

sunset reviews on the antidumping duty orders on iron construction castings from Canada, Brazil and the People's Republic of China. Based on adequate responses from domestic interested parties and inadequate response (in these cases, no response) from respondent interested parties, the Department is conducting expedited sunset reviews to determine whether revocation of the orders would be likely to lead to continuation or recurrence of dumping. As a result of this extension, the Department intends to issue its final results not later than June 1, 1999.

EFFECTIVE DATE: March 8, 1999.

FOR FURTHER INFORMATION CONTACT: Martha V. Douthit or Melissa G. Skinner, Import Administration, International Trade Administration, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street, N.W., Washington, D.C. 20230; telephone: (202) 482-3207, or (202) 482-1560 respectively.

Extension of Final Results

The Department has determined that the sunset reviews of the antidumping duty orders on iron construction castings from Canada, Brazil, and the People's Republic of China are extraordinarily complicated. In accordance with section 751(c)(5)(C)(v) of the Tariff Act of 1930, as amended ("the Act"), the Department may treat a review as extraordinarily complicated if it is a review of a transition order (i.e., an order in effect on January 1, 1995). See section 751(c)(6)(C) of the Act. The Department is extending the time limit for completion of the final results of these review until not later than June 1, 1999, in accordance with section 751(c)(5)(B) of the Act.

Dated: March 2, 1999.

Robert S. LaRussa,
Assistant Secretary for Import
Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-840]

Manganese Metal From the People's Republic of China; Preliminary Results and Partial Rescission of Antidumping Administrative Review

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

ACTION: Notice of preliminary results and partial rescission of antidumping

duty administrative review of manganese metal from the People's Republic of China.

SUMMARY: We have preliminarily determined that sales by China Metallurgical Import & Export Hunan Corporation/Hunan Nonferrous Metals Import & Export Associated Corporation have been made below normal value during the period of review of February 1, 1997, through January 31, 1998. Because we were unable to verify that China Hunan International Economic Development Corporation reported all of its U.S. sales during the period of review, we have preliminarily determined to apply adverse facts available in calculating the dumping margins for this exporter of the subject merchandise. If these preliminary results are adopted in our final results of review, we will instruct the U.S. Customs Service to assess antidumping duties based on the difference between the export price and normal value on all appropriate entries.

We have also determined that the review of China National Electronics Import and Export Hunan Company and Minmetals Precious & Rare Minerals Import & Export Corporation should be rescinded.

We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: March 8, 1999.

FOR FURTHER INFORMATION CONTACT: Greg Campbell or Craig Matney, Office I, 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) 482-2239 or (202) 482-1778, 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's regulations are to 19 CFR part 351 (April 1998).

Background

On February 6, 1996, the Department of Commerce (the Department) published in the **Federal Register** the antidumping duty order on manganese metal from the People's Republic of China (PRC). See *Notice of Amended Final Determination and Antidumping Duty Order: Manganese Metal from the*

People's Republic of China, 61 FR 4415 (February 6, 1996) (*LTFV Investigation*). In accordance with 19 CFR 351.213(b)(2), on February 9, 1998, Elkem Metals Company and Kerr-McGee Chemical Corporation (the petitioners) requested that we conduct an administrative review of this order. On March 23, 1998, in accordance with 19 CFR 351.213(c)(3), we published a notice of initiation of this antidumping duty administrative review. See 63 FR 13837. On November 9, 1998, we published a notice of extension of time limit for the preliminary results. See 63 FR 60303.

The Department is conducting this administrative review in accordance with section 751 of the Act. The period of review (POR) is February 1, 1997 through January 31, 1998.

Scope of Review

The merchandise covered by this review is manganese metal, which is composed principally of manganese, by weight, but also contains some impurities such as carbon, sulfur, phosphorous, iron and silicon. Manganese metal contains by weight not less than 95 percent manganese. All compositions, forms and sizes of manganese metal are included within the scope of this administrative review, including metal flake, powder, compressed powder, and fines. The subject merchandise is currently classifiable under subheadings 8111.00.45.00 and 8111.00.60.00 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 proceeding is dispositive.

Partial Rescission

China National Electronics Import and Export Hunan Company (CEIEC) notified the Department that it had not made any U.S. sales of subject merchandise during the POR. Entry data provided by the U.S. Customs Service confirms that there were no POR entries from CEIEC of manganese metal.

Minmetals Precious & Rare Minerals Import & Export Corporation (Minmetals) reported one sale which, based on the date of commercial invoice, was made during the previous POR but which Minmetals believes would have entered the United States during the POR. However, the U.S. Customs data, for both the 1995/97 review period and this review period, indicates that this sale was never entered into the United States. Moreover, neither Minmetals nor the Department has been able to identify

any other customs entries which apparently correspond to this sale. Thus, even if the Department were to calculate a margin for Minmetals, there would be no entry on which to assess the resulting duty.

Therefore, consistent with the Department's practice, we are rescinding this review with respect to Minmetals and CEIEC. See *Silicon Metal from Brazil; Final Results of Antidumping Duty Administrative Review*, 61 FR 46763 (September 5, 1996).

Verification

As provided in section 782(i) of the Act, we verified factor information provided by Xiang Tan Huan Yu Metallurgical Products Plant (Huan Yu). We also conducted sales verifications at China Hunan International Economic Development Corporation (HIED), China Metallurgical Import & Export Hunan Corporation/Hunan Nonferrous Metals Import & Export Associated Corporation (CMIECHN/CNIECHN), and Minmetals. Our verification at each of these companies consisted of standard verification procedures, including the examination of relevant sales and financial records and the selection of original documentation containing relevant information. Our verification results are detailed in the verification reports on file in the Central Records Unit (CRU) in room B-099 of the Department's main building.

Separate Rates

It is the Department's standard policy to assign all exporters of the merchandise subject to review in non-market-economy (NME) countries a single rate unless an exporter can demonstrate an absence of government control, both in law and in fact, with respect to exports. To establish whether an exporter is sufficiently independent of government control to be entitled to a separate rate, the Department analyzes the exporter in light of the criteria established in the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China*, 56 FR 20588 (May 6, 1991) (*Sparklers*), as amplified in the *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China*, 59 FR 22585 (May 2, 1994) (*Silicon Carbide*). Evidence supporting, though not requiring, a finding of *de jure* absence of government control over export activities includes: (1) an absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of

companies; and (3) any other formal measures by the government decentralizing control of companies. See *Sparklers* at 20589. A *de facto* analysis of absence of government control over exports is based on four factors—whether the respondent: (1) sets its own export prices independent from the government and other exporters; (2) can retain the proceeds from its export sales; (3) has the authority to negotiate and sign contracts; and (4) has autonomy from the government regarding the selection of management. See *Silicon Carbide* at 22587; see also *Sparklers* at 20589.

In our final LTFV determination, we determined that there was *de jure* and *de facto* absence of government control of each company's export activities and determined that each company warranted a company-specific dumping margin. See *LTFV Investigation*. For this period of review, HIED, CMIECHN/CNIECHN and Minmetals have responded to the Department's request for information regarding separate rates. We have found that the evidence on the record is consistent with the final determination in the *LTFV Investigation* and continues to demonstrate an absence of government control, both in law and in fact, with respect to these companies' exports, in accordance with the criteria identified in *Sparklers* and *Silicon Carbide*.

Export Price

For those U.S. sales made by CMIECHN/CNIECHN and which we verified, we calculated an export price, in accordance with section 772(a) of the Act, because the subject merchandise was sold to unrelated purchasers in the United States prior to importation into the United States and constructed export price treatment was not otherwise indicated.

For these sales, we calculated export price based on the price to unaffiliated purchasers. We deducted an amount, where appropriate, for foreign inland freight, ocean freight, and marine insurance.¹ The costs for these items were valued in the surrogate country.

In addition to these verified sales, U.S. Customs entry data for the POR indicate that many more shipments of manganese metal listing CMIECHN/CNIECHN as the manufacturer/exporter were entered into the United States than the number of CMIECHN/CNIECHN's

verified U.S. sales.² The verified sales represent less than five percent of the total value of POR entries listing CMIECHN/CNIECHN as the manufacturer/exporter. Based upon our verification of CMIECHN/CNIECHN's total U.S. sales, we have preliminarily determined that these additional entries are not U.S. sales by CMIECHN/CNIECHN for the purposes of this review. We will, however, continue to examine the circumstances surrounding these entries identifying CMIECHN/CNIECHN as the exporter. We note that CMIECHN/CNIECHN has asked the U.S. Customs Service to investigate potential customs fraud involving entries of manganese metal during the POR. We will reconsider, in the final results of review, our preliminary determination that CMIECHN/CNIECHN was not the exporter of these additional entries in the event that any substantive new information on the matter, including any potential determination by the Customs Service regarding alleged customs fraud, becomes available.

Given our preliminary determination that these additional entries are not CMIECHN/CNIECHN sales for the purposes of this review, we have not calculated an export price for these entries. Also, for the reasons enumerated in the *Use of Facts Otherwise Available* section below, we likewise have not calculated an export price for HIED's sales.

Normal Value

1. Non-Market-Economy Status

For companies located in NME countries, section 773(c)(1) of the Act provides that the Department shall determine normal value (NV) using a factors-of-production methodology if (1) the merchandise is exported from an NME country, and (2) the information does not permit the calculation of NV using home-market prices, third-country prices, or constructed value under section 773(a) of the Act.

The Department has treated the PRC as an NME country in all previous antidumping cases. In accordance with section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by the administering authority.

None of the parties to this proceeding has contested such treatment in this

¹ For a detailed discussion of how we derived net export price and constructed value, see *Memorandum to the Case File: Calculations for the Preliminary Results of Review for CMIECHN/CNIECHN* (March 2, 1999), a public version of which is available in room B-099 of the Department's main building.

² The Department initially requested this Customs data to verify the claims of non-shipment by CEIEC (see *Partial Rescission* section above). This request for entry data was also responsive to concerns expressed by the petitioners that many more shipments of manganese metal had entered the United States during the POR than were reported as sales by the respondents.

review. Furthermore, available information does not permit the calculation of NV using home-market prices, third-country prices or constructed value under section 773(a) of the Act. Therefore, we treated the PRC as an NME country for purposes of this review and calculated NV by valuing the factors of production in a comparable market-economy country which is a significant producer of comparable merchandise.

2. Surrogate-Country Selection

In accordance with section 773(c)(4) of the Act and section 351.408(b) of our regulations, we preliminarily determine that India is comparable to the PRC. In addition, India is a significant producer of comparable merchandise. Therefore, for this review, we have selected India as the surrogate country and have used publicly available information relating to India, unless otherwise noted, to value the various factors of production. (See *Memorandum to Susan Kuhbach from Jeff May; Non-Market-Economy Status and Surrogate Country Selection* (June 23, 1998), a public copy of which is available in the Central Records Unit.)

3. Factors-of-Production Valuation

For purposes of calculating NV, we valued PRC factors of production, in accordance with section 773(c)(1) of the Act. Factors of production include but are not limited to the following elements: (1) hours of labor required; (2) quantities of raw materials employed; (3) amounts of energy and other utilities consumed; and (4) representative capital cost, including depreciation. In examining potential surrogate values, we selected, where possible, the publicly available value which was: (1) an average non-export value; (2) representative of a range of prices within the POR or most contemporaneous with the POR; (3) product-specific; and (4) tax-exclusive. Where we could not obtain a POR-representative price for an appropriate surrogate value, we selected a value in accordance with the remaining criteria mentioned above and which was the closest in time to the POR. For a more detailed explanation of the methodology used in calculating various surrogate values, see *Memorandum to the File from Case Team; Calculations for the Preliminary Results* (March 2, 1999). In accordance with this methodology, we have valued the factors as described below.

We valued manganese ore using a June 1998 export price quote (in U.S. dollars) from a Brazilian manganese mine for manganese carbonate ore. Consistent with our methodology used

in the first administrative review of the order on manganese metal from the PRC, this price was adjusted to reflect the decline in manganese ore world prices since the POR. See *Manganese Metal from the PRC; Final Results and Partial Rescission of Antidumping Duty Administrative Review*, 63 FR 12440, 12442 (March 13, 1998). We adjusted this price further to account for the reported manganese content of the ore used in the PRC manufacture of the subject merchandise and to account for the differences in transportation distances.

To value various process chemicals used in the production of manganese metal, we used prices obtained from the following Indian sources: *Indian Chemical Weekly* (February 1997 through November 1997); the *Monthly Statistics of Foreign Trade of India, Volume II—Imports* (February through May 1997) (*Import Statistics*); price quotes from Indian chemicals producers, and the *1995 Indian Minerals Yearbook (IMY)*. Where necessary, we adjusted these values to reflect inflation up to the POR using an Indian WPI published by the International Monetary Fund (IMF). Additionally, we adjusted these values, where appropriate, to account for differences in chemical content and to account for freight costs incurred between the suppliers and manganese metal producers.

To value the labor input, consistent with 19 CFR 351.408(c)(3), we used the regression-based estimated wage rate for the PRC as calculated by the Department.

For selling, general, and administrative expenses (SG&A), factory overhead, and profit values, we used information from the *Reserve Bank of India Bulletin* (January 1997) for the Indian industrial grouping "Processing and Manufacturing: Metals, Chemicals, and Products Thereof." To value factory overhead, we calculated the ratio of factory overhead expenses to the cost of materials and energy. Using the same source, we also calculated the SG&A expense as a percentage of the cost of materials, energy and factory overhead and profit as a percentage of the cost of production (*i.e.*, materials, energy, labor, factory overhead and SG&A).

For most packing materials values, we used per-unit values based on the data in the *Import Statistics*. For iron drums, however, we used a price quote from an Indian manufacturer rather than a value from the *Import Statistics* because the quoted price was for the appropriate type of container used, whereas the *Import Statistics* were aggregated over various types of containers. We made

further adjustments to account for freight costs incurred between the PRC supplier and manganese metal producers.

To value electricity, we used the average rate applicable to large industrial users throughout India as reported in the *1995 Confederation of Indian Industries Handbook of Statistics*. We adjusted the March 1, 1995, value to reflect inflation up to the POR using the WPI published by the IMF.

To value rail freight, we relied upon rates quoted by a manganese mine in India. To value truck freight, we used a price quotation from an Indian freight provider. Because this quote was for a period subsequent to the POR, we deflated the value back to the POR using WPI published by the IMF.

Use of Facts Otherwise Available

Section 776(a)(2) of the Act provides that if an interested party (1) withholds information that has been requested by the Department, (2) fails to provide such information in a timely manner or in the form requested, (3) significantly impedes a proceeding under the antidumping statute, or (4) provides information that cannot be verified, the Department shall use, subject to section 782(d), facts available in reaching the applicable determination. While section 782(d) of the Act provides certain conditions that must be satisfied before the Department may disregard all or part of the information submitted by a respondent, these conditions only apply when the information submitted can be verified and the interested parties have acted to the best of their abilities. See section 782(e) of the Act.

1. Application of Facts Available

We preliminarily determine that, in accordance with sections 776(a)(2) and 776(b) of the Act, the use of facts otherwise available, adverse to the company, is appropriate for HIED because its sales data could not be verified and because it did not cooperate to the best of its ability in the course of this review. These reasons are detailed below.

On August 13, 1998, the Department provided HIED with Customs Service data showing the POR entries into the United States of manganese metal from the PRC indicating HIED as the shipper. In an accompanying letter we noted that these entries differed in material ways from HIED's reported U.S. sales and requested that HIED comment on this inconsistency. HIED replied that its reported sales were correct and could be reconciled with its books. HIED further noted that any inconsistencies were

likely due to "fraudulent schemes" on the part of other exporters to export subject merchandise into the United States under the most favorable circumstances.

The Department subsequently conducted a verification of HIED's reported sales. During the course of verification, we encountered numerous inconsistencies and delays, and certain documents were not available. For instance, HIED officials' explanation of the company's relationship to its U.S. customer was, in general, incongruous and incomplete and, at times, entirely contrary to what other company officials had stated previously. Moreover, although company officials claimed initially that only one of HIED's departments and one of its affiliates made sales of manganese metal during the POR, Department officials conducting the verification (the Verification Team) subsequently identified accounting records which indicated that at least one additional business unit may also have been involved in selling manganese metal. Furthermore, the Verification Team was unable to verify the total quantity and value of subject merchandise sold by HIED and its affiliates because certain intermediate accounting records could not be reconciled to source data or to the financial statements.

Verification of the completeness of HIED's sales reporting was also seriously hindered by the Verification Team's inability to review several of the sales and accounting records reportedly maintained by HIED. In some cases, the source documentation requested by the Department to verify total sales was reportedly discarded prior to verification. Company officials offered no explanation as to why they were unable to retrieve other sales and accounting records, maintained at the company headquarters, for the majority of HIED's sales departments. Sales and accounting records for HIED's affiliates, including those selling manganese metal, were likewise not available though, according to HIED officials, this was because officials were unwilling to travel to other locations in the PRC where the documents were kept.

There were many significant delays in the verification process as a result of sorting through conflicting statements by officials and of the difficulty in locating documents which were explicitly requested by the Department in the verification outline sent prior to the verification. Despite the fact that the verification was extended—for the Department's initiative—for an additional half day, several important documents were not presented to the

Verification Team until near or at the end of verification, preventing an adequate review of important data.

Subsequent to verification, the Department received from the Customs Service supporting documentation (e.g., Customs Form 7501, commercial invoices, packing lists) filed by the U.S. importer upon entering the subject merchandise into the United States for several of the entries which appeared in the U.S. Customs data. The supporting documentation for several entries listed in the U.S. Customs data identified HIED clearly as the actual exporter of the subject merchandise. However, for some of these entries there were no corresponding sales listed in HIED's U.S. sales listing.

These numerous inconsistencies and delays, and the unavailability of documentation, taken together, constitute a verification failure under section 776(a)(2)(D) of the Act. Moreover, based on information obtained from the Customs Service, we have determined that HIED failed to report sales it made to the United States. The Department has, therefore, determined that, because HIED's reported sales data could not be verified and, generally, the credibility of the information contained in HIED's questionnaire responses could not be established, section 776(a) of the Act requires the Department to disregard HIED's questionnaire responses and apply facts available.

2. Use of Adverse Facts Available

In selecting from among the facts available, section 776(b) of the Act authorizes the Department to use an adverse inference if the Department finds that a party has failed to cooperate by not acting to the best of its ability to comply with requests for information. See *Statement of Administrative Action (SAA)*, H.R. Doc. 316, Vol. 1, 103rd Cong., 2d sess. 870 at 870 (1994). To examine whether the respondent "cooperated" by "acting to the best of its ability" under section 776(b) of the Act, the Department considers, *inter alia*, the accuracy and completeness of submitted information and whether the respondent has hindered the calculation of accurate dumping margins. See, e.g., *Certain Welded Carbon Steel Pipes and Tubes From Thailand: Final Results of Antidumping Duty Administrative Review*, 62 FR 53808, 53819-53820 (October 16, 1997).

As discussed above, HIED failed to provide much of the documentation, requested by the Verification Team, necessary to verify HIED's sales. Moreover, various company officials' statements were contradictory on

several points central to a successful verification. Furthermore, the Department identified unreported sales of subject merchandise by HIED which the company knew, or should have known, should have been properly included in the reported U.S. sales list. Thus, we have determined that HIED withheld information we requested and significantly impeded the antidumping proceeding.

We have, therefore, determined that HIED has not acted to the best of its ability to comply with our requests for information. Accordingly, consistent with section 776(b) of the Act, we have applied adverse facts available to this company.

3. Corroboration of Secondary Information

In this review, we are using as adverse facts available the PRC-wide rate (143.32 percent) determined for non-responding exporters involved in the *LTFV Investigation*. This margin represents the highest margin in the petition, as modified by the Department for the purposes of initiation. See *Initiation of Antidumping Duty Investigation: Manganese Metal from the PRC*, 59 FR 61869 (December 2, 1994) (*LTFV Initiation*).

Information derived from the petition constitutes secondary information within the meaning of the SAA. See SAA at 870. Section 776(c) of the Act provides that the Department shall, to the extent practicable, corroborate secondary information from independent sources reasonably at its disposal. The SAA provides that "corroborate" means that the Department will satisfy itself that the secondary information to be used has probative value. The SAA at 870, however, states further that "the fact that corroboration may not be practicable in a given circumstance will not prevent the agencies from applying an adverse inference." In addition, the SAA, at 869, emphasizes that the Department need not prove that the facts available are the best alternative information.

To corroborate secondary information, to the extent practicable the Department will examine the reliability and relevance of the information to be used. To examine the reliability of margins in the petition, we examine whether, based on available evidence, those margins reasonably reflect a level of dumping that may have occurred during the period of investigation by any firm, including those that did not provide us with usable information. This generally consists of examining, to the extent practicable, whether the significant

elements used to derive the petition margins, or the resulting margins, are supported by independent sources. With respect to the relevance aspect of corroboration, the Department will consider information reasonably at its disposal as to whether there are circumstances that would render a margin not relevant. Where circumstances indicate that the selected margin may not be relevant, the Department will attempt to find a more appropriate basis for facts available. See, e.g., *Fresh Cut Flowers from Mexico: Final Results of Antidumping Duty Administrative Review*, 61 FR 6812, 6814 (February 22, 1996) (where the Department disregarded the highest margin as best information available because the margin was based on another company's uncharacteristic business expense resulting in an unusually high margin).

For the initiation of the investigation, based on an analysis of the petition and a subsequent supplement to the petition, the Department modified the dumping margin contained in the petition. See *LTFV Initiation* at 61870. In the petition, the U.S. price was based on price quotations obtained for manganese from the PRC during December 1993 through May 1994. The factors of production were valued, where possible, using publicly available published information for India. Where Indian values were not available, the petitioners used data based on their own costs. For the initiation, however, the Department disallowed all factors valued by using the petitioners' own costs. Instead, we recalculated factory overhead and depreciation expenses using the statistics in the *Reserve Bank of India Bulletin* (December 1992), a publicly available and independent source used in other investigations of imports from the PRC. We also recalculated the valuation of several process chemicals using data from the independent source *Chemical Marketing Reporter*. Furthermore, we revalued electricity costs using World Bank data on electricity rates for industrial users in Indonesia, an appropriate surrogate country at a comparable level of economic development to the PRC.

We find, therefore, for the purpose of these preliminary results that the PRC-wide margin established in the *LTFV Investigation* is reliable. As there is no information on the record of this review that demonstrates that the rate selected is not an appropriate adverse facts available rate for HIED, we determine that this rate has probative value and,

therefore, is an appropriate basis for facts otherwise available.

Preliminary Results of the Review

We hereby determine that the following weighted-average margins exist for the period February 1, 1997, through January 31, 1998:

Manufacturer/Exporter	Margin (percent)
CMIECHN/CNIECHN	6.08
HIED	143.32

Because we are rescinding the review with respect to CEIEC and Minmetals, the respective company-specific rates for these companies remain unchanged.

Any interested party may request a hearing within 30 days of publication of this notice. Any hearing, if requested, will be held approximately 37 days after the publication of this notice. Interested parties may submit written comments (case briefs) within 30 days of the date of publication of this notice. Rebuttal comments (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. The Department will issue a notice of final results of this administrative review, including the results of its analysis of issues raised in any such written comments, within 120 days of publication of these preliminary results.

Assessment and Cash Deposit Rates

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

In order to assess duties on appropriate entries as a result of this review, we have calculated entry-specific duty assessment rates based on the ratio of the amount of duty calculated for each of CMIECHN/CNIECHN's verified sales during the POR to the total entered value of the corresponding entry. The Department will instruct the Customs Service to assess these rates only on those entries which correspond to sales verified by the Department as having been made directly by CMIECHN/CNIECHN.

As discussed in the *Export Price* section above, however, the Customs entry data for the POR indicates that many more shipments of manganese metal listing CMIECHN/CNIECHN as the manufacturer/exporter were entered into the United States than the number of POR sales reported by CMIECHN/

CNIECHN. On those entries listing CMIECHN/CNIECHN as the manufacturer/exporter but for which there are no corresponding verified sales, the Department will instruct the Customs Service to assess the PRC-wide rate of 143.32 percent. The Department will likewise instruct the Customs Service to assess the facts available rate, also 143.32 percent, on all POR entries from HIED.

Furthermore, the following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise 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) for HIED and CMIECHN/CNIECHN, the cash deposit rate will be the rates for these firms established in the final results of this review; (2) for Minmetals and CEIEC, which we determined to be entitled to a separate rate in the *LTFV Investigation* but which did not have shipments or entries to the United States during the POR, the rates will continue to be 5.88 percent and 11.77 percent, respectively (these are the rates which currently apply to these companies); and (3) for all other PRC exporters, the cash deposit rate will be 143.32 percent. 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 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.

We are issuing and publishing this determination in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: March 1, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

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