 FR 13837).

On February 19, 1998, Sindia Steels Limited (''Sindia'') requested that we conduct a new shipper review. Sindia's request was followed by similar requests from Chandan Steel Limited (''Chandan'') and Madhya Pradesh Iron and Steel Company (''Madhya'') on February 27, 1998. We published the notice of initiation for this new shipper review on April 7, 1997 (63 FR 16972). This new shipper review covers the same period as the administrative review and, pursuant to section 751(a) of the Act and 19 CFR 351.214(j)(3), is being conducted concurrently with the administrative review.

On August 14 and October 30, 1998, the Department initiated sales below cost investigations of Madhya and Bhansali, respectively. A sales below cost analysis of Bhansali is not included in this notice because the sales below cost investigation was initiated shortly before issuance of these preliminary results. A sales below cost analysis of Madhya is not included in this notice because Madhya did not submit the requested cost information in a timely manner *(see, Facts Available,* below).

Scope of Reviews

Imports covered by these reviews are shipments of stainless steel bar (''SSB''). SSB means articles of stainless steel in straight lengths that have been either hot-rolled, forged, turned, cold-drawn, cold-rolled or otherwise cold-finished, or ground, having a uniform solid cross section along their whole length in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles, hexagons, octagons, or other convex polygons. SSB includes cold-finished SSBs that are turned or ground in straight lengths, whether produced from hot-rolled bar or from straightened and cut rod or wire, and reinforcing bars that have indentations, ribs, grooves, or other deformations produced during the rolling process.

Except as specified above, the term does not include stainless steel semi-finished products, cut length flat-rolled products (*i.e.*, cut length rolled products which if less than 4.75 mm in thickness have a width measuring at least 10 times the thickness, or if 4.75 mm or more in thickness having a width which exceeds 150 mm and measures at least twice the thickness), wire (*i.e.*, cold-formed products in coils, of any uniform solid cross section along their whole length, which do not conform to the definition of flat-rolled products), and angles, shapes and sections.

The SSB subject to this order is currently classifiable under subheadings 7222.10.0005, 7222.10.0050, 7222.20.0005, 7222.20.0045, 7222.20.0075, and 7222.30.0000 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this order is dispositive.

Use of Facts Otherwise Available

Section 782(e) of the Act provides that the Department shall not decline to consider information that is submitted by an interested party and that is necessary to the determination but which does not meet all the applicable requirements established by the Department if—

(1) The information is submitted by the deadline established for its submission,

(2) The information can be verified,

(3) The information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination,

(4) The interested party has demonstrated that it acted to the best of its ability in providing the information and meeting the requirements established by the Department with respect to the information, and

(5) The information can be used without undue difficulties.

On September 3, 1998, Madhya requested a one week extension in which to submit its responses to Section D (Cost of Production and Constructed Value) of the original questionnaire and to the Department's supplemental questionnaire. In support of its request, Madhya stated that it needed additional time because it was having difficulty responding to both questionnaires at the same time. We granted its request. On the date the responses were due, we received an additional request for an extension from Madhya's counsel. Counsel explained that, as of this date, it had not received the questionnaire responses from Madhya; in fact, counsel had ''not heard from them.'' We granted the request. Finally, on September 14, 1998, the date the questionnaire responses were due, we received a request for a third extension. The only reasoning supplied to the Department was that the responses from India had not yet been provided to counsel. Because we did not receive an adequate explanation or reasoning as to why the extension was needed, we did not grant the request. Nonetheless, Madhya submitted its responses on September 17, 1998. However, because Madhya failed to meet an already extended deadline and provided no explanation as to why it did not meet the extended deadline, we rejected its response as untimely.

We must therefore consider whether the submitted information already on the record is usable under section 782(e) of the Act. The information that Madhya failed to provide would have been the first comprehensive cost information to be used in the Department's cost

investigation. Thus, the information currently on the record is so incomplete that it cannot serve as a reliable basis for reaching preliminary results (*see, Elemental Sulphur From Canada: Preliminary Results of Antidumping Duty Administrative Review, 62 FR 969 (January 7, 1997*). Therefore, in accordance with section 776(a) of the Act and 19 CFR 351.308(a), we must use facts otherwise available.

In determining the appropriate facts available to apply to Madhya's sales, we have preliminarily determined that Madhya failed to cooperate by not acting to the best of its ability to comply with a request for information under section 776(b) of the Act. Specifically, as described above, Madhya failed to submit its questionnaire responses on time and failed to provide adequate reasons for the delays, despite having been advised by its counsel of the importance of meeting the Department's deadlines. Therefore, we have applied adverse facts available to calculate Madhya's margin.

As adverse facts available, we have preliminarily assigned a margin of 12.45 percent to Madhya's sales of the subject merchandise. This margin is the ''all others'' rate established in the less-than-fair-value (''LTFV'') investigation. Information from prior segments of the proceeding constitutes secondary information and section 776(c) of the Act provides that the Department shall, to the extent practicable, corroborate that secondary information from independent sources reasonably at its disposal. The Statement of Administrative Action (''SAA'') provides that ''corroborate'' means simply that the Department will satisfy itself that the secondary information to be used has probative value (*see*, H.R. Doc. 316, Vol. 1, 103d Cong., 2d Sess. 870 (1994)).

To corroborate secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information to be used. However, unlike other types of information, such as input costs or selling expenses, there are no independent sources for calculated dumping margins. Thus, in an administrative review, if the Department chooses as adverse facts available a calculated dumping margin from a prior segment of the proceeding, it is not necessary to question the reliability of the margin for that time period. With respect to the relevance aspect of corroboration, however, the Department will consider information reasonably at its disposal as to whether there are circumstances that would render a margin inappropriate. Where circumstances indicate that the selected margin is not appropriate as adverse facts available, the Department will disregard the margin and determine an appropriate margin (*see, e.g., Fresh Cut Flowers from Mexico; Final Results of Antidumping Duty Administrative Review*, 61 FR 6812, 6814 (Feb. 22, 1996) (where the Department disregarded the highest margin as adverse facts available because the margin was based on another company's uncharacteristic business expense resulting in an unusually high margin)).

As discussed above, it is not necessary to question the reliability of a calculated margin from a prior segment of the proceeding. Further, there are no circumstances indicating that this margin is inappropriate as facts available. Therefore, we preliminarily find that the 12.45 percent rate is corroborated.

United States Price

In calculating the price to the United States, we used export price (''EP''), in accordance with section 772(a) of the Act, because the subject merchandise was sold directly to the first unaffiliated purchaser in the United States prior to importation into the United States and use of constructed export price was not otherwise indicated.

We calculated EP based on either the CIF or C&F price to the United States. In accordance with section 772(c)(2) of the Act, we made deductions, as appropriate, for foreign inland freight, international freight, marine insurance, brokerage and handling, and clearing and forwarding.

All five respondents claimed an upward adjustment to EP for a ''duty drawback'' program. In the preliminary results of the first administrative review of this order, we analyzed the functioning of this duty drawback program and found that it did not meet the Department's criteria for an upward adjustment to EP (*see*, 62 FR 10540 at 10541, March 7, 1997). We maintained our position in the final results (*see*, 62 FR 37030, July 10, 1997). We have reexamined the program in regard to the five respondents, and have found no reason to deviate from our previous decision. As stated in *Certain Welded Carbon Standard Steel Pipes and Tubes from India* (62 FR 47632 at 47635, September 10, 1997), ''we determine whether an adjustment to U.S. price for a respondent's claimed duty drawback is appropriate when the respondent can demonstrate that it meets both parts of our two-part test. There must be: (1) A sufficient link between the import duty and the rebate, and (2) a sufficient amount of raw materials imported and used in the production of the final exported product.'' Because the respondents did not demonstrate a sufficient link between the import duty and the rebate, we have not made an adjustment to EP.

Normal Value

In order to determine whether there was a sufficient volume of sales in the home market to serve as a basis for calculating normal value (''NV''), we compared the respondents' volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise, in accordance with section 773(a) of the Act. When home market sales were determined to be insufficient in quantity to permit a proper comparison with sales to the United States, we compared the respondents' volume of third country sales of the foreign like product to the volume of U.S. sales of the subject merchandise, in accordance with section 773(a)(1)(C) of the Act.

For Bhansali and Chandan, because the aggregate volume of home market sales of the foreign like product was greater than five percent of the aggregate volume of U.S. sales of the subject merchandise, we determined that the home market provides a viable basis for calculating NV. Therefore, in accordance with section 773(a)(1)(B)(i) of the Act, we based NV for these companies on the prices at which the foreign like product was first sold to unaffiliated customers for consumption in the exporting country, in the usual commercial quantities and in the ordinary course of trade.

For Venus and Sindia, because the aggregate volume of home market sales of the foreign like product was not greater than five percent of the aggregate volume of U.S. sales of the subject merchandise, we determined that the home market was not appropriate for calculating NV. Therefore, we examined these companies' sales to third country markets. Both Venus and Sindia had more than one third country market that satisfied the criteria of section 773(a)(1)(B)(ii) of the Act. To select among these markets, we considered the criteria outlined in 19 CFR 351.404(e): The similarity of the foreign like product exported to each third country versus subject merchandise exported to the United States; the volume of sales to the third countries; and other factors that we considered appropriate. For Venus, we chose Belgium as the third country market. Although it was not the largest third country market, the merchandise sold to Belgium was more similar to the merchandise sold by Venus to the United States. In the case

of Sindia, we selected Canada. Again, Canada was not the largest third country market, but the merchandise sold there was more similar to the merchandise sold to the United States and the Canadian sales were contemporaneous with U.S. sales, while sales to the largest third country were not. Both Venus' aggregate sales of the foreign like product to its second largest third country market and Sindia's aggregate sales of the foreign like product to Canada were greater than five percent of their sales, by volume, of the subject merchandise to the United States (see the Memoranda to Richard Moreland dated October 2, 1998, ''*Selection of Third Country Comparison Market*,'' which are available in the public records of the Department's Central Records Unit, Room B–099.).

Level of Trade

In accordance with section 773(a)(1)(B) of the Act, to the extent practicable, we determine NV based on sales in the comparison market at the same level of trade (''LOT'') as the EP transaction. The NV LOT is that of the starting-price sales in the comparison market. For EP, the U.S. LOT is also the level of the starting-price sale, which is usually from exporter to importer.

To determine whether NV sales are at a different LOT than EP, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison-market sales are at a different LOT, and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which NV is based and comparison-market sales at the LOT of the export transaction, we make a LOT adjustment under section 773(a)(7)(A) of the Act. *See, Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from South Africa*, 62 FR 61731 (November 19, 1997).

In implementing these principles in these reviews, we reviewed information from each respondent regarding the marketing stage involved in the reported home market or third country and U.S. sales, including a description of the selling activities performed by the respondents for each channel of distribution. Pursuant to section 773(a)(1)(B)(i) of the Act and the Statement of Administrative Action at 827, in identifying levels of trade for EP and home market sales, we considered the selling functions reflected in the starting prices before any adjustments. We expect that, if claimed levels of trade are the same, the functions and activities of the seller should be similar. Conversely, if a party claims that levels of trade are different for different groups of sales, the functions and activities of the seller should be dissimilar.

Based on an analysis of the selling functions, class of customers, and level of selling expenses, we found that the marketing processes in both the home market or third country and the United States were not substantially dissimilar for Bhansali, Chandan, Venus, or Sindia. Therefore, we have preliminarily found that sales in both markets for each respondent are at the same LOT and consequently, no LOT adjustment is warranted.

Preliminary Results of the Reviews

As a result of our comparison of EP and NV, we preliminarily determine the following weighted-average dumping margins:

Manufacturer/ Exporter	Period	Margin (percent)
Bhansali ..	2/1/96–1/31/97	0.00
Venus	2/1/96–1/31/97	0.23
Sindia	2/1/96–1/31/97	0.19
Chandan ..	2/1/96–1/31/97	0.00
Madhya ...	2/1/96–1/31/97	12.45

Parties to the proceeding may request disclosure within five days of the date of publication of this notice. Any interested party may request a hearing within 30 days of publication. Any hearing, if requested, will be held 37 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. Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than 35 days after the date of publication of this notice. The Department will issue the final results of these administrative and new shipper reviews, which will include the results of its analysis of issues raised in any such comments, within 120 days of publication of these preliminary results.

Upon completion of these administrative and new shipper reviews, the Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between EP and NV may vary from the percentages stated above. We have calculated an importer-specific duty assessment rate based on the ratio of the total amount of antidumping duties calculated for the examined sales made during the period of review (''POR'') to the total value of subject merchandise entered during the POR. In order to estimate the entered value, we subtracted international movement expenses (*e.g.*, international freight) from the gross sales value. This rate will be assessed uniformly on all entries made during the POR. The Department will issue appraisement instructions directly to the Customs Service.

The following deposit requirement will be effective upon publication of the final results of these administrative and new shipper reviews for all shipments of stainless steel bar from India entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed companies will be the rates established in the final results of these reviews; (2) if the exporter is not a firm covered in these reviews, but was covered in a previous review or the original LTFV investigation, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in these reviews, a previous review, or the original 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 (4) the cash deposit rate for all other manufacturers and/or exporters of this merchandise, shall be 12.45 percent, the ''all others'' rate established in the LTFV investigation (59 FR 66915, December 28, 1994).

These requirements, 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 351.402(f) 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, new shipper review, and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 351.213 and 351.214.

Dated: November 2, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98–30280 Filed 11–10–98; 8:45 am]

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