DEPARTMENT OF COMMERCE

International Trade Administration

[A–823–805]

Notice of Extension of Time Limits for the Preliminary Results of Administrative Review of the Suspension Agreement on Silicomanganese From Ukraine

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

ACTION: Notice of extension of time limits for the preliminary results of administrative review of the suspension agreement on silicomanganese from Ukraine.

SUMMARY: The Department of Commerce (''the Department'') is extending the time limits for the preliminary results of the administrative review on the suspension agreement on silicomanganese from Ukraine.

EFFECTIVE DATE: August 9, 1999.

FOR FURTHER INFORMATION CONTACT: Carrie Blozy or Rick Johnson; Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington DC 20230; telephone: (202) 482–0165 or (202) 482–3818, respectively.

Extension of Preliminary Results

The Department published its notice of initiation of this review in the **Federal Register** on December 23, 1998 (63 FR 71091). Because it is not practicable to issue the preliminary results of review by the current deadline of August 2, 1999, the Department is extending the time limits for the preliminary results of the aforementioned review 120 days, to November 30, 1999, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930 (''the Act''), as amended by the Uruguay Round Agreements Act of 1994 (for a further discussion, *see* the August 2, 1999 *Decision Memorandum from Joseph A. Spetrini to Robert S. LaRussa: Request to Extend Preliminary Results in the Review of the Antidumping Duty Suspension Agreement on Silicomanganese from Ukraine*).

This extension of time limits is in accordance with section 751(a)(3)(A) of the Act.

Dated: August 2, 1999.

Joseph A. Spetrini,

Deputy Assistant Secretary, AD/CVD Enforcement Group III.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–806]

Silicon Metal From Brazil: Preliminary Results, Intent To Revoke in Part, Partial Rescission of Antidumping Duty Administrative Review, and Extension of Time Limits.

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

ACTION: Notice of preliminary results, intent to revoke in part, partial rescission of antidumping duty administrative review, and extension of time limits.

SUMMARY: In response to requests by American Silicon Technologies, Elkem Metals Company, and Globe Metallurgical, Inc. (petitioners), and by Companhia Brasileira Carbureto De Calcio (CBCC), Ligas de Aluminio S.A. (LIASA), and RIMA Industrial S/A (RIMA), the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on silicon metal from Brazil. The period of review (POR) is July 1, 1997 through June 30, 1998.

We preliminarily determine that one respondent (Eletrosilex S.A. (Eletrosilex)) sold subject merchandise at less than normal value (NV) during the POR. If these preliminary results are adopted in our final results of administrative review, we will instruct Customs to assess antidumping duties on all appropriate entries. We invite interested parties to comment on the preliminary results. Parties who submit comments in this proceeding should also submit with the argument: (1) A statement of the issue(s), and (2) a brief summary of the argument (not to exceed five pages).

EFFECTIVE DATE: August 9, 1999.

FOR FURTHER INFORMATION CONTACT: Maisha Cryor (RIMA), telephone: (202) 482–5831; Jack Dulberger (Eletrosilex), 482–5505; Mark Manning (LIASA), 482–3936, Zev Primor (CBCC), 482–4114; AD/CVD Enforcement, Office Four, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC. 20230.

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 to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations at 19 CFR part 351 (April 1998).

Background

On July 31, 1991, the Department published in the **Federal Register** the antidumping duty order on silicon metal from Brazil (56 FR 36135). On July 1, 1998, the Department published in the **Federal Register** a notice of opportunity to request an administrative review of the antidumping duty order on silicon metal from Brazil for the period July 1, 1997 through June 30, 1998 (63 FR 35909). On July 29, 1998, in accordance with 19 CFR 351.213(b)(1), LIASA and RIMA requested that the Department conduct an administrative review of their respective sales. On July 30, 1998, CBCC requested that the Department conduct an administrative review of its sales and revoke the order with respect to CBCC pursuant to 19 CFR 351.222(e). On July 31, 1998, petitioners requested that the Department conduct an administrative review of sales made by CBCC, Eletrosilex, LIASA, Companhia Ferroligas Minas Gerais—Minasligas (Minasligas), and RIMA. On August 27, 1998, in accordance with 19 CFR 351.221(b)(1), the Department published in the **Federal Register** a notice of initiation of this antidumping duty administrative review (63 FR 45796). On September 18, 1998, the Department issued the antidumping administrative review questionnaire (antidumping questionnaire) to the respondents. The Department is conducting this review in accordance with section 751 of the Act.

The Department received questionnaire responses in October, November, and December 1998. We issued supplemental questionnaires to the parties in April, May, and June 1999, and received responses to these supplemental questionnaires in April, May, June, and July 1999.

Extension of Time Limits

On February 9, 1999 in accordance with section 751(a)(3)(A) of the Act, the Department published in the **Federal Register** its notice extending the deadline for the preliminary results until July 31, 1999 (64 FR 6325).

Additionally, because it is not practicable to complete the final results of this review within the initial time limit established by the URAA (120 days after the date on which the preliminary results are published), in

accordance with section 751(a)(3)(A) of the Act, the Department is extending the time limit for completion of the final results until 180 days after the date of publication of these preliminary results. *See* the Memorandum from Bernard T. Carreau to Robert S. LaRussa, dated August 2, 1999, on file in the Central Records Unit (CRU) located in room B–099 of the main Department of Commerce building.

Scope of Review

The merchandise covered by this administrative review is silicon metal from Brazil containing at least 96.00 percent but less than 99.99 percent silicon by weight. Also covered by this administrative review is silicon metal from Brazil containing between 89.00 and 96.00 percent silicon by weight but which contains more aluminum 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 silicon and provided for in subheading 2804.61.00 of the HTS) is not subject to the order. Although the HTS item numbers are provided for convenience and for U.S. Customs purposes, the written description remains dispositive.

Period of Review

The POR is July 1, 1997 through June 30, 1998.

Verification

Following the publication of these preliminary results, we plan to verify, as provided in section 782(i) of the Act, sales and cost information submitted by CBCC. At that verification, we will use standard verification procedures, including on-site inspection of the manufacture's facilities, the examination of relevant sales and financial records, and the selection of original source documentation containing relevant information. We plan to prepare a verification report outlining our verification results and place this report on file in the CRU.

Partial Rescission: Minasligas

Minasligas claimed to have made no shipments of silicon metal from Brazil to the United States during the POR. As a result of our analysis of factual information submitted to us during the course of this review, we have determined that Minasligas made no shipments of silicon metal from Brazil to the United States during the POR. We confirmed with the United States Customs Service (Customs) that Minasligas did not have entries of subject merchandise during the POR. Therefore, we are rescinding the review with respect to Minasligas.

Intent To Revoke

On July 30, 1998, CBCC submitted a request, in accordance with 19 CFR 351.222(e), that the Department revoke the order covering silicon metal from Brazil with respect to its sales of this merchandise. In accordance with 19 CFR 351.222(e)(1), the request was accompanied by certifications from CBCC that for a consecutive three-year period, including this review period, it had sold the subject merchandise in commercial quantities at not less than normal value (NV), and would not do so in the future. CBCC also agreed to its immediate reinstatement in the relevant antidumping order, as long as any firm is subject to the order, if the Department concludes under 19 CFR 351.216 that, subsequent to revocation, it sold the subject merchandise at less than NV.

On January 28, 1999, the Department requested additional information from CBCC and interested parties regarding CBCC's revocation request. We received comments from CBCC and from petitioners in June 1999.

The Department's regulations at 19 CFR 351.222(e)(1) require, inter alia, that a company requesting revocation must submit the following: (1) A certification that the company has sold the subject merchandise at not less than NV in the current review period and that the company will not sell at less than NV in the future; (2) a certification that the company sold the subject merchandise in commercial quantities during each of the three years forming the basis of the request; and (3) an agreement to reinstatement of the order if the Department concludes that the company, subsequent to the revocation, sold subject merchandise at less than NV. Upon receipt of such a request, the Department may revoke an order, in part, if it concludes that (1) the company in question has sold subject merchandise at not less than NV for a period of at least three consecutive years; (2) it is not likely that the company will in the future sell the subject merchandise at less than NV; and (3) the company has agreed to its immediate reinstatement in the order if the Department concludes that the company, subsequent to the revocation, sold subject merchandise at less than NV. *See* 19 CFR 351.222(b)(2).

Petitioners do not challenge CBCC's fulfilment of the certification requirements. However, petitioners oppose CBCC's claims that it sold silicon metal in the United States in commercial quantities during the last three PORs and that it is not likely to sell its merchandise in the future at less than NV.

In determining whether the three years of no dumping are a sufficient basis to make a revocation determination, the Department must be able to determine that the company has continued to participate meaningfully in the U.S. market during each of the three years at issue. *See Pure Magnesium from Canada: Final Results of Antidumping Duty Administrative Reviews and Determination Not To Revoke in Part,* 64 FR 12977 (March 16, 1999) (*Pure Magnesium from Canada*). This practice is codified at 19 CFR 351.222(d)(1), which states that, ''before revoking an order or terminating a suspended investigation, the Secretary must be satisfied that, during each of the three (or five) years, there were exports to the United States in commercial quantities of the subject merchandise to which a revocation or termination will apply.'' For purposes of revocation, the Department must be able to determine that past margins are reflective of a company's normal commercial activity. Sales during the POR which, in the aggregate, are an abnormally small quantity do not provide a reasonable basis for determining that the discipline of the order is no longer necessary to offset dumping.

After review of the record, in the present case, the Department has preliminarily found that CBCC has had zero or *de minimis* dumping margins for four consecutive reviews. Although in one of the four years the sales were not as extensive as in the other three years, we note that sales in the remaining three years were all made in commercial quantities. Furthermore, CBCC shipped progressively more silicon metal to the United States in each of those three years (*i.e.*, these three years represent, respectively, approximately 30, 45, and 70 percent in comparison with the quantity shipped during the period of investigation). Moreover, while increasing its sales volume, CBCC maintained zero or *de minimis* margins despite the fact that the last three years were marked with depressed prices and global oversupply of silicon metal. CBCC has also agreed to its immediate reinstatement in the order if we conclude, subsequent to the revocation, that CBCC has sold the subject merchandise at less than NV.

Based on its four consecutive years of zero or *de minimis* margins, three of which had exports to the United States in significant commercial quantities, CBCC's reinstatement agreement, and the absence of evidence to the contrary, we conclude that it is not likely that CBCC will sell subject merchandise in the United States at less than normal value. Consequently, as a result of our analysis of factual information submitted to us during the course of this review, we have preliminarily determined to revoke this order with respect to CBCC.

Normal Value Comparisons

To determine whether sales of silicon metal by the Brazilian respondents to the United States were made at less than normal value, we compared export price (EP) to the NV, as described in the ''*Export Price*'' and ''*Normal Value*'' sections of this notice, below. In accordance with section 777A(d)(2) of the Act, we calculated monthly weighted-average prices for NV and compared these to individual EP transactions.

Product Comparisons

In accordance with section 771(16) of the Act, we considered all products produced by the respondents, covered by the description in the ''*Scope of Review*'' section, above, to be foreign like products for purposes of determining appropriate product comparisons to U.S. sales. Further, based on comments submitted by the respondents and petitioners in this segment of the proceeding, we have preliminarily determined all silicon metal meeting the description of the merchandise under the ''*Scope of Review*'' section, above (with the exception of slag and contaminated products) to be identical products for purposes of model-matching. Therefore, where there were no sales of identical merchandise in the home market made in the ordinary course of trade to compare to U.S. sales, we compared U.S. sales to the constructed value (CV) of the product sold in the U.S. market during the comparison period.

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 or, when NV is based on CV, that of the sales from which we derive selling, general and administrative (SG&A) expenses and profit. For EP sales, the U.S. LOT is also the level of the starting-price sale, which is usually from the exporter to the importer.

To determine whether NV sales are at a different LOT than EP sales, 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 the export transaction, we make a LOT adjustment under section 773(a)(7)(A) of the Act.

In determining whether separate LOTs actually existed in the home and U.S. markets for each respondent, we examined whether the respondent's sales involved different marketing stages (or their equivalent) based on the channel of distribution, customer categories, and selling functions (or services offered) to each customer or customer category, in both markets.

CBCC reported sales through one LOT, consisting of three customer categories (*i.e.*, original equipment manufacturers, distributors and silicon metal producers) which also represent three channels of distribution for its home market sales. CBCC reported only EP sales in the U.S. market. For EP sales, CBCC reported one customer category and one channel of distribution (*i.e.*, direct sales to an unaffiliated trading company, for sale to the U.S. market). CBCC claimed in its response that EP sales were made at the same LOT as home market sales to unaffiliated customers. For this reason, CBCC has not asked for a LOT adjustment to NV for comparison to its EP sales.

In analyzing CBCC's selling activities for the home and U.S. market, we determined that essentially the same services were provided for both markets. These selling activities in both markets were minimal in nature and usually limited to arranging for freight, if requested by the customer. No other services were rendered for either home market or EP sales. Therefore, based upon this information, we have preliminarily determined that the LOT for all EP sales is the same as that in the home market. Accordingly, because we find the U.S. sales and home market sales to be at the same LOT, no LOT adjustment under section 773(a)(7)(A) of the Act is warranted for CBCC.

Rima reported sales through one channel of distribution to one customer category (*i.e.*, original equipment manufacturers) for home market sales. In the U.S. market, Rima reported EP sales through one channel of distribution to one customer category (*i.e.*, end users). In its response, Rima stated that it performs the same type of services for home market customers as it does for its foreign market customers. For this reason, Rima has not requested a LOT adjustment.

In analyzing Rima's selling activities for the home and U.S. market, we determined that essentially the same services were provided for both markets. These selling activities in both markets were minimal in nature and limited to arranging for freight and delivery. Therefore, based upon this information, we have preliminarily determined that the LOT for all EP sales is the same as that in the home market. Accordingly, because we find the U.S. sales and home market sales to be at the same LOT, no LOT adjustment under section 773(a)(7)(A) of the Act is warranted for CBCC.

Eletrosilex reported sales through one LOT consisting of two customer categories (i.e., original equipment manufacturers and retailers) which represent one channel of distribution for its home market sales. Eletrosilex reported only EP sales in the U.S. market. For EP sales, Eletrosilex reported one customer category and one channel of distribution (*i.e.*, direct sales to original equipment manufacturers). Eletrosilex claimed in its response that its U.S. and home market sales were made at the same LOT. For this reason, Eletrosilex has not asked for a LOT adjustment to NV for comparison to its EP sales.

In analyzing Eletrosilex's selling activities for the home and U.S. market, we determined that essentially the same services were provided for both markets. These selling activities in both markets were minimal in nature and limited to arranging for freight and delivery. No other services were rendered for either home market or EP sales. Therefore, based upon this information, we have preliminarily determined that the LOT for all EP sales is the same as that in the home market. Accordingly, because we find the U.S. sales and home market sales to be at the same LOT, no LOT adjustment under section 773(a)(7)(A) of the Act is warranted for Eletrosilex.

LIASA reported one customer category (*i.e.*, ''end-user'') and one channel of distribution for its home market sales. LIASA reported only EP sales in the U.S. market. For EP sales, LIASA reported one customer category and one channel of distribution (i.e., direct sales to unaffiliated ''end-users'' in the U.S. market). LIASA claimed in its response that EP sales were made at the same LOT as home market sales to

unaffiliated customers. For this reason, LIASA has not asked for a LOT adjustment to NV for comparison to its EP sales.

In analyzing LIASA's selling activities for its EP sales, we noted that the sales involved basically the same selling functions associated with the home market LOT described above. These selling activities in both markets were minimal in nature and usually limited to arranging for freight, if requested by the customer. No other services were rendered for either home market or EP sales. Therefore, based upon this information, we have preliminarily determined that the LOT for all EP sales is the same as that in the home market. Accordingly, because we find the U.S. sales and home market sales to be at the same LOT, no LOT adjustment under section 773(a)(7)(A) of the Act is warranted for LIASA.

Export Price

For CBCC, Eletrosilex, LIASA, and RIMA, we used the Department's EP methodology, in accordance with section 772(a) of the Act, because the subject merchandise was sold by each producer outside the United States directly to the first unaffiliated purchaser in the United States prior to importation (or to unaffiliated trading companies for export to the United States) and CEP methodology was not otherwise warranted. We made deductions from the starting price for movement expenses in accordance with section 772(c) of the Act. Movement expenses included, where appropriate, foreign inland freight, brokerage and handling, and international freight.

Normal Value

1. Viability

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating NV (i.e., the aggregate volume of home market sales of the foreign like product is greater than five percent of the aggregate volume of U.S. sales), we compared each respondent's volume of home market sales of the foreign like product to the volume of its U.S. sales of subject merchandise, in accordance with section 773(a)(1) of the Act. Since each respondent's aggregate volume of home market sales of the foreign like product was greater than five percent of its aggregate volume of U.S. sales for the subject merchandise, we determined that the home market provides a viable basis for calculating NV for each respondent. Therefore, pursuant to section 773(a)(1)(B) of the Act, we based NV on home market sales.

2. Cost of Production (COP) Analysis

In the most recently completed review of this proceeding, we disregarded home market sales found to be below the cost of production for CBCC, Eletrosilex, LIASA and Rima. Therefore, in accordance with section 773(b)(2)(A)(ii) of the Act, the Department has reasonable grounds to believe or suspect that sales of the foreign like product under consideration for the determination of NV in this review may have been made at prices below the COP as provided by section 773(b)(2)(A)(ii) of the Act. Consequently, pursuant to section 773(b)(1) of the Act, we initiated an investigation to determine whether these respondents made home market sales during the POR at prices below their COP.

A. Calculation of COP

In accordance with section 773(b)(3) of the Act, we calculated a product-specific COP based on the sum of each respondent's cost of materials and fabrication for the foreign like product, plus amounts for home market SG&A expenses, including interest expenses and packing costs.

We relied on the home market and COP information submitted by each respondent in its questionnaire responses, except for the following company-specific adjustments described below.

Eletrosilex

We adjusted Eletrosilex's G&A by calculating on an annual basis a ratio of its G&A expenses to its cost of goods sold.

We recalculated Eletrosilex's financial expense ratio. Eletrosilex incorrectly applied certain offsets to its reported financial expense. We denied the offsets in question and adjusted its financial expenses accordingly. Thus, we recalculated Eletrosilex's financial expense ratio using its financial expenses and the costs of goods sold as reported on its most recent financial statements.

Rima

We adjusted Rima's reported G&A expense, financial expense and depreciation. We recalculated Rima's G&A expense ratio using its G&A expenses and annual cost of goods sold from its financial statements.

We recalculated Rima's financial expense ratio. Rima incorrectly applied certain offsets to its reported financial expense. We denied Rima's reported offsets and adjusted its financial expenses accordingly. Thus, we recalculated Rima's financial expense ratio using its financial expenses and costs of goods sold as reported on its most recent financial statements.

Rima reported depreciation expenses based on a period of time greater than the POR. Therefore, we recalculated Rima's depreciation expenses based on expenses incurred during the POR.

B. Test of Home Market Sales Prices

We compared the weighted-average, per-unit COP figures for the POR to home market sale prices of the foreign like product, as required under section 773(b) of the Act, in order to determine whether these sales were made at prices below the COP. In determining whether to disregard home market sales made at prices below the COP, we examined whether: (1) within an extended period of time, such sales were made in substantial quantities; and (2) such sales were made at prices which permitted the recovery of all costs within a reasonable period of time. On a product-specific basis, we compared the COP to the home market prices, less any applicable movement charges, rebates, and discounts.

C. Results of COP Test

Pursuant to section 773(b)(2)(C), where less than 20 percent of a respondent's sales of a given product were at prices below the COP, we did not disregard any below-cost sales of that product because we determined that the below-cost sales were not made in ''substantial quantities.'' Where 20 percent or more of the respondent's sales of a given product during the POR were made at prices below the COP, we determined such sales to have been made in ''substantial quantities'' within an extended period of time in accordance with section 773(b)(2)(B) of the Act. In such cases, because we compared prices to POR-average costs, we also determined that such sales were not made at prices which would permit the recovery of all costs within a reasonable period of time, in accordance with section 773(b)(2)(D) of the Act.

Therefore, we disregarded the below-cost sales.

We found less than 20 percent of RIMA's and CBCC's home market sales to be below cost. Therefore, we did not disregard any of their home market sales from our analysis. However, we found that all of Eletrosilex's home market sales and 20 percent or more of LIASA's home market sales, within an extended period of time, were at prices below the COP. We therefore disregarded LIASA's below-cost sales from our analysis and used the remaining home market sales as the basis for determining NV, in accordance with section 773(b)(1) of the Act. For Eletrosilex, because there were

no sales of the foreign like product made at prices at or above cost in the comparison market, in accordance with section 773(a)(4) of the Act, we used CV as the basis for NV. We calculated CV in accordance with section 773(e) of the Act. (*See* below.)

Constructed Value

In accordance with section 773(e)(1) of the Act, we calculated CV based on the respondents' cost of materials and fabrication in producing the subject merchandise, SG&A expenses, the profit incurred and realized in connection with the production and sale of the foreign like product, and U.S. packing costs. We used the cost of materials, fabrication, and SG&A expenses as reported in the CV portion of the questionnaire response, adjusted as discussed in the ''*Calculation of COP*'' section, above. We used the U.S. packing costs as reported in the U.S. sales portion of the questionnaire responses. For selling expenses, we used the average of the direct and indirect selling expenses reported for HM sales, weighted by the total quantity of those sales. We were unable to derive actual profit based on home market sales for Eletrosilex because all of its home market sales were below cost. Therefore, in accordance with section 773(e)(2)(B)(ii) of the Act, we calculated profit for Eletrosilex by using the weighted average profit realized by the other respondents in this review.

Price-to-Price Comparisons

For those comparison products for which there were sales at prices above the COP (*i.e.*, sales by CBCC, LIASA and RIMA), we based the respondents' NV on the prices at which the foreign like product was first sold to unaffiliated parties for consumption in Brazil, in the usual commercial quantities, in the ordinary course of trade in accordance with section 773(a)(1)(B)(i) of the Act. We based NV on sales at the same level of trade as the EP sales. For level of trade, please see the ''*Level of Trade*'' section above. In accordance with section 773(a)(6) of the Act, we made adjustments to home market price, where appropriate for inland freight, brokerage and handling charges, and rebates. To account for differences in circumstances of sale between the home market and the United States, where appropriate, we adjusted home market prices by deducting home market direct selling expenses (including credit) and commissions and by adding an amount for late payment fees earned on home market sales, and adding U.S. direct selling expenses (including U.S. credit expenses and where appropriate, less an amount for late payment fees earned on U.S. sales). Where commissions were paid on home market sales and no commissions were paid on U.S. sales, we increased NV by the lesser of either (1) the amount of commission paid on the home market sales or (2) the indirect selling expenses incurred on U.S. sales. In order to adjust for differences in packing between the two markets, we deducted HM packing costs and added U.S. packing costs, where appropriate, in accordance with sections 773(a)(6)(A) and (B) of the Act. Where home market prices were reported exclusive of value added taxes (VAT) we made no adjustment. However, where home market prices were reported inclusive of VAT, we deducted the VAT from the gross home market price.

Price-to-CV Comparisons

With respect to Eletrosilex, where we could not determine NV based on home market sales because there were no contemporaneous home market sales of the silicon metal made in the ordinary course of trade, we compared U.S. prices to CV.

Where we compared EP to CV, we made circumstance-of-sale adjustments by deducting from CV the weighted-average home market direct selling expenses and adding the U.S. direct selling expenses, in accordance with section 773(a)(8) of the Act and section 351.410(c) of the Department's regulations.

Currency Conversion

For purposes of the preliminary results, we made currency conversions in accordance with section 773A of the Act based on the official exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank of New York. *See Change in Policy Regarding Currency Conversions,* 61 FR 9434 (March 8, 1996).

Use of Partial Fact Available

LIASA

Upon reviewing LIASA's response to the Department's questionnaire in this review, we determined that LIASA reported a credit expense for U.S. sales using Brazilian interest rates. LIASA stated in its questionnaire response that it had no U.S. dollar borrowings during the POR. Therefore, the Department recalculated LIASA's imputed credit expense for U.S. sales using the facts available (FA). Pursuant to the Department's practice, we recalculated LIASA's U.S. imputed credit expenses using a weighted-average U.S. dollar short-term interest rate from the Federal Reserve based on quarterly rates for the POR. *See* Policy Bulletin, Number 98.2, February 23, 1998, regarding Imputed Credit Expenses and Interest Rates.

We also noted that LIASA, in reporting foreign inland freight for its U.S. sales, inappropriately converted this expense, which was incurred in Reais, into U.S. dollars. In the exhibits to its questionnaire response LIASA provided the actual Reais expense for only one of its U.S. sales. As FA, we have applied the per-unit Reais expense reported for that sale to all of LIASA's U.S. sales and converted the expense to U.S. dollars using the daily exchange rate from the U.S. Federal Reserve.

Rima

Upon reviewing Rima's response to the Department's antidumping questionnaire in this review, we determined that Rima did not calculate indirect selling expenses using the methodology requested by the Department. Rima reported indirect selling expenses based on selling expenses that were not specific to the sale of silicon metal. In addition, Rima divided these selling expenses by quantity, as opposed to the total sales value of silicon metal sold in either the home or foreign market. Because Rima failed to provide the requested information using the required methodology, we are applying the FA to calculate Rima's indirect selling expenses, in accordance with section 776(a)(2) of the Act. As FA, we used Rima's most recent financial statement and divided Rima's selling expenses by its gross revenue.

Preliminary Results of Review

As a result of our review, we preliminarily determine that the following weighted-average dumping margins exist for the period July 1, 1997 through June 30, 1998, and we preliminarily determine to revoke the order covering silicon from Brazil with respect to CBCC's sales of this merchandise.

Manufacturer/exporter	Weighted-average margin percentage
CBCC	0.06
Eletrosilex	17.44
LIASA	zero
RIMA	zero

Pursuant to 19 CFR 351.224(b), the Department will disclose to parties to the proceeding any calculations performed in connection with these preliminary results within 5 days of the date of publication of this notice. Any interested party may request a hearing

within 30 days of the date of publication of this notice. Parties who submit arguments in this proceeding are requested to submit with each argument: (1) A statement of the issue and (2) a brief summary of the argument. All case briefs must be submitted within 30 days of the date of publication of this notice. Rebuttal briefs, which are limited to issues raised in the case briefs, may be filed not later than seven days after the case briefs are filed. A hearing, if requested, will be held two days after the date the rebuttal briefs are filed or the first business day thereafter.

The Department will publish a notice of the final results of this administrative review, which will include the results of its analysis of the issues raised in any written comments or at the hearing, within 180 days from the publication of these preliminary results.

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. Upon completion of this review, the Department will issue appraisement instructions directly to Customs. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the determination and for future deposits of estimated duties. For duty assessment purposes, we calculated a per unit customer or importer-specific assessment rate by aggregating the dumping margins calculated for all U.S. sales to each customer/importer and dividing this amount by the total quantity of those sales.

Furthermore, the following deposit requirements will be effective for all shipments of silicon metal from Brazil entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rates for the reviewed companies will be those established in the final results of this review; (2) for previously reviewed or investigated companies not listed above, 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 this review, a prior 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) for all other manufacturers and/or exporters of this merchandise, the cash deposit rate will continue to be 91.06 percent, the ''all others'' rate established in the LTFV investigation, 56 FR 36135 (July 31, 1991). These requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) of the Department's regulations 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 published in accordance with sections 751(a)(1) and 777(i)(1) of the Act (19 U.S.C. sections 1675(a)(1) and 1677f(i)(1)), and 19 CFR 351.221.

Dated: August 2, 1999.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–20451 Filed 8–6–99; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–811]

Final Results of Expedited Sunset Review: Steel Wire Rope From the Republic of Korea

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

ACTION: Notice of final results of expedited sunset review: steel wire rope from the Republic of Korea.

SUMMARY: On January 4, 1999, the U.S. Department of Commerce (''the Department'') initiated a sunset review of the antidumping duty order on steel wire rope from the Republic of Korea (''Korea'') pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). On the basis of a notice of intent to participate and an adequate response filed on behalf of a domestic interested party and inadequate response from respondent interested parties, the Department conducted an expedited sunset review. As a result of this review, the Department finds that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping at the levels indicated in the Final Result of Review section of this notice.

FOR FURTHER INFORMATION CONTACT: Martha V. Douthit or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th St. & Constitution Ave., NW, Washington, DC 20230; telephone (202) 482–3207 or (202) 482–1560, respectively.

EFFECTIVE DATE: August 9, 1999.

Statute and Regulations

This review was conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in *Procedures for Conducting Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders,* 63 FR 13516 (March 20, 1998) (''*Sunset Regulations*''). Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98:3—*Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin,* 63 FR 18871 (April 16, 1998) (''*Sunset Policy Bulletin*'').

Scope

The product covered by this order is steel wire rope from Korea. Steel wire rope encompasses ropes, cables, and cordage of iron or carbon steel, other than stranded wire, not fitted with fittings or made up into articles, and not made up of brass-plated wire. Imports of these products are currently classifiable under the following Harmonized Tariff Schedule (HTS) subheadings: 7312.10.9030, 7312.10.9060, and 7312.10.9090. Excluded from this review is stainless steel wire rope, *i.e.*, ropes, cables and cordage other than stranded wire, of stainless steel, not fitted with fittings or made up into articles, which is classifiable under HTS subheading 7312.10.6000. Although HTS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

History of the Order

On February 23, 1993, the Department published in the **Federal Register** the final determination of sales at less than fair value on steel wire rope from Korea (*see* 58 FR 11029). In the original investigation, three companies were investigated and found to be dumping at the following weighted-average dumping margins: Korean Iron & Steel Wire, Ltd., (now KISWIRE, Ltd. (''KIS'')), 0.23 percent; Young Heung Iron & Steel Co., Ltd., (''YHC''), 0.10