Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20230.

Dated: April 9, 1999.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99–9490 Filed 04–15–99; 8:45 a.m.]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce (DOC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Export Administration (BXA).

Title: Update of the National Security Assessment of the U.S. Cartridge Actuated Device Industry.

Agency Form Number: N/A.

OMB Approval Number: None.

Type of Request: New collection.

Burden: 200 hours.

Average Time Per Response: 5 hours per response.

Number of Respondents: 40 respondents.

Needs and Uses: Commerce/BXA, in consultation with Naval Surface Warfare Center/Indian Head Division (NSWC/IHD), is conducting a follow-on national security assessment of the domestic cartridge and propellant actuated device industry in order to re-evaluate the health and competitiveness of the U.S. industry and its ability to support current and future defense needs. The original assessment was conducted in 1994 (approved under OMB Control No. 0694–0080). NSWC/IHD is interested in conducting a follow-on assessment in light of recent Navy and industry actions to maintain and enhance this critical sector.

Affected Public: Individuals, businesses or other for-profit institutions.

Respondent's Obligation: Mandatory.

OMB Desk Officer: David Rostker (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, Office of the Chief Information Officer, (202) 482-3272, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20230 (or via the Internet LEngelme@doc.gov).

Dated: April 9, 1999.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99–9491 Filed 4–15–99; 8:45 a.m.]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 14–99]

Foreign-Trade Zone 163—Poncé, Puerto Rico; Application For Foreign-Trade Subzone Status: Peerless Oil & Chemicals, Inc.—Petroleum Product Storage and Processing Peñuelas, Puerto Rico

An application has been submitted to the Foreign-Trade Zones Board (the Board) by Codezol, C.D., grantee of FTZ 163, requesting special-purpose subzone status for the petroleum product storage and processing facility of Peerless Oil & Chemicals, Inc., located at sites in Peñuelas, Puerto Rico. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on March 29, 1999.

The Peerless facilities are located at three sites in the vicinity of Rt. 127, Km. 17.1 in Peñuelas, Puerto Rico. The facilities (27 employees) are used for receipt, storage, distribution, and minor processing of petroleum products (duty rates on these items range from 5.25 to 84 cents per barrel). The company also uses a number of foreign-sourced products that are duty free.

Zone procedures would exempt Peerless from Customs duties on petroleum products which are re-exported. On domestic sales, the company would be able to defer Customs duty payments until the products leave the facility. No authority is being sought which would result in a change in tariff classification, and the company would admit imported merchandise into the proposed subzone in privileged foreign status (19 CFR 146.41).

The application indicates that the main benefit to Peerless from FTZ procedures will be an improved ability to attract international customers. The company will also achieve some savings by deferral of Customs duties while foreign merchandise is stored within Peerless' facilities. FTZ status may also make a site eligible for benefits provided under commonwealth/local programs.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is June 15, 1999. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to June 30, 1999.

A copy of the application and the accompanying exhibits will be available for public inspection at each of the following locations:

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th and Pennsylvania Avenue, N.W., Washington, D.C. 20230

U.S. Department of Commerce Export Assistance Center, 525 F.D. Roosevelt Avenue, Suite 905, San Juan, PR 00918

Dated: April 7, 1999.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 99–9611 Filed 4–15–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–331–602]

Certain Fresh Cut Flowers From Ecuador: Preliminary Results and Partial Rescission 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 a domestic interested party, the Department of Commerce is conducting an administrative review of the antidumping duty order on certain fresh cut flowers from Ecuador for the period March 1, 1997, through February 28, 1998.

We have preliminarily determined that sales have been made below normal

value by various companies subject to this review. If these preliminary results are adopted in the final results of this administrative review, we will instruct the Customs Service to assess antidumping duties equal to the difference between the export price or constructed export price and the normal value. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: April 16, 1999.

FOR FURTHER INFORMATION CONTACT: Mark Ross or Edythe Artman, Office of Antidumping/Countervailing Duty Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone (202) 482–4794 or (202) 482–3931, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

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 of Commerce's (the Department's) regulations are to the regulations codified at 19 CFR Part 351 (1998).

Background

On March 11, 1998, the Department published a notice of ''Opportunity to Request Administrative Review'' with respect to the antidumping duty order on certain fresh cut flowers from Ecuador (63 FR 11868). The Floral Trade Council (FTC) requested a review on March 31, 1998. An association of U.S. flower producers, the FTC was the petitioner in the original investigation of this proceeding. In response to the FTC's request, the Department published a notice of initiation of an administrative review on April 24, 1998, in accordance with 19 CFR 351.213(b) (63 FR 20378). On November 24, 1998, we extended the deadline for the preliminary results of the review until March 30, 1999 (see 63 FR 66528).

Scope of Review

Imports covered by this review are shipments of certain fresh cut flowers from Ecuador. Specifically, the products are standard carnations, standard chrysanthemums, and pompon chrysanthemums. These products are currently classifiable under item numbers 0603.10.70.10, 0603.10.70.20, and 0603.10.70.30, respectively, of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS item numbers are provided for convenience and for customs purposes, the Department's written description of the scope of this proceeding remains dispositive.

Period of Review

The period of review (POR) is from March 1, 1997, through February 28, 1998.

Partial Rescission of the Review

In light of past administrative practice and relevant provisions of the law, we are rescinding some companies from the review which were listed in the notice of initiation.

The respondent U.S. Floral Corporation submitted a letter stating that it was an importer of Ecuadorian fresh cut flowers. It stated that it had no ownership or affiliation with any farm or exporter in Ecuador and did not exist as a corporate entity in Ecuador. The company also stated that it had made no shipments of subject merchandise to the United States during the POR.

A review of Customs Service documentation regarding shipments of the subject merchandise during the POR confirms that U.S. Floral did not have any shipments of the merchandise. See Memorandum from Laurie Parkhill to Richard W. Moreland (May 26, 1998). Therefore, we have rescinded our review of U.S. Floral in accordance with 19 CFR 351.213(d).

Flores Equinocciales (listed in the notice of initiation as Florequisa) stated in a submission that it had received a *de minimis* weighted-average margin in the original investigation. It stated that, as a result, it had never been subject to suspension of liquidation and did not consider itself a candidate for an administrative review. We agree (see Letter from Laurie Parkhill to Flores Equinocciales (June 3, 1998)) and have rescinded the review of this company.

Noelia Flowers (listed in the notice of initiation as Noeliaflowers) reported that it had shipped flowers to the United States during the POR, but that all of the shipments had been supplied by a single, unaffiliated farm which knew that the destination of the merchandise was within the United States. It submitted a copy of a receipt from a farm which shows that the farm knew of the ultimate destination of the flowers. Because the supplier of the flowers that Noelia Flowers shipped to the United States during the POR had knowledge, at the time it sold the merchandise to Noelia Flowers, that those sales were destined for export to the United States, the Department considers the supplier to be the source of any dumping activity, not Noelia Flowers. As such, the supplier established the price of the subject merchandise we would use in our antidumping analysis. Therefore, we have rescinded the review of Noelia Flowers. This is consistent with our practice of rescinding a review of an exporter where the producer had knowledge that the subject merchandise would ultimately end up in the United States. See *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from France, Germany, Japan, Singapore, Sweden, Thailand, and the United Kingdom; Preliminary Results of Antidumping Duty Administrative Reviews, Partial Termination of Administrative Reviews, and Notice of Intent to Revoke Order,* 60 FR 62817, 62818 (December 7, 1995). *Request for Revocation of the Antidumping Duty Order.*

On May 29, 1998, Florisol Cia. Ltda. (also listed as Florisol in the notice of initiation) submitted a letter in which it requested revocation of the antidumping duty order with respect to its sales.

Section 351.222(e) of the Department's regulations states that a request for revocation of an order may be submitted ''[d]uring the third and subsequent annual anniversary months of the publication of an antidumping order.'' The anniversary month of the order under review is March. Hence, the request for revocation was received two months following the prescribed time frame for its submission. For this reason, the Department found that the request was untimely and, therefore, rejected the request. See Memorandum from the Ecuadorian Flowers Team to Laurie Parkhill (March 3, 1999).

Selected Respondents

Section 777A(c)(2) of the Act provides the Department with the authority to determine margins either by limiting its examination to a statistically valid sample of exporters or by limiting its examination to exporters which account for the largest volume of the subject merchandise that can reasonably be examined. This subparagraph is formulated as an exception to the general requirement of the Act that we examine each company, for which a review is requested, individually and calculate a company-specific margin.

Because over 40 companies were named in the initiation notice for this review and because of the limited resources available to calculate individual margins, we determined that it was necessary to restrict the number of respondents selected for examination. This approach enabled the Department

to analyze the responses of the selected companies thoroughly and carefully to consider all issues raised in the proceeding within the statutory deadlines. This approach is consistent with that taken in reviews of the antidumping duty order on certain fresh cut flowers from Colombia (see, *e.g., Certain Fresh Cut Flowers from Colombia: Preliminary Results and Partial Termination of Antidumping Duty Administrative Review*, 63 FR 5354 (February 2, 1998)).

Consistent with section 777A(c)(2)(B) of the Act, we limited our examination to six respondents since the sales of these companies accounted for over ninety percent of the sales to the United States by companies for which the review was requested. See Memorandum from Laurie Parkhill to Richard W. Moreland (June 15, 1998). The six selected respondents for this review are Agritab Cia. Ltda. (Agritab), Claveles de la Montana, S.A. (Montana), Flores del Quinche S.A. (Floraquin), Floricultura Ecuaclavel S.A. (Ecuaclavel), Florisol Cia. Ltda. (Florisol), and Flores Mitad del Mundo, S.A. (Floremit).

Non-Selected Respondents

On May 1, 1998, the Department issued a questionnaire to each of the companies named in the initiation notice. Sixteen of the companies completed and returned the questionnaire and 22 sent letters in which they reported having no shipments of subject merchandise during the POR.

Of the sixteen who returned the questionnaire, we selected six as respondents, as discussed above, and we consider the remaining ten as non-selected respondents. Consistent with our practice in recent administrative reviews of the antidumping duty order on certain fresh cut flowers from Colombia, we are assigning the non-selected, cooperative respondents a weighted-average margin based on the calculated margins of the selected respondents, excluding any zero or *de minimis* margins and margins based entirely on facts available. See Memorandum from Laurie Parkhill to the File (July 17, 1998), and *Certain Fresh Cut Flowers from Colombia: Final Results of Antidumping Duty Administrative Review*, 63 FR 31724 (June 10, 1998) (*Colombian Flowers Tenth Review*).

For companies that reported having no shipments during the POR, we reviewed the Customs Service entry documentation for the subject merchandise from Ecuador during the POR, which confirmed that these companies had no shipments of the merchandise. Consequently, these respondents will either retain the company-specific rate most recently assigned to them (as a result of a prior review or the original less-than-fair-value investigation) or their entries will receive the ''all others'' rate for future cash-deposit purposes.

The non-selected companies are listed as the ''Non-Selected Respondents'' in the ''Preliminary Results of Review'' section below.

Facts Available

Two companies, Ecuaplanta and San Alfonso, did not respond to our original questionnaire or to a follow-up letter that was issued to them. Section 776(a)(2) of the Act provides that, if an interested party (1) withholds information that has been requested by the Department, (2) fails to provide such information in a timely manner or in the form or manner requested, subject to subsections 782(c)(1) and (e) of the Act, (3) significantly impedes a determination under the antidumping statute, or (4) provides such information but the information cannot be verified as provided in section 782(i) of the Act, then the Department shall, subject to section 782(d) of the Act, use facts otherwise available in reaching the applicable determination. Because Ecuaplanta and San Alfonso did not respond to the questionnaire or the follow-up letter, the provisions of sections 782(c)(1) and (e) of the Act do not apply and we must use facts otherwise available to determine their dumping margins.

Section 776(b) of the Act provides that, if the Department finds that an interested party has failed to cooperate by not acting to the best of its ability to comply with a request for information, the Department may use an inference that is adverse to the interests of that party in selecting from among the facts otherwise available. The section provides that an adverse inference may include reliance on information derived from (1) the petition, (2) the final determination in the investigation segment of the proceeding, (3) a previous review under section 751 of the Act or a determination under section 753 of the Act, or (4) any other information placed on the record. In addition, the Statement of Administrative Action accompanying the URAA, H.R. Doc. 316, Vol. 1, 103d Cong. (1994) (SAA), establishes that the Department may employ an adverse inference ''to ensure that the party does not obtain a more favorable result by failing to cooperate than if it had cooperated fully.'' SAA at 870. In employing adverse inferences, the Department is instructed to consider ''the extent to which a party may benefit from its own lack of cooperation.'' *Id.* Because Ecuaplanta and San Alfonso did not cooperate by complying with our request for information and in order to ensure that they do not benefit from their lack of cooperation, we are employing an adverse inference in selecting from the facts available.

The Department's practice when selecting an adverse rate from among the possible sources of information has been to ensure that the margin is sufficiently adverse ''as to effectuate the purpose of the facts available rule to induce respondents to provide the Department with complete and accurate information in a timely manner.'' See *Static Random Access Memory Semiconductors From Taiwan; Final Determination of Sales at Less Than Fair Value*, 63 FR 8909, 8932 (February 23, 1998). The Department will also consider the extent to which a party may benefit from its own lack of cooperation in selecting a rate. See *Roller Chain Other Than Bicycle, From Japan; Notice of Final Results and Partial Recission of Antidumping Duty Administrative Review*, 62 FR 69472, 69477 (November 10, 1997), and *Certain Welded Carbon Steel Pipes and Tubes from Thailand: Final Results of Antidumping Administrative Review*, 62 FR 53808, 53820–21 (October 16, 1997).

In order to ensure that the rate is sufficiently adverse so as to induce Ecuaplanta's and San Alfonso's cooperation, we have assigned these companies as adverse facts available a rate of 23.50 percent, the highest margin determined in any segment of this proceeding. This rate was calculated for Eden Flowers in the amended final determination. See *Amendment to Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order in Accordance with Decision Upon Remand: Certain Fresh Cut Flowers from Ecuador*, 54 FR 29595 (July 13, 1989). As such, the margin constitutes ''secondary information'' under section 776(c) of the Act.

Section 776(c) of the Act provides that the Department shall, to the extent practicable, corroborate secondary information used for facts available by reviewing independent sources reasonably at its disposal. The SAA provides that to ''corroborate'' means simply that the Department will satisfy itself that the secondary information to be used has probative value. SAA at 870. As noted in *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from Japan, and Tapered Roller Bearings, Four Inches or*

Less in Outside Diameter, and Components Thereof, from Japan; Preliminary Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews, 61 FR 57391, 57392 (November 6, 1996), to corroborate secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information used. However, unlike other types of information, such as input costs or selling expenses, there are no independent sources from which the Department can derive calculated dumping margins; the only source for margins is administrative determinations. Thus, in an administrative review, if the Department chooses as total adverse facts available a calculated dumping margin from a prior segment of the proceeding, it is not necessary to question the reliability of the margin for that time period.

As to the relevance of the margin used for adverse facts available, the Department stated in *Tapered Roller Bearings* that it will ''consider information reasonably at its disposal'' as to whether there are circumstances that would render a margin irrelevant. Where circumstances indicate that the selected margin is not appropriate as adverse facts available, the Department will disregard the margin and determine an appropriate margin.'' *Id.*; see also *Fresh Cut Flowers from Mexico; Preliminary Results of Antidumping Duty Administrative Review,* 60 FR 49567 (September 26, 1995).

As stated above, the highest rate determined in any segment of this proceeding is 23.50 percent for Eden Flowers. We have determined that there is no evidence on the administrative record for the less-than-fair-value investigation which indicates that the 23.50 percent rate is irrelevant or inappropriate as total facts available for Ecuaplanta and San Alfonso for this review.

The FTC's Status as a Domestic Interested Party

Five of the respondents requested that the Department require the FTC to identify its members, citing 19 CFR 351.213(b)(1) as requiring that an administrative review be requested by a domestic interested party. They argued that section 771(9)(E) of the Act provides that a trade association may constitute a domestic interested party if the majority of its members are manufacturers, producers or wholesalers of a domestic like product in the United States but that, because the FTC had not identified its members in its request for a review or any subsequent submissions to the Department, it was impossible to know if the FTC met the definition of domestic interested party. In the event that the FTC was not found to meet the definition of interested party, the respondents argued that the Department should terminate the review.

Further submissions by the FTC clarified the position of the FTC in the industry. We determined that a November 1998 affidavit by the President of the FTC stating that the majority of the association's members were growers or wholesalers of the subject merchandise was sufficient evidence of the nature of the association's membership. Therefore, we concluded that the FTC meets the definition of ''domestic interested party'' within the meaning of section 771(9)(E) of the Act. See Memorandum from Laurie Parkhill to Richard W. Moreland (January 27, 1999).

Request for Separate Rates

Since the original investigation the Department has calculated company-specific weighted-average margins for all subject merchandise. Because the International Trade Commission (ITC) found that each of the three flower types subject to investigation was a separate like product, five of the respondents requested that the Department calculate a weighted-average rate for each flower type. Because the order is subject to a ''sunset'' review in 1999, the respondents contend that the ITC would most likely use the like-product analysis that it had developed at the investigation stage.

The purpose of an administrative review is to determine the amount of duties due on entries during the POR and to establish estimated antidumping duties for future entries. We calculate, where possible, customer-specific duty-assessment rates and it is our long-established practice to calculate a weighted-average margin for the subject merchandise to set the cash-deposit rate for future entries. Respondents' argument addresses the conduct of the sunset review, not the assessment of antidumping duties. Therefore, we find no basis upon which to assign separate weighted-average margins for the three flower types in this administrative review.

Duty Absorption

On March 31, 1998, the FTC requested that the Department determine whether antidumping duties had been absorbed by the respondents during the POR. Section 751(a)(4) of the Act provides for the Department, if requested, to determine, during an administrative review initiated two years or four years after publication of the order, whether antidumping duties have been absorbed by a foreign producer or exporter subject to the order if the subject merchandise is sold in the United States through an importer who is affiliated with such foreign producer or exporter. For transition orders as defined in section 751(c)(6)(C) of the Act (*i.e.*, orders in effect as of January 1, 1995), section 351.213(j)(2) of our regulations provides that we will make a duty-absorption determination, if requested, for any administrative review initiated in 1996 or 1998. This approach ensures that interested parties will have the opportunity to request a duty-absorption determination prior to the time of a sunset review of an antidumping order under section 751(c) of the Act, even though the second and fourth years following the issuance of that order have passed.

Since the order on certain fresh cut flowers from Ecuador has been in effect since 1987, it is a transition order. Furthermore, we received the request for a duty-absorption determination in connection with a review that we initiated in 1998. Consequently, in accordance with the policy described above, it is appropriate to examine duty absorption in this review.

Section 751(a)(4) of the Act provides that duty absorption may occur if the subject merchandise is sold in the United States through an affiliated importer. Of the selected respondents, Agritab, Floremit, and Ecuaclavel have affiliated importers. We have preliminarily determined that the following percentage of their U.S. affiliates' sales, by quantity, have dumping margins:

Name of firm	Percentage of U.S. affiliate's sales with dumping margins
Agritab	13.79
Floricultura Ecuaclavel S.A	38.04
Flores Mitad del Mundo, S.A	15.00

With respect to the above companies, we presume that the duties will be absorbed for those sales that we found to have been dumped. However, this presumption can be rebutted with evidence (*e.g.*, an agreement between the affiliated importer and the unaffiliated purchaser) that the unaffiliated purchasers in the United States will pay the full duty ultimately assessed on the subject merchandise. An interested party who wishes to submit such evidence may do so no later than 15 days after publication of these

preliminary results. In the absence of such evidence, we will find that the antidumping duties have been absorbed by the above-listed firms on the percentage of U.S. sales indicated.

Export Price and Constructed Export Price

As permitted by section 777A(d)(2) of the Act, we have preliminarily determined that it is appropriate to average U.S. prices on a monthly basis in order to use actual price information (often available only on a monthly basis) and account for practices associated with pricing perishable products. The Department has used this averaging technique in the most recently completed review of this order and other reviews of the order covering certain fresh cut flowers from Colombia. *Certain Fresh Cut Flowers from Ecuador; Final Results of Antidumping Duty Administrative Review*, 61 FR 37044 (July 16, 1996), and *Colombian Flowers Tenth Review*.

For the price to the United States, we used export price (EP) or constructed export price (CEP) as defined in sections 772(a) and 772(b) of the Act, as appropriate. CEP was used for consignment sales through unaffiliated U.S. consignees and sales (consignment or otherwise) made through affiliated importers.

We calculated EP based on the packed price, consisting of invoice price plus certain additional charges (*e.g.*, box charges), to the first unaffiliated purchaser in the United States. We made deductions, where appropriate, for foreign inland freight and return credits.

For sales made on consignment, we calculated CEP based on the packed price consisting of invoice price plus certain additional charges by the consignee (*e.g.*, box charges) to the unaffiliated purchaser. For sales made through affiliated parties, we based CEP on the packed price, consisting of invoice price plus certain additional charges (*e.g.*, box charges), to the first unaffiliated customer in the United States. We made adjustments to these prices, where appropriate, for discounts and rebates, foreign inland freight, international (air) freight, freight charges incurred in the United States, brokerage and handling, U.S. customs fees, direct selling expenses related to commercial activity in the United States, return credits and royalties. Finally, consistent with our approach in the previous review, we made adjustments for either commissions paid to unaffiliated U.S. consignees or for the U.S. selling expenses of affiliated consignees.

Pursuant to sections 772(d)(3) and 772(f) of the Act, we calculated and reduced the price further by an amount for profit on sales made through affiliated parties to arrive at CEP.

Normal Value

1. Basis for Calculating Normal Value

Section 773(a)(1)(B)(i) of the Act defines normal value (NV) as the price at which the foreign like product is first sold for consumption in the exporting country (home market). However, pursuant to section 773(a) of the Act, certain conditions must be satisfied in order for the Department to consider sales in the home market as the basis for calculating NV. One condition is that the home market must be viable. Generally, the Department will consider the home market to be viable if the aggregate quantity (or, if quantity is not appropriate, value) of sales of the foreign like product sold by an exporter or producer in that market is five percent or more of the aggregate quantity (or value) of its sales of the subject merchandise to the United States. Where the home market is not viable, NV may be calculated based on sales to a viable third-country market or on constructed value (CV). See sections 773(a)(1) and 773(a)(4) of the Act.

Agritab, Florisol, and Floraquin had sales in excess of five percent of their aggregate quantity of sales of the subject merchandise to the United States. Thus, we found the home market to be viable for them.

Ecuaclavel had sales in the home market, but they constituted less than five percent of its aggregate sales to the United States. Therefore, its home market is not viable. Floremit had no home market sales and Montana had only ''cull'' sales. We consider sales of culls, or flowers of lesser grade than those produced for export to the United States, to be sales of by-products of the flowers grown for export. See *Certain Fresh Cut Flowers from Colombia; Final Results and Partial Rescission of Antidumping Duty Administrative Review*, 62 FR 53287, 53298 (October 14, 1997). Hence, we examined the viability of third-country-market sales for these three companies.

The test for viability of a third-country market is also whether the sales in that market equal five percent or more of the aggregate sales to the United States. See section 773(a)(1)(B)(ii)(II) of the Act. In the case of Floremit, there were no third-country sales equal to or greater than five percent of its U.S. aggregate sales, so we have based NV for this company on CV.

Montana and Ecuaclavel had sales to a third-country, Russia, that accounted for more than five percent of sales to the United States. We have concluded, however, that conditions existed in Russia that rendered a comparison between a NV based on sales in Russia and an EP or CEP inappropriate. Specifically, the Department found that the flower prices in the United States were more volatile than those in Russia where there is a more constant demand for the product. There were also different peak price periods, or holidays, in the two countries; since the United States had three of these peak periods and Russia had only one, these periods affected price volatility in the United States to a greater extent than prices in Russia. Thus, we have concluded that a particular market situation exists which prevents a proper comparison between a NV based on the third-country-market sales and the EP or CEP.

In such a circumstance, we may decline to calculate a NV based on the sales of the third-country market. See 19 CFR 351.404(c)(2). Rather, we may opt to calculate the NV based on CV, pursuant to section 773(a)(4) of the Act. Because we found the comparison of prices between the third-country market and the U.S. market to be inappropriate, we have used CV to establish NV for Montana and Ecuaclavel. For a more detailed explanation of this determination and the other NV determinations, see Memorandum from Laurie Parkhill to Susan Kuhbach (August 12, 1998).

2. Arm's-Length Test

During the POR, Agritab reported home market sales to employees. We tested Agritab's home market sales to employees to see if they were made at arm's-length prices. To test whether these sales were made at arm's-length prices, we compared, by flower type, the prices of sales to employees and unaffiliated customers net of appropriate home market price adjustments (for Agritab these adjustments consisted of credit expenses and packing expenses incurred on home market sales). Since we found that the prices to the employees were on average less than 99.5 percent of the price to unaffiliated parties, we determined that all sales made to the employees were not at arm's length and disregarded them in determining NV. See 19 CFR 351.403(c).

3. Sales Below the Cost of Production

On September 11, 1998, the FTC alleged that Agritab, Florisol, and Floraquin made home market sales of

certain fresh cut flowers at prices below the cost of production (COP) and requested that the Department initiate a below-cost investigation.

Upon review of the allegation with regard to Agritab, we determined that there were reasonable grounds to believe or suspect that Agritab made sales at prices below its COP, in accordance with section 773(b)(2)(A)(i) of the Act. Accordingly, we initiated a COP investigation of this company pursuant to section 773(b)(1) of the Act. With regard to Florisol and Floraquin, we determined that the FTC's allegations of below-cost sales did not provide reasonable grounds to believe or suspect that their home market sales were made at prices below COP. Therefore, we did not initiate COP investigations of Florisol and Floraquin. For a more detailed explanation of our analysis of the allegations of below-cost sales, see Memorandum from Laurie Parkhill to Richard W. Moreland (November 2, 1998).

In our COP analysis, we used the information that Agritab provided in its questionnaire responses. In accordance with section 773(b)(3) of the Act, we calculated the COP based on the sum of the costs of materials and fabrication employed in producing the foreign like product, plus general and administrative expenses and all costs and expenses incidental to packing the merchandise. Section 773(b)(3) of the Act provides for the inclusion of home market selling expenses in COP. However, Agritab reported that it had no selling expenses on sales of export-quality flowers in the home market. For Agritab's COP, therefore, we used zero as the actual amount of selling expenses incurred on home market sales.

After calculating the COP, in accordance with section 773(b)(1) of the Act we tested whether Agritab's home market sales of certain fresh cut flowers were made at prices below the COP. We compared the COP of each flower type to the reported home market prices less any applicable movement charges. As a result of our comparisons of prices to weighted-average COPs for the POR, we determined that all of Agritab's home market sales were below the COP and were not at prices which would permit recovery of all costs within a reasonable period of time, as defined by section 773(b)(2)(D) of the Act. Therefore, we disregarded all of Agritab's home market sales.

4. Calculation of NV

For Florisol and Floraquin, we based NV on the reported home market prices. We based home market prices for these two respondents on their packed, ex-farm or delivered prices to unaffiliated purchasers. When applicable, we made adjustments for differences in packing and for movement expenses in accordance with section 773(a)(6)(A) and (B) of the Act and for differences in circumstances of sale (COS) in accordance with section 773(a)(6)(C)(iii) of the Act. For comparisons to EP, we made COS adjustments by adding U.S. direct selling expenses to NV.

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 or CEP. Since NV was always calculated at the same level of trade, we did not make any adjustments for differences in the level of trade. (See ''Level of Trade'' section below.) For Agritab, Floremit, Montana, and Ecuaclavel, in accordance with section 773(a)(4) of the Act, we used CV as the basis for NV when there were no usable sales of the foreign like product in the comparison market. We calculated CV in accordance with section 773(e) of the Act.

For CV, we used the cost of materials, direct labor, and overhead as reported by the respondents. Some respondents reported revenues from the sale of non-export-quality flowers. As noted above, we consider non-export-quality flowers, or culls, which are produced in conjunction with export-quality flowers, to be by-products. Therefore, we adjusted the cost of materials, direct labor, and overhead to reflect revenue from sales of the culls.

Section 773(e) of the Act also provides for the inclusion of selling, general, and administrative expenses in the calculation of CV. We used the general and administrative expenses reported by each respondent. With regard to selling expenses, all respondents reporting sales of export-quality flowers in the home market reported that they had no selling expenses. Therefore, we used zero as the actual amount of selling expenses incurred by the exporters and producers examined in this review.

With respect to profit, section 773(e)(2)(A) of the Act instructs us to calculate the amount realized in connection with the production and sale of the foreign like product in the ordinary course of trade for consumption in the home market. However, for all the respondents for which we based NV on CV, it was necessary to calculate profit for CV using an alternative methodology because the calculation of profit in accordance with section 773(e)(2)(A) of the Act was not attainable from the information on the record. Specifically, for Agritab there were no home market sales above COP. For Montana, Floremit, and Ecuaclavel, the respondents do not have home market sales of the foreign like product under consideration for NV on which to calculate profit for CV. Therefore, we selected an alternative CV-profit calculation methodology for these four firms pursuant to section 773(e)(2)(B)(iii) of the Act, which permits us to use ''any other reasonable method'' to compute an amount for profit, provided that the amount does ''not exceed the amount normally realized by exporters or producers * * * in connection with the sale, for consumption in the foreign country, of merchandise that is in the same general category of products as the subject merchandise.'' In reviewing the record for information on profits earned in Ecuador by producers of merchandise that is in the same general category of products as flowers, we determined that the best available sources of information are the 1997 financial statements that producers of certain fresh cut flowers from Ecuador submitted in response to section A of our questionnaire. Where there was a positive profit amount on the 1997 financial statements, we used the data to calculate an average profit rate. In order to calculate a positive amount for profit consistent with *Silicomanganese from Brazil: Final Results of Antidumping Administrative Review*, 62 FR 37877 (July 15, 1997), we disregarded financial statements of producers that incurred losses. Disregarding these financial statements enabled us to derive an ''element of profit'' as contemplated by the SAA. See SAA at 839. Furthermore, we disregarded financial statements that were not contemporaneous with sales during the POR (e.g., 1996 financial statements).

We included U.S. packing expenses in the calculation of CV. In addition, for EP sales, we made COS adjustments for direct selling expenses, where appropriate, in accordance with section 773(a)(6)(C)(iii) of the Act.

Consistent with the methodology we used in recent reviews of the order on certain fresh cut flowers from Colombia, we first converted each month's CV from Ecuadorian sucres to dollars using that month's exchange rate. We then totaled the monthly cost, expressed in dollars over the POR, and divided by the quantity of export-quality flowers sold by the producer/exporter in order to arrive at the per-stem CV in dollars. The CV was then converted to Ecuadorian sucres using the period-end exchange rate; we deflated each monthly figure to ensure a constant cost over the POR. We converted the sucre per-stem CV to dollars based on the date

of the U.S. sale, in accordance with section 773A(a) of the Act.

Level of Trade

In accordance with section 773(a)(1)(B)(i) 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 or CEP 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 SG&A and profit.

For EP, the LOT is also the level of the starting-price sale, which is usually from the exporter to the importer. For CEP, it is the level of the constructed export sale from the exporter to the affiliated importer.

To determine whether NV sales are at a different LOT than EP or CEP 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 comparison-market sales at the LOT of the export transaction, we make a LOT adjustment under section 773(a)(7)(A) of the Act. Finally, for CEP sales, if the NV level is more remote from the farm than the CEP level and there is no basis for determining whether the differences in the levels between NV and CEP sales affect price comparability, we adjust NV under section 773(A)(7)(B) of the Act (the CEP offset provision). See *Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from South Africa*, 62 FR 61731 (November 19, 1997).

In this review, no respondent requested a LOT adjustment or a CEP offset. To determine whether a LOT adjustment was necessary, in accordance with principles discussed above, we examined information regarding the distribution systems in both the U.S. and Ecuadorian markets, including the selling functions, classes of customer, and selling expenses for each respondent. We determined that no LOT adjustment or CEP offset was necessary for any of the respondents.

For a company-specific description of our LOT analysis for these preliminary results, see the Level of Trade Memorandum from the Ecuadorian Flowers Team to Laurie Parkhill (March 26, 1999).

Currency Conversion

We made currency conversions into U.S. dollars in accordance with section 773A(a) of the Act. The Department's preferred source for daily exchange rates is the Federal Reserve Bank.

Preliminary Results of Review

As a result of our comparison of EP and CEP with NV, we preliminarily determine that there are margins in the amounts listed below for the period March 1, 1997, through February 28, 1998. When a different spelling of a respondent's name appears in parentheses beside its listed name, it is because we used that alternative spelling of the name in the initiation notice.

Selected Respondents

The following six respondents received individual rates, as indicated below:

Respondent	Weighted-average margin (percent)
Agritab Cia. Ltda	1.16
Claveles de la Montana, S.A	6.18
Flores del Quinche S.A. (Flores del Qinche, S.A.)	0.00
Floricultura Ecuaclavel S.A. (Floricultural Ecuaclavel)	15.11
Florisol Cia. Ltda	0.00
Flores Mitad del Mundo, S.A	0.27

Non-Selected Respondents

The following respondents, which reported shipments of subject merchandise during the POR but were not selected for examination, will receive a weighted-average rate of 6.43 percent:

Agricola Landwork Cia. Ltda.
Agroindustrial Espialmor Ltda.
Colors from the World (Colorsfromtheworld)
Flores del Ecuador Armizo Cia. Ltda. (Armizo)
Flores La Antonia
Guala Export/Import (Guala Import)
Illinizia Flowers
Miliflowers Cia.
Nerita Flowers
Plantaciones Malima

The following respondents reported no shipments or sales of the subject merchandise during the POR. A previously-reviewed or -investigated company will retain the company-specific rate most recently assigned to it. A company not subject to the investigation or a prior review will be assigned a cash deposit rate of 5.89 percent, the adjusted ''all others'' rate from the LTFV investigation. This determination applies to the following companies:

Americflowers
Arco Valeno
Biocare Limited
Comedinsa
Comercializadora Agricola Caribe
Comprinz S.A.
Ecoflowers/Ecopacifico Cia. Ltda. (Ecoflowers)
Ecuaflor
Ecuaplanet Trading
Empagri Cia. Ltda.
Flores Barragan Rodriguez Cia. Ltda.
Florimex Verwaltung GMBH
Guanguilqui-Agro-Industrial S.A. (Guaiisa Farms)
Incaflor
Maximafarms
Navado Naranjo Ecuador
Panorama Roses S.A.
Quito Inor Flowers
Trevis S.A.
Velvet Flores Cia. Ltda. (Velvet)

Entries from the following companies will receive an adverse facts-available rate of 23.50 percent:

Ecuaplanta
San Alfonso

Interested parties may request a hearing not later than 30 days after publication of this notice. Interested parties may also submit written arguments in case briefs on these preliminary results within 30 days of the date of publication of this notice. Rebuttal briefs, limited to issues raised in case briefs, may be filed no later than five days after the time limit for filing case briefs. Parties who submit arguments are requested to submit with each argument a statement of the issue and a brief summary of the argument. All memoranda to which we refer in this notice can be found in the public reading room, located in the Central

Records Unit, room B–099 of the main Department of Commerce building. Any hearing, if requested, will be held two days after the scheduled date for submission of rebuttal briefs.

The Department will publish the final results of this administrative review, including a discussion of its analysis of issues raised in any case or rebuttal brief or at a hearing. The Department will issue final results of this review within 120 days of publication of these preliminary results.

Upon completion of the final results in this review, the Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. We have calculated an importer/customer-specific per-stem duty-assessment rate based on the ratio of the total amount of antidumping duties calculated for the examined sales to the quantity of subject merchandise shipped during the POR. This rate will be assessed uniformly on all entries of that particular importer/customer made during the POR. The Department will issue appraisement instructions on each exporter directly to the 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 the final results of this administrative review, as provided for by section 751(a)(1) of the Act: (1) The cash deposit rates for the reviewed companies will be those rates established in the final results of this review, except that no cash deposit will be required if the rate is *de minimis, i.e.*, less than 0.5 percent; (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 less-than-fair-value 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 producers and/or exporters of this merchandise, the cash deposit rate shall be 5.89 percent, the adjusted ''all others'' rate from the less-than-fair-value investigation. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.401(f)(2) 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 in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: March 30, 1999.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–9612 Filed 4–15–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–833]

Notice of Postponement of Preliminary Antidumping Duty Determination: Live Cattle From Canada

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

EFFECTIVE DATE: April 16, 1999.

FOR FURTHER INFORMATION CONTACT: Gabriel Adler or Kris Campbell, Office of AD/CVD Enforcement II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone (202) 482–1442 or (202) 482–3813, respectively.

Postponement of Preliminary Determination

The Department of Commerce (the Department) is postponing the preliminary determination in the antidumping duty investigation of live cattle from Canada. The deadline for issuing the preliminary determination in this investigation is now no later than June 30, 1999.

On December 30, 1998, the Department published its initiation of an antidumping investigation of live cattle from Canada. *See Initiation of Antidumping Duty Investigations: Live Cattle from Canada and Mexico,* 63 FR 71886, 71889. The notice stated we would issue our preliminary determination by May 11, 1999.

On April 7, 1999, pursuant to section 733(c)(1)(A) of the Tariff Act of 1930, as amended, the Ranchers-Cattlemen Action Legal Foundation (the petitioners) requested that the Department postpone the issuance of the preliminary determination in this investigation.

The petitioners' request for postponement was timely, and the Department finds no compelling reason to deny the request. Therefore, we are postponing the deadline for issuing this determination until no later than June 30, 1999.

This extension is in accordance with section 733(c) of the Act and 19 CFR 351.205(b)(2).

Dated: April 12, 1999.

Richard W. Moreland,

Deputy Assistant Secretary Import Administration.

Dated: April 12, 1999.

[FR Doc. 99–9610 Filed 4–15–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF DEFENSE

[OMB Control Number 0704–0187]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; DoD Acquisition Process (Solicitation Phase)

AGENCY: Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. This information collection requirement is currently approved by the Office of Management and Budget (OMB) for use through July 31, 2000. DoD proposes that OMB extend its approval for three years from approval date.

DATES: Consideration will be given to all comments received by June 15, 1999.