

days after the date of this preliminary determination.

This determination is published pursuant to sections 733(d) and 777(i)(1) of the Tariff Act.

Dated: December 28, 1999.

**Holly Kuga,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 00-301 Filed 1-6-00; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-588-806, A-484,801]

#### Electrolytic Manganese Dioxide from Japan and Greece: Notice of Extension of Time Limits for Preliminary Results of Antidumping Administrative Reviews

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

**ACTION:** Notice of Extension of Time Limits for Preliminary Results of Antidumping Duty Administrative Reviews.

**SUMMARY:** The Department of Commerce is extending the time limit for the preliminary results of the antidumping duty administrative reviews of the antidumping duty orders on electrolytic manganese dioxide from Japan and Greece. The period of review is April 1, 1998, through March 31, 1999.

**EFFECTIVE DATE:** January 7, 2000.

**FOR FURTHER INFORMATION CONTACT:** Larry Tabash or Richard Rimlinger, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-5047 or (202) 482-4477, respectively.

#### The Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930, as amended (the Act), by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations are to 19 CFR Part 351 (1998).

#### Extension of Time Limits for Preliminary Results

The Department has received a request to conduct administrative

reviews of the antidumping duty orders on electrolytic manganese dioxide from Japan and Greece. On May 20, 1999, and June 30, 1999, the Department initiated these administrative reviews covering the period April 1, 1998, through March 31, 1999 (64 FR 28973 and 64 FR 35124 respectively).

Because it is not practicable to complete these reviews within the time limit mandated by section 751(a)(3)(A) of the Act (*see* Memoranda from Richard W. Moreland to Robert S. LaRussa, Extension of Time Limit for Administrative Reviews of Electrolytic Manganese Dioxide from Japan and Greece, December 21, 1999), the Department is extending the time limits for the preliminary results to February 14, 2000. The Department intends to issue the final results of reviews 120 days after the publication of the preliminary results. This extension of the time limit is in accordance with section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2).

Dated: December 28, 1999.

**Louis I. Apple,**

*Acting Deputy Assistant Secretary for Import Administration.*

[FR Doc. 00-396 Filed 1-6-00; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-506]

#### Porcelain-on-Steel Cooking Ware From the People's Republic of China; Preliminary Results of Antidumping Duty Administrative Review

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

**ACTION:** Notice of preliminary results of antidumping duty administrative review.

**SUMMARY:** The Department of Commerce ("the Department") is conducting an administrative review of the antidumping duty order on Porcelain-on-Steel ("POS") Cooking Ware from the People's Republic of China ("PRC") in response to a request by the petitioner. The review covers one manufacturer/exporter of the subject merchandise, Clover Enamelware Enterprise, Ltd. of China ("Clover"), and its Hong Kong reseller, Lucky Enamelware Factory Ltd. ("Lucky"). The period of review ("POR") is December 1, 1997 through November 30, 1998.

We have preliminarily determined that U.S. sales of subject merchandise

by Clover and Lucky have not been made below normal value (hereinafter referred to as Clover/Lucky). Since Clover/Lucky submitted full responses to the antidumping questionnaire and it has been established that it is sufficiently independent, it is entitled to a separate rate. If these preliminary results are adopted in our final results of administrative review, we will instruct the U.S. Customs Service to assess no antidumping duties on entries from Clover/Lucky during the POR.

Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** January 7, 2000.

**FOR FURTHER INFORMATION CONTACT:** Russell Morris, Office of AD/CVD Enforcement VI, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue N.W., Washington D.C. 20230; telephone: (202) 482-1775.

#### 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, unless otherwise indicated, all citations to the Department's regulations are to the regulations at 19 CFR Part 351 (1999).

#### Background

On December 2, 1986, the Department published in the **Federal Register** the antidumping duty order on POS cooking ware from the PRC (51 FR 43414). On December 8, 1998, the Department published in the **Federal Register** a notice of opportunity to request an administrative review of this antidumping duty order (63 FR 67646). On December 30, 1998, in accordance with 19 CFR 351.213(b), the petitioner, Columbian Home Products, LLC, requested that the Department conduct an administrative review of Clover, a manufacturer/exporter, and its Hong Kong reseller Lucky. On January 25, 1999, we published the notice of initiation of this review covering the period December 1, 1997 through November 30, 1998 (64 FR 3682).

Under section 751(a)(3)(A) of the Act, the Department may extend the deadline for issuing a preliminary determination in an administrative review if it determines that it is not practicable to complete the preliminary review within the statutory time limit of 245 days. On August 25, 1999, the

Department published a notice of extension of the time limit for the preliminary results in this case to December 31, 1999 (64 FR 46349). The Department is conducting this administrative review in accordance with section 751(a) of the Act.

### Scope of the Review

Imports covered by this review are shipments of POS cooking ware, including tea kettles, which do not have self-contained electric heating elements. All of the foregoing are constructed of steel and are enameled or glazed with vitreous glasses. The merchandise is currently classifiable under the Harmonized Tariff Schedule ("HTS") item 7323.94.00. HTS items numbers are provided for convenience and Customs purposes. The written description of the scope remains dispositive.

### Affiliated Parties

Clover is two-thirds owned by Lucky and, therefore, Lucky holds controlling interest in Clover. Due to Lucky's ownership interest in Clover, and the fact that the same individual is the general manager at both companies, we consider Clover and Lucky to be affiliated parties pursuant to section 771(33) of the Act. As such, and consistent with prior reviews of this order, we are assigning Clover/Lucky a single dumping margin. See *Porcelain-on-Steel Cooking Ware from the People's Republic of China: Final Results of Antidumping Administrative Review* ("POS Final 1997"); 62 FR 32758 (June 17, 1997). No new information or evidence of changed circumstances has been submitted in this proceeding to warrant reconsideration of this finding.

### Separate Rates

It is the Department's 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 (*de jure*) and in fact (*de facto*), 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* ("Sparklers"), 56 FR 20588 (May 6, 1991), as amplified in the *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China* ("Silicon Carbide"), 59 FR 22585 (May 2, 1994). 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. Evidence relevant to a *de facto* absence of government control with respect to 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*, 59 FR at 22585, 22587; see also, *Sparklers*, 56 FR at 20588, 20589.

Clover/Lucky responded to the Department's request for information regarding separate rates by providing the requested documentation. We have determined that the evidence on the record demonstrates an absence of government control, both in law and in fact, with respect to Clover/Lucky's exports, in accordance with the criteria identified in *Sparklers* and *Silicon Carbide*. For further information, see Memorandum, "Separate Rates in the 1997/1998 Administrative Review of Porcelain-on-Steel Cooking Ware from the People's Republic of China," dated the same date of this notice, which is on file in our Central Records Unit, room B-099 in the main Commerce building. As a result of our analysis, Clover/Lucky is entitled to a separate rate.

### Export Price

The Department used export price ("EP") for sales made by Clover/Lucky, in accordance with section 772(a) of the Act, because the subject merchandise was sold to unaffiliated purchasers in the United States, or Hong Kong (in cases where Clover/Lucky knew the ultimate destination was the United States), prior to importation into the United States and constructed export price is not otherwise indicated.

We calculated EP based on Lucky's price charged to unaffiliated purchasers in the United States. We deducted amounts, where appropriate, for discounts, brokerage and handling, foreign inland freight, ocean freight, export credit insurance, and marine insurance, which were provided by market economy carriers and paid for in market economy currencies. Moreover, we deducted the reported import and

export declarations fees. See *POS Final 1997*.

### Normal Value

Section 773(c)(1) of the Act provides that the Department shall determine the 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 review. Therefore, we treated the PRC as an NME country for purposes of this 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. As a result, we calculated NV by valuing the factors of production in a comparable market economy country which is a significant producer of comparable merchandise.

Section 773(c)(4) of the Act and 19 CFR 351.408 direct us to select a surrogate country that is economically comparable to the PRC. On the basis of per capita gross domestic product ("GDP"), the growth rate in per capita GDP, and the national distribution of labor, we find that the Republic of Indonesia ("Indonesia") is a comparable economy to the PRC. (See Memorandum to David Mueller, Director, Office of AD/CVD Enforcement VI from Jeff May, Director, Office of Policy, dated May 21, 1999, "Porcelain-on-Steel Cooking Ware from the People's Republic of China, Non-Market Economy Status and Surrogate Country Selection" on file in the Central Records Unit.)

Section 773(c)(4) of the Act also requires that, to the extent possible, the Department use a surrogate country that is a significant producer of merchandise comparable to POS cooking ware. For purposes of this administrative review, we find that Indonesia is a significant producer of POS cooking ware. See Memorandum to the File from Russell Morris, dated June 7, 1999, "Porcelain-on-Steel Cooking Ware from the People's Republic of China—Surrogate Country Selection," on file in the Central Records Unit. As a result, we have used publicly available information relating to Indonesia, unless

otherwise noted, to value the various factors of production.

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: hours of labor employed; quantities of raw materials required; amounts of energy and other utilities consumed; and representative capital cost, including depreciation. In examining surrogate values, we selected, where possible, the publicly available value which was: an average non-export value; representative of a range of prices within the POR or most contemporaneous with the POR; product-specific; and tax-exclusive. For a more detailed explanation of the methodology used in calculating various surrogate values, see "Margin Calculation and Factor Values Used for the Preliminary Results of the 1997-1998 Administrative Review of POS Cooking Ware from the PRC" (Public Version) which is dated the same date of this notice, on file in the Central Records Unit. In accordance with this methodology, we valued the factors of production as follows:

- To value the surrogate values of materials used in the production of POS cooking ware, including bentonite, caustic soda, potassium chloride, titanium and antimony oxides, sodium nitrite, soda ash, sulphuric acid, degreasing agents, borax, barium molybdate, magnesium sulphate, potassium carbonate, urea, quartz powder, clay, color oxides, enamel frits, pebble stone, and diesel, we relied on cost-insurance-freight ("CIF") import prices, quoted in U.S. dollars, contained in the August 1998 issue of the *Foreign Trade Statistical Bulletin—Imports*, (Indonesian Import Statistics). We made adjustments to account for freight costs between the suppliers and Clover's manufacturing facilities. In accordance with our practice, we added to CIF import values from Indonesia a surrogate freight cost using the shorter of the reported distances from either the closest PRC port to the factory, or from the domestic supplier to the factory. See *Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate From the People's Republic of China*, 62 FR 61977 (November 20, 1997).

- We valued labor based on a regression-based wage rate, in accordance with 19 CFR 351.408(c)(3). See Import Administration's home page, Import Library, Expected Wages of Selected NME Countries, revised May 1999 ([www.ita.doc.gov/import\\_admin/records/wages](http://www.ita.doc.gov/import_admin/records/wages)). The source of these wage rate data on the Import

Administration's Web site is found in the 1998 Year Book of Labour Statistics, International Labour Office (Geneva: 1998), Chapter 5: Wages in Manufacturing.

- For electricity, we used an index of electricity prices used in previous antidumping duty investigations involving products from the PRC. This index is current as of April 1997. See [www.ita.doc.gov/import\\_admin/records/factorv/prc/#Source Index](http://www.ita.doc.gov/import_admin/records/factorv/prc/#Source Index). Because the value was not contemporaneous with the POR, we adjusted for inflation using the wholesale price indices ("WPI") which excluded petroleum, obtained from the *International Financial Statistics* published by the International Monetary Fund ("IMF"). We adjusted the value to reflect inflation up to the POR using the WPI published by the IMF. Further, we converted the electrical price quoted in Indonesian Rupiah ("Rupiah") to U.S. dollars using the average exchange rate for the POR of Rupiah to U.S. dollars.
- For foreign inland freight, we used the freight rates reported in a September 1991 cable from the U.S. Embassy in Jakarta, Indonesia and the actual kilometers reported in the questionnaire response. The cable was received for the less than fair value ("LTFV") investigation of *Pipe Fittings*. See *Final Determination of Sales at Less Than Fair Value: Certain Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China ("Pipe Fittings")*, 57 FR 21058 (May 18, 1992). We adjusted these freight rates to reflect yearly inflation through the POR using the WPI obtained by the IMF. We used the average exchange rate for the POR to convert surrogate values from Rupiah to U.S. dollars.

- To value water, we relied upon public information from the October 1997 Second Water Utilities Data Book: Asian and Pacific Region, published by the Asian Development Bank. To achieve comparability of the water prices to the factors reported for the POS cooking ware processing periods applicable for Clover/Lucky, we adjusted this factor value for inflation using the WPI for Indonesia, as published by the IMF, and converting the quoted price from Rupiah to U.S. dollars by applying the average Rupiah to U.S. dollar exchange rate for the POR.

- We derived ratios for factory overhead, selling, general and administrative ("SG&A") expenses, and profit using an index of such expenses from previous antidumping duty investigations involving products from the PRC. The ratios were derived from a similar industry, melamine institutional dinnerware, and from the

same surrogate country, Indonesia. This index is current as of April 1997. See [www.ita.doc.gov/import\\_admin/records/factorv/prc/#Source Index](http://www.ita.doc.gov/import_admin/records/factorv/prc/#Source Index). From this information, we were able to calculate factory overhead as a percentage of direct material, labor, and energy expenses; SG&A as a percentage of the total cost of manufacturing; and profit as a percentage of the sum of the total cost of manufacturing and SG&A.

- To value cardboard boxes and tissue paper, we relied upon Indonesian import data from the August 1998 issue of the *Foreign Trade Statistical Bulletin—Imports*, (Indonesian Import Statistics). We adjusted the values of packing materials to include freight costs incurred between the supplier and the factory.

#### Preliminary Results of the Review

We preliminarily determine that the following margins exist for the period December 1, 1997 through November 30, 1998:

Manufacturer/Exporter	Margin (percent)
Clover Enamelware Enterprise/ Lucky Enamelware Factory ..	0.00

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 five (5) days after the date of publication of this notice.

Interested parties may request a hearing within 30 days of publication of this notice. See 19 CFR 351.310(c). Interested parties may submit case briefs within 30 days of publication. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than 35 days after the date of publication. Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each argument: (1) A statement of the issue, and (2) a brief summary of the argument. Parties are also encouraged to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited. The Department will issue the final results of this administrative review, including its analysis of issues raised in any case or rebuttal brief or at a hearing, not later than 120 days after the date of publication of this notice, unless the time limits is extended.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Upon completion of this review, the Department will issue appraisalment

instructions directly to the U.S. Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of the final results of this antidumping duty administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Act: (1) For Clover/Lucky, which has a separate rate, the cash deposit rate will be zero; (2) for any previously reviewed PRC firm and non-PRC exporter with a separate rate, the cash deposit rate will be the company-and product-specific rate established for the most recent period; (3) the cash deposit rate for all other PRC exporters will continue to be 66.65 percent, the PRC-wide rate established in the LTFV investigation; and (4) the cash deposit rate for non-PRC exporters of subject merchandise from the PRC will be the rate applicable to the PRC supplier of that exporter. 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) 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 is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: January 3, 2000.

**Richard W. Moreland,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 00-397 Filed 1-6-00; 8:45 am]

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## DEPARTMENT OF COMMERCE

### [International Trade Administration]

[A-821-811]

#### Notice of Preliminary Determination of Sales at Less Than Fair Value: Solid Fertilizer Grade Ammonium Nitrate From the Russian Federation

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

**EFFECTIVE DATE:** January 7, 2000.

**FOR FURTHER INFORMATION CONTACT:**

Doreen Chen, Laurel LaCivita, or Rick Johnson, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-0408, (202) 482-4243, and (202) 482-3818, respectively.

**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 (1999).

**Preliminary Determination**

We preliminarily determine that solid fertilizer grade ammonium nitrate ("ammonium nitrate") from the Russian Federation is being, or is likely to be, sold in the United States at less than fair value ("LTFV"), as provided in section 733 of the Act. The estimated margins of sales at LTFV are shown in the "Suspension of Liquidation" section of this notice.

**Case History**

This investigation was initiated on August 12, 1999. *See Initiation of Antidumping Duty Investigation: Solid Fertilizer Grade Ammonium Nitrate from the Russian Federation*, 64 FR 45236 (August 19, 1999). Since the initiation of this investigation the following events have occurred:

On August 17, 1999, the Department requested comments from petitioner and respondents regarding the criteria to be used for model-matching purposes. Petitioner and respondents submitted comments on the proposed model-matching criteria on August 31, 1999, and September 7 and 15, 1999.

On August 17, 1999, the Department issued Section A of its antidumping questionnaire to the Embassy of the Russian Federation, as well as courtesy copies (with the exception of JSC Kirovo-Chepetsk, for which we did not have an address) to the following possible producers/exporters of subject merchandise named in the petition: JSC Angarsk Petrochemical Co., JSC Berezniki Azot, JSC Cherepovets PO Azot, JSC Dorogobuzh, JSC Kemerovo Azot, JSC Kirovo-Chepetsk, JSC Meleuz Prod. Assoc. Minudobreniya, JSC Nevinnomyssky Azot ("Nevinka"), JSC Acron, JSC Novomendeleyevsk

Chemical Plant, JSC Novomoskovsk AK Azot, JSC Minudobreniya, and JSC Kuybyshevazot.

On August 31, 1999, the following companies with period of investigation ("POI") shipments to the U.S. submitted information regarding the quantity and value of these shipments of subject merchandise to the United States during the POI: JSC Acron and Nevinka.

We received a complete Section A response from Nevinka. Companies JSC Cherepovets PO Azot, JSC Kemerovo Azot, JSC Minudobreniya, JSC Kuybyshevazot, JSC Berezniki Azot, JSC Novomendeleyevsk Chemical Plant and JSC Kirovo-Chepetsk reported that they made no sales to the United States during the POI. On October 27, 1999, we sent a letter to JSC Kirovo-Chepetsk seeking clarification and information on a particular shipment. The due date given for this information was November 24, 1999. We also informed JSC Kirovo-Chepetsk that if it had knowledge that this shipment was destined for the United States, it was required to respond fully to the Department's antidumping questionnaire by the due date of December 2, 1999. JSC Kirovo-Chepetsk failed to provide the requested information regarding the shipment at issue within the provided deadlines. Finally, companies JSC Angarsk Petrochemical Co., JSC Dorogobuzh, JSC Meleuz Production Association Minudobreniya, JSC Novomoskovsk AK Azot and JSC Acron did not respond to the Department's questionnaire.

On September 3, 1999, the United States International Trade Commission ("ITC") preliminarily determined that "there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Russia of solid fertilizer grade ammonium nitrate." (64 FR 50103, September 15, 1999).

On September 20, 1999, Nevinka submitted its complete section A response. On November 15, 1999, Nevinka submitted its response to sections C and D of the questionnaire.

On October 14, 1999, the Department issued a Section A supplemental questionnaire to Nevinka. On November 11, 1999, Nevinka submitted its response to the Department's supplemental section A questionnaire. On November 21, 1999, the Department issued a supplemental section C and D, and second supplemental A questionnaire. On December 14, 1999, Nevinka submitted its supplemental sections C, D, and a second supplemental section A questionnaire response.