realized at the grower level. In this instance, we used the average profit of the twenty sampled growers as the profit figure in our margin calculations. With respect to selling expenses, we have used the selling expenses associated with the home market sales. *See Final Results of Administrative Review, Ferrosilicon from Brazil,* (61 FR 59407), dated November 22, 1996.

Amended Final Results of Review

As a result of our correction of the ministerial errors, we have determined the following margin exists for the period June 1, 1994, through May 31, 1995:

Manufacturer/exporter	Margin (percent)
New Zealand Kiwifruit Marketing Board	0.00

The Customs Service shall assess antidumping duties on all appropriate entries. Individual differences between U.S. price and NV may vary from the percentage stated above. The Department will issue appraisement instructions concerning the respondent directly to the U.S. Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results of administrative review, as provided for by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed firm will be 0.00 percent; and (2) the cash deposit rate for merchandise exported by all other manufacturers and exporters will be the ''all others'' rate of 98.60 percent established in the less-than-fair-value investigation; in accordance with the Department practice. *See* Floral Trade Council v. United States, 822 F. Supp. 766 (1993), and Federal Mogul Corporation, 822 F. Supp. 782 (1993).

These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice serves as the final reminder to importers of their responsibility under 19 CFR 353.26 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 notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of the APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: August 27, 1997.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 97–23851 Filed 9–8–97; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–806]

Silicon Metal From Brazil: Amended Final Results of Antidumping Duty Administrative Review

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

ACTION: Amended Final Results of Antidumping Duty Administrative Review.

SUMMARY: The Department of Commerce (the Department) is amending its final results of review, published on September 5, 1996, of the antidumping duty order on silicon metal from Brazil, to reflect the correction of ministerial errors in those final results.

EFFECTIVE DATE: September 9, 1997.

FOR FURTHER INFORMATION CONTACT: Fred Baker, Alain Letort, or John Kugelman, AD/CVD Enforcement Group III—Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone 202/482–2924 (Baker), 202/482–4243 (Letort), or 202/482–0649 (Kugelman), fax 202/482–1388.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute and to the regulations are references to the provisions as they existed on December 31, 1994.

Background

The Department published the final results of the second administrative review of the antidumping duty order on silicon metal from Brazil on September 5, 1996 (61 FR 46763) (*Second Review Final Results*), covering the period July 1, 1992 through June 30, 1993. The respondents are Companhia Brasileira Carbureto de Cálcio (CBCC), Companhia Ferroligas Minas Gerais—Minasligas (Minasligas), Eletroila, S.A. (currently known as Eletrosilex Belo Horizonte (Eletrosilex)), and Rima Industrial S.A. (RIMA). The petitioners are American Alloys, Inc., Elken Metals, Co., Globe Metallurgical, Inc., SMI Group, and SKW Metals & Alloys.

On September 20, 1996, the petitioners filed clerical error allegations with respect to each of the four respondents in the review. The same day we received clerical error allegations from respondent CBCC. On September 27, 1996, we received rebuttal comments from the petitioners, CBCC, and Minasligas. On September 30, 1996, we received rebuttal comments from Eletrosilex. The Department agreed that certain of the allegations constituted ministerial errors, but the Department was unable to issue a determination correcting these errors before the petitioners filed a complaint with the Court of International Trade (CIT) challenging the final results of review. Therefore, the Department requested leave from the CIT to correct these errors. On July 9, 1997, the CIT granted the Department leave to correct the errors. *See American Silicon Technologies et al.*, v. *United States*, Slip Op. 97–94, July 9, 1997.

Scope of Review

The merchandise covered by this 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 review is silicon metal from Brazil containing between 89.00 and 96.00 percent silicon by weight but which contains a higher aluminum content 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 2804.50 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. HTS item numbers are provided for convenience and for U.S.

Customs purposes. The written description remains dispositive as to the scope of product coverage.

Clerical Error Allegations

Comment 1

Petitioners argue that the Department used the wrong cost of manufacture (COM) in the computation of constructed value (CV) for one of CBCC's U.S. sales. We reviewed the sale at issue in the first (91–92) administrative review of the order, but reviewed it again in the second review of the order because, after issuing the final results of the first review, we determined that the importer of the sale had no entries during the first review period. In our analysis of this sale in the first review, we made an upward adjustment to CBCC's reported COM in order to account for costs that the Department determined at verification to have been understated. However, in its analysis of this sale for the second review, the Department used the COM as CBCC originally reported it. Petitioners argue that this use of the unadjusted COM constitutes a clerical error.

CBCC argues that the Department erred by using CV, rather than third-country sales, as the basis for foreign market value (FMV) for comparison to the U.S. sale at issue. In its final results analysis memorandum for the second review, the Department stated that it used CV as the basis for FMV because there were no Japanese sales contemporaneous with this sale. (*See* the Department's September 12, 1996 final results analysis memorandum, at 4.) CBCC argues that this stated rationale for using CV is fallacious because, in the first review, the Department used third-country sales to Japan as the basis of FMV for that sale. Thus, CBCC argues, there must have been contemporaneous sales. Furthermore, CBCC argues that because the Department performed a sales-based comparison for this sale in the first review, and never indicated to CBCC that it intended to review the sale again in the second review, the Department's decision to use CV in the margin calculation for the sale in the second review violated its due-process rights because CBCC never had an opportunity to comment on it. It may also be illegal, CBCC argues, because only the CIT can require the Department to re-open and re-analyze a determination which is final under the statute.

Finally, CBCC argues that the Department's failure to use the adjusted COM for the sale at issue is more than offset by a clerical error it made in its calculation of CBCC's interest expenses. In its calculation of interest expenses, the Department, CBCC alleges, used the interest expense ratio for 1993, rather than the interest expense ratio for 1992.

Department's Position:

We agree with petitioners that the Department's failure to use the adjusted COM for the sale at issue constituted a clerical error. In these amended final results of review, we have used the adjusted COM for this sale as given in the first review final results analysis memorandum dated February 2, 1994. The Department made this memorandum part of the record of the second review. *See* the Department's June 12, 1996 letter to CBCC.

We disagree with CBCC's argument that its due-process rights were violated by our decision to perform a CV-based, rather than a sales-based, comparison for the sale at issue. In the first review the Department made a sales-based comparison only in the preliminary results of review, not the final results of review. In the final results of the first review the Department used CV as the FMV. *See* the final results analysis memorandum dated August 13, 1994, at 1.

We also disagree with CBCC's argument that there were contemporaneous sales which could serve as the FMV in the margin calculation for the sale at issue. In the final results analysis memorandum, we stated explicitly that there were no above-cost third-country sales. (*See* the first review final results analysis memorandum dated August 13, 1994, at 1.) Thus, the Department's September 12, 1996 analysis memorandum that states that there were no contemporaneous third-country sales should be amended to read that there were no *above-cost* contemporaneous third-country sales. Therefore, in these amended final results of review we have continued to use CV as the FMV.

We agree with CBCC that the Department used the wrong interest expense ratio to calculate interest for the sale at issue. We have corrected this error in these amended final results of review.

Comment 2:

Petitioners argue that the Department made a ministerial error by failing to include IPI taxes in the computation of CV for one of CBCC's U.S. sales. They argue that the final results notice states that the Department intended to include these taxes in CV. *See Second Review Final Results* at 46769.

CBCC argues that petitioners' comments regarding IPI taxes are irrelevant because the Department acted illegally in re-analyzing this U.S. sale using a methodology different from that supporting its final results in the first review. It refers the reader to its comments summarized under comment 1 (above).

Department's Position:

We agree with petitioners that in omitting IPI taxes from the computation of CV for the sale at issue we made a ministerial error. In these amended final results of review, we have included IPI taxes in CV. We obtained the value of these taxes from CBCC's May 29, 1996 submission.

We disagree with CBCC that we acted illegally in our treatment of this sale. As explained in response to comment 1 (above), we used CV for this sale in the final results of the first review, as well as in the final results of the second review.

Comment 3

Petitioners argue that the Department made a clerical error by using an incorrect exchange rate for converting some of CBCC's and Eletrosilex's expenses from Brazilian currency into U.S. dollars. This error occurred, petitioners argue, because the Department incorrectly believed that these expenses were denominated in cruzeiros, rather than in cruzeiros reais. The expenses at issue are CBCC's brokerage, warehousing, and foreign inland freight, and Eletrosilex's brokerage, foreign inland freight, ocean freight, packing, and warehousing costs.

CBCC argues that there is no evidence on the record that any of the charges it reported are in a currency other than cruzeiros.

Eletrosilex argues that the determination of the correct exchange rate is a factual and judgmental determination, and not a clerical error. By raising the issue at this stage of the proceeding, Eletrosilex argues, petitioners are misusing the ministerial errors correction process. For this reason, Eletrosilex argues, petitioners' argument should be rejected.

Department's Position

We agree with petitioners. With respect to CBCC, we note that exhibit 6 of CBCC's March 17, 1994 supplemental questionnaire response demonstrates the currency conversion. That demonstration indicates that the expenses in question were in fact denominated in cruzeiros reais, and not cruzeiros. With respect to Eletrosilex, we find that Eletrosilex demonstrated the correct currency conversion for the charges at issue in exhibit 9 of its March

21, 1994 submission and on pages 3 and 4 of its September 12, 1994 submission. These demonstrations indicate that the charges at issue were reported in cruzeiros reais, and not cruzeiros. Thus, for the charges at issue, in these amended final results of review we have used the exchange rates for converting cruzeiros reais into U.S. dollars, rather than for converting cruzeiros into U.S. dollars.

We do not agree with Eletrosilex's argument that petitioners are misusing the ministerial error corrections process. Our use of incorrect exchange rates is an ''unintentional error'' within the meaning of 19 C.F.R. § 353.28(d).

Comment 4

Petitioners argue that the Department made a ministerial error by failing to deduct from one of CBCC's U.S. sales an unspecified charge that CBCC reported as ''other expenses.'' Petitioners argue that these ''other expenses'' should be deducted from U.S. price in accordance with section 772(d)(2)(A) of the Tariff Act of 1930, as amended.

CBCC argues that if the Department decides to deduct the ''other expenses'' (which, it states, are movement expenses) from the U.S. price, it should note that CBCC mislabeled the currency as U.S. dollars. In fact, CBCC states, it reported them in cruzeiros, and they must be converted into U.S. dollars for the margin calculation.

Department's Position

We agree that we made a ministerial error by failing to deduct the ''other expenses'' from U.S. price for the sale at issue. In these amended final results of review we have corrected this error. We have converted them into dollars because the amount of these expenses relative to other reported expenses indicates that they were incurred in cruzeiros. See CBCC's March 17, 1994 submission, exhibit 3.

Comment 5

CBCC argues that the Department made a ministerial error in its calculation of CV by using the same interest ratio in the calculation of CV as it used in the calculation of cost of production (COP). CBCC argues that doing so was an error because CV includes imputed credit, whereas COP does not. The Department's methodology, CBCC argues, double-counts the interest expenses included in financial expenses. Thus, CBCC argues the Department should calculate financial expenses for CV net of the amount attributable to trade accounts receivables. To correct the error, CBCC states that the Department should multiply the CV interest expenses by the formula: (1-accounts receivable/total assets).

Petitioners argue that the Department made this error in only one of CBCC's U.S. sales. For CBCC's other U.S. sales, petitioners argue, the Department made an offset to the interest expenses included in CV for home-market imputed credit expenses. Thus, petitioners argue, CBCC's allegation is not applicable to all of CBCC's U.S. sales.

Department's Position

We agree with CBCC that the Department normally allows an offset to CV interest expenses. However, we did not offset CV financing costs for CBCC in this review because it did not submit the offsetting figure, nor did it submit the accounts receivable and total asset figures necessary to perform the calculation as it suggests. Therefore, the Department did not make a ministerial error by not allowing an offset to CV interest expense in this case because the necessary information was not on the record. Accordingly, we have not made an offset to CBCC's financing costs in these amended final results.

Comment 6

CBCC argues that the Department made two clerical errors in its calculation of interest expenses. First, CBCC alleges that the Department calculated different monthly financial expense ratios for each month of the period of review (POR), and applied these differing ratios to the COM to calculate financial expenses. CBCC argues that calculating a different financial expense ratio for each month of the POR was an error, and that the Department intended to calculate an annual weighted-average rate in order to calculate a single weighted-average COP/CV for the POR. CBCC bases its argument on the fact that the Department allegedly calculated general and administrative (G&A) expenses by multiplying the COM by a single annual rate. Second, CBCC argues that the Department made a clerical error by applying the calculated interest expense ratio to the replacement cost COM, rather than the historical cost COM. It argues that this was an error because the Department calculated the interest expense ratio based on historical costs, and not replacement costs. Thus, CBCC argues, the Department should have either calculated the interest expenses on a replacement cost basis and applied the resulting ratio to the replacement cost COMs (as it did for G&A expenses), or calculated the interest expense ratio on historical costs and applied it to the historical cost COMs.

Petitioners argue that CBCC is incorrect in asserting that the Department calculated different interest expense ratios for different months of the POR. In fact, petitioners argue, the Department calculated one interest expense ratio for 1992, which it applied to the months July through December 1992, and one interest expense ratio which it applied to the months January through June 1993. Furthermore, petitioners argue that CBCC is incorrect in saying that the Department intended to calculate a single COP/CV for the POR. The Department's practice in hyperinflationary-economy cases, petitioners argue, is to calculate monthly COPs and CVs, and to make comparisons for both the cost test and the margin calculation on a monthly basis. Finally, petitioners argue that CBCC is incorrect in stating that the Department made a clerical error by applying the interest expense ratios to replacement costs in calculating COP and CV. In fact, petitioners argue, the Department specifically addressed this issue in the final results. It said, ''We do not have the necessary information on the record to index monthly interest costs. Therefore, we calculated financial expenses based on our established practice prior to the CIT decision because it is still a viable method (see Comment 27 for details).'' *See Second Review Final Results* at 46773. Thus, petitioners argue, the Department's method of calculating interest expenses does not constitute a clerical error.

Department's Position

We disagree with CBCC that we intended to calculate a single weighted average interest rate for the POR. In the case of G&A costs, we computed a single weighted-average rate because the monthly G&A information was available. The monthly information required for the interest expense rate calculation, however, was not available. Therefore, as a reasonable alternative, we used available information to calculate separate interest expense rates for 1992 and 1993. Moreover, because all data needed to compute the appropriate interest expense ratio was not available, as a reasonable estimate of the interest expense, we applied the computed rate to replacement cost COMs. This is the method we intended to employ in the final results, and therefore does not constitute a clerical error.

Comment 7

Petitioners argue the Department made a clerical error in its computation

of the profit used in calculating CV for RIMA, Eletrosilex, and CBCC. Petitioners state that the Department calculated profit as the difference between COP and home-market selling prices from which the Department had subtracted imputed credit. Petitioners argue that because COP includes interest (which by definition includes the cost of financing receivables), it is incorrect and a ministerial error to calculate profit by comparing COP to home-market prices from which the cost of financing receivables has already been deducted.

Eletrosilex argues that the exclusion of imputed credit was not a ministerial error, and that therefore the petitioners' contention should be rejected from consideration at this stage of the proceeding.

Department's Position

We agree with petitioners. It was not our intent to understate profit by including imputed credit in COP but excluding it from revenue. Furthermore, we reviewed this issue in the final results of the third review of this order, and determined there too that in the profit calculation the home-market prices should not be net of imputed credit. *See Silicon Metal from Brazil; Final Results of Review and Determination Not to Revoke in Part;* 62 FR 1954, 1967 (January 14, 1997) *(Third Review Final Results).* In these amended final results of review, we have continued to include interest expenses in the calculation of COP, but have adjusted home-market prices so as not to deduct imputed credit from such prices in the computation of revenue.

Comment 8

Petitioners argue that the Department made a clerical error when it calculated the percentage of overhead allocated to RIMA's silicon metal production by using unadjusted direct material costs. The Department calculated the percentage of overhead allocated to RIMA's silicon metal production by averaging ratios for direct labor, electricity, and direct materials calculated by comparing the usage of each item for silicon metal production to the usage for overall production. In calculating the ratio for direct materials, the Department, petitioners allege, used the unadjusted direct materials costs for silicon metal production that RIMA reported in verification exhibit 15, rather than the adjusted material costs that the Department calculated following the verification.

Department's Position

We disagree with petitioners that it was a ministerial error not to adjust RIMA's primary direct material costs used in allocating the company's overhead. For the final results, we allocated RIMA's overhead costs based on the relation between RIMA's primary direct material consumed in the silicon production (numerator) and its total primary direct material consumed in the furnaces (denominator). These figures are unadjusted for RIMA's understatement of its direct material costs. Therefore, if we adjust the numerator as suggested by the petitioner, we must also adjust the denominator, which (like the numerator) was unadjusted in the final results calculations. If, however, we adjust both the numerator and the denominator, the allocation factor does not change. Therefore, the Department did not err in concluding that it was unnecessary to adjust these figures.

Comment 9

Petitioners argue that the Department made a clerical error in its calculation of the direct selling expenses to include in Eletrosilex's CV. Eletrosilex reported its direct selling expenses inclusive of inland freight. However, because inland freight is a movement expense, and not a selling expense, the Department subtracted inland freight from Eletrosilex's total direct selling expenses in its calculation of the direct selling expenses to be included in CV. Petitioners argue that the value for inland freight that the Department used in performing this subtraction was an aggregate amount, and not a per-unit amount. Using this aggregate amount was an error, petitioners argue, because all the other elements of Eletrosilex's reported direct selling expenses were per-unit amounts.

Eletrosilex argues that if the Department determines that it subtracted aggregate inland freight costs from the reported direct selling expenses, rather than per-unit inland freight costs, and therefore makes the correction requested by petitioners, it should also ascertain that it correctly applies the inflation rate for 30 days after the invoice, as discussed on page 4 of its March 21, 1994 submission.

Department's Position

We agree with petitioners that we inadvertently used aggregate inland freight costs rather than per-unit inland freight costs. We have corrected this error in these amended final results of review. With regard to Eletrosilex's argument that we apply the correct inflation rate, we have determined that because the reported inland freight costs already include an inflation adjustment, no further inflation adjustment is necessary. Moreover, Eletrosilex's citation to the discussion on page 4 of its March 21, 1994 submission is inapposite because that discussion concerns the conversion from Brazilian currency into U.S. dollars, and the calculations at issue here do not include a currency conversion. Therefore, because no further inflation adjustment is required, we used the invoiced inland freight costs as Eletrosilex reported them.

Comment 10

Petitioners argue that the Department made a clerical error by failing to include duty drawback in Eletrosilex's CV. In the *Second Review Final Results* the Department stated, ''n order to make an 'apples-to-apples' comparison between USP [United States Price] and CV, we need to add to CV the full amount of the duty drawback that we added to USP in accordance with section 772(d)(1)(B) of the Tariff Act. We have done so in these final results of review.'' *See Second Review Final Results* at 46770. Petitioners argue that in fact the Department added duty drawback to CV for some of Eletrosilex's U.S. sales, but not for all of them.

Department's Position

We agree with petitioners that we failed to add duty drawback to CV for some of Eletrosilex's sales, but we believe that the petitioners incorrectly identified the set of sales for which we made this error. In these amended final results of review we have corrected the final results programs to ensure that duty drawback was added to CV.

Comment 11

Petitioners argue that the Department erred with respect to Eletrosilex by failing to deduct home-market commissions from the gross home-market price in computing the net home-market price (variable name NPRICOP) to be compared to COP in the sales-below-cost test. They argue, based on Policy Bulletin 94.6, that this failure was a violation of the Department's established practice.

Eletrosilex argues that this was not a clerical error because Eletrosilex pays no commissions on its home-market sales.

Department's Position

We disagree with Eletrosilex and agree with petitioners in part. Eletrosilex's home-market sales listing indicates that it did pay a commission

on some of its home-market sales. See page 14 of Eletrosilex's November 12, 1992 submission, and the home-market sales listing contained therein. We agree with petitioners that we made no adjustment for these commissions in the calculation of NPRICOP, but we disagree with petitioners' argument that our failure to do so was an error. In this review we included in COP the direct and indirect selling expenses Eletrosilex reported in section D of its questionnaire response, as intended, and made no adjustment for selling expenses in the calculation of NPRICOP, also as intended. Thus, because both COP and NPRICOP contained selling expenses, the cost test was proper and not distorted. Furthermore, this treatment of Eletrosilex's selling expenses in the cost test is identical to our treatment of selling expenses in the cost test for all other respondents in this review.

Comment 12

Petitioners argue that the Department made a clerical error in its calculation of Eletrosilex's CV by subtracting home-market packing expenses from CV before adding U.S. packing expenses to CV. This was an error, petitioners argue, because the calculated CV did not include home-market packing.

Eletrosilex argues that the inclusion or exclusion of variables in an analysis is not a ministerial act, but an act of judgment. Thus, Eletrosilex argues, the Department should reject petitioners' argument at this stage of the proceeding.

Department's Position

The inclusion or exclusion of variables in an analysis can be intentional or unintentional. Here, the Department inadvertently omitted home-market packing from CV in the computer program used to calculate the margin for some of Eletrosilex's U.S. sales. Therefore, because the omission was unintentional, it is properly considered a ministerial error. In these amended final results of review we have corrected this error.

Comment 13

Petitioners argue that the Department made a clerical error in its margin calculation for Minasligas by converting the cruzeiro value of its U.S. sales into dollars, rather than using the actual U.S. dollar value of the sales. Petitioners argue that this was an error because the selling price of the U.S. sales was denominated in U.S. dollars. Petitioners argue that the Department should have used the dollar-denominated price, rather than the cruzeiro-denominated price, for Minasligas' U.S. sales.

Minasligas argues that it reported its U.S. sales in cruzeiros (as recorded in its books), and that the Department correctly converted them into dollars using the average exchange rate of the month of shipment. This methodology, Minasligas argues, is in accordance with the Department's practice of comparing the U.S. price to the CV or FMV of the month of shipment. Minasligas also argues that the dollar value that the petitioners urge the Department to use is from the section of its questionnaire response where it reported its total home-market, third-country, and U.S. sales volumes and values for the purpose of the viability test. This information, Minasligas states, did not relate to the information Minasligas provided in its U.S. sales listing.

Department's Position

We agree with petitioners. Our practice is to use the actual U.S. price in the currency in which it was originally denominated. We also seek to avoid any unnecessary currency conversions. In this case, we did not intend to convert currencies twice. Therefore, in these amended final results of review we have used the actual sales prices in the currency in which they were originally denominated. This is the same methodology we employed in the final results of the third review of this order. *See Third Review Final Results* at 1961.

Comment 14

Petitioners argue that the Department made a clerical error in its computation of Minasligas' imputed U.S. credit by using the date of shipment from the U.S. port as the start of the credit period, rather than the date of shipment from Minasligas' plant.

Minasligas argues the Department did in fact use the date of shipment from Minasligas' plant as the start of the credit period in the computation of U.S. imputed credit.

Department's Position

We agree with Minasligas. The variable SHIPDTPM used in the imputed credit calculation (line 730 of the final results margin calculation) is the date of shipment from Minasligas' plant. *See* exhibit VII–1 of Minasligas' November 1, 1993 submission.

Comment 15

Petitioners argue that the Department used an incorrect exchange rate in the currency conversion for Minasligas' warehousing expenses. In its final results margin calculation, the Department, petitioners allege, used the exchange rate of the date of shipment from the Brazilian port. Petitioners argue that the Department's practice in hyperinflationary economies is to convert U.S. movement expenses using the exchange rate on the date such expenses were incurred, or, in the absence of such information, on the date on which the respondent shipped the merchandise from its plant. Here, petitioners argue, the record contains no information on when Minasligas incurred the warehousing expenses. Thus, petitioners argue, the Department should have used the exchange rate on the date of shipment from Minasligas' plant in converting warehousing expenses, rather than the exchange rate of the date of shipment from the Brazilian port.

Minasligas argues that the Department's use of the exchange rate for the date of shipment from the port is not a clerical error, and is supported by substantial evidence on the record. It argues that although the record does not indicate when Minasligas paid the warehousing expenses, it does indicate that the expenses were incurred at the port prior to loading on the ship. Accordingly, it was proper, Minasligas argues, for the Department to use the exchange rate for the month of shipment from the port as being the closest in time to the date on which Minasligas incurred the warehousing expenses.

Department's Position

We agree with Minasligas. For the final results we intended to use the exchange rate of the date of shipment from the port. Where the record does not contain the actual dates of payment for export sale movement expenses, and where the Department did not specifically solicit the information, it is reasonable to use the date of shipment from the port in making the currency conversion because it is the closest date on record to the date on which the expenses were incurred. Therefore, in these amended final results of review, we have continued to use the exchange rate of the date of shipment in making currency conversions. This is the same methodology we applied in a similar situation in the final results of the third administrative review of this order. *See Third Review Final Results* at 1962.

Amended Final Results of Review

As a result of this review, we have determined that the following margins exist for the period July 1, 1992 through June 30, 1993:

Producer/manufacturer/exporter	Weighted-average margin (percent)
CBCC	18.71
Minasligas	0.00
Eletrosilex	25.46
RIMA	31.60

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

Furthermore, the following deposit requirements shall be effective upon publication of this notice of amended final results of review for all shipments of silicon metal from Brazil entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) the cash deposit rates for the reviewed companies named above will be the rates published in the final results of review for the antidumping duty order on silicon metal from Brazil for the period July 1, 1994 through June 30, 1995 (*see Silicon Metal from Brazil; Final Results of Antidumping Duty Administrative Review and Determination Not to Revoke in Part* 62 FR 1970 (January 14, 1997) (*Fourth Review Final Results*); (2) for previously investigated or reviewed 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 these reviews, or the original less-than-fair-value (LTFV) investigations, 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) if neither the exporter nor the manufacturer is a firm covered in these reviews, the cash deposit rate will continue to be 91.06 percent, the ''all others'' rate established in the LTFV investigation. *See Final Determination of Sales at Less Than Fair Value: Silicon Metal from Brazil,* 56 FR 26977 (June 12, 1991).

This notice serves as a final reminder to importers of their responsibility under 19 CFR § 353.26 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 notice also serves as a reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with section 353.34(d) of the Department's regulations. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

These amended final results of review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. § 1675(a)(1)) and section 353.28(c) of the Department's regulations.

Dated: September 2, 1997.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 97–23853 Filed 9–8–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–428–820]

Small Diameter Circular Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe From Germany: 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: In response to a request from the respondent, Mannesmannroehren-Werke AG (''MRW'') and Mannesmann Pipe & Steel Corporation (''MPS'') (collectively, ''Mannesmann''), the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on small diameter circular seamless carbon and alloy steel standard, line and pressure pipe from Germany. This review covers the above manufacturer/exporter of the subject merchandise to the United States. The period of review (POR) is January 27, 1995, through July 31, 1996.

We preliminarily determine the dumping margin for Mannesmann to be 28.69 percent during the POR. Interested parties are invited to comment on these preliminary results. Parties who submit arguments in this proceeding should also submit with their arguments (1) a statement of the issues, and (2) a brief summary of the arguments.

EFFECTIVE DATE: September 9, 1997.

FOR FURTHER INFORMATION CONTACT: Nancy Decker or Linda Ludwig, Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–1324 or (202) 482–3833, respectively.

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 references to the Department's regulations are to 19 CFR part 353, as amended by the Department's interim regulations (April 1, 1997). Where appropriate, we have cited the Department's new regulations, codified at 19 CFR part 351 (May 19, 1997—62 FR 27296). While not binding on this review, the new regulations serve as a restatement of the Department's policies.

Background

On June 19, 1995, the Department published in the **Federal Register** (60 Fed. Reg. 31974) the final affirmative antidumping duty determination on small diameter circular seamless carbon and alloy steel standard, line and pressure pipe from Germany. We published an antidumping duty order and amended final determination on August 3, 1995 (60 FR 39704). On August 12, 1996, the Department published the Opportunity to Request an Administrative Review of this order for the period January 27, 1995 through July 31, 1996 (61 FR 41768). The Department received a request for an administrative review of Mannesmann's exports from Mannesmann itself, a producer/exporter of the subject merchandise. We published a notice of initiation of the review on September 17, 1996 (61 FR 48882).

Under section 751(a)(3)(A) of the Act, the Department may extend the deadline for completion of an administrative review if it determines that it is not practicable to complete the review within the statutory time limit of 365 days. On March 5, 1997, the Department published a notice of extension of the time limit for the preliminary results in this case. *See*