

Board's regulations, including Section 400.28.

Signed at Washington, DC, this 7th day of April 1999.

Robert S. LaRussa,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign Trade Zones Board.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 99-10767 Filed 4-28-99; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-357-007]

Carbon Steel Wire Rod From Argentina; Antidumping Duty Administrative Review; Extension of Time Limit

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

ACTION: Notice of extension of time limit.

SUMMARY: The Department of Commerce (the Department) is extending the time limit of the preliminary results of the antidumping duty administrative review of Carbon Steel Wire Rod from Argentina. This review covers the period November 1, 1997 through October 31, 1998.

EFFECTIVE DATE: April 29, 1999.

FOR FURTHER INFORMATION CONTACT: Helen Kramer or Linda Ludwig, Office of AD/CVD Enforcement, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-0405 or 482-3833, respectively.

SUPPLEMENTARY INFORMATION: Owing to the complexity of model match issues in this case, it is not practicable to complete this review within the original time limit. See Decision Memorandum from Joseph A. Spetrini, Deputy Assistant Secretary, Enforcement Group III, to Robert S. LaRussa, Assistant Secretary for Import Administration, dated April 20, 1999. Therefore, the Department is extending the time limit for completion of the preliminary results until September 30, 1999, in accordance with Section 751(a)(3)(A) of the Trade and Tariff Act of 1930, as amended by the Uruguay Round Agreements Act of 1994.

Dated: April 20, 1999.

Roland MacDonald,

Acting Deputy Assistant Secretary, Enforcement Group III.

[FR Doc. 99-10769 Filed 4-28-99; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-580-839, A-583-833]

Initiation of Antidumping Duty Investigations: Certain Polyester Staple Fiber From the Republic of Korea and Taiwan

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

EFFECTIVE DATE: April 29, 1999.

FOR FURTHER INFORMATION CONTACT: Cynthia Thirumalai and Marian Wells, Import Administration, International Trade Administration, U.S. Department of Commerce, Room 3099, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-4087 and (202) 482-6309, respectively.

Initiation of Investigations

The Applicable Statute and Regulations

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

The Petition

On April 2, 1999, the Department of Commerce ("the Department") received a petition filed in proper form by E.I. DuPont de Nemours, Inc.; NanYa Plastics Corporation, America; Artega Specialties S.a.r.l., d/b/a KoSa; Wellman, Inc.; and Intercontinental Polymers, Inc., hereinafter collectively referred to as "the petitioners." (However, NanYa Plastics Corporation, America is not a petitioner in the Taiwan case.)

In accordance with section 732(b) of the Act, the petitioners allege that imports of certain polyester staple fiber ("polyester fiber") from the Republic of Korea ("Korea") and Taiwan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports are both materially

injuring and threatening further material injury to an industry in the United States.

The Department finds that the petitioners filed this petition on behalf of the domestic industry because they are interested parties as defined in section 771(9)(C) of the Act and they have demonstrated that they account for at least 25 percent of the total production of the domestic like product and more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition (see "Determination of Industry Support for the Petition" section, below).

Scope of the Investigations

For purposes of these investigations, the product covered is certain polyester staple fiber. Certain polyester staple fiber is defined as synthetic staple fibers, not carded, combed or otherwise processed for spinning, of polyesters measuring 3.3 decitex (3 denier, inclusive) or more in diameter. This merchandise is cut-to-lengths varying from one inch (25 mm) to five inches (127 mm). The merchandise subject to these investigations may be coated, usually with a silicon or other finish, or not coated. Certain polyester staple fiber is generally used as stuffing in sleeping bags, mattresses, ski jackets, comforters, cushions, pillows, and furniture. Merchandise of less than 3.3 decitex (less than 3 denier) classified under the Harmonized Tariff Schedule of the United States ("HTSUS") at subheading 5503.20.00.20 is specifically excluded from these investigations. Also specifically excluded from these investigations are polyester staple fibers of 10 to 18 denier that are cut-to-lengths of 6 to 8 inches (fibers used in the manufacture of carpeting).

The merchandise subject to these investigations is classified in the HTSUS at subheadings 5503.20.00.40 and 5503.20.00.60. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

During our review of the petition, we discussed the scope with the petitioners to ensure that the scope language accurately reflects the product for which they are seeking relief. Moreover, as discussed in the preamble to the Department's regulations (62 FR 27323), we are setting aside a period for parties to raise issues regarding product coverage. The Department encourages all parties to submit such comments by May 12, 1999. Comments should be addressed to Import Administration's

Central Records Unit at Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. The period of scope consultations is intended to provide the Department with ample opportunity to consider all comments and consult with parties prior to the issuance of our preliminary determinations.

Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (1) At least 25 percent of the total production of the domestic like product; and (2) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition.

Section 771(4)(A) of the Act defines the "industry" as: "the producers as a whole of a domestic like product." Thus, to determine whether the petition has the requisite industry support, the statute directs the Department to look to producers and workers who account for production of the domestic like product. The International Trade Commission ("ITC"), which is responsible for determining whether "the domestic industry" has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product, they do so for different purposes and pursuant to separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to the law.¹ Section 771(10) of the Act defines the domestic like product as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this subtitle." Thus, the reference point from which the domestic like product analysis begins is "the article subject to an investigation," *i.e.*, the class or kind

of merchandise to be investigated, which normally will be the scope as defined in the petition.

The domestic like product referred to in the petition is the single domestic like product defined in the "Scope of Investigations" section, above. The Department has no basis on the record to find this definition of the domestic like product to be inaccurate. The Department, therefore, has adopted this domestic like product definition.

In this case, the Department has determined that the petition and supplemental information contained adequate evidence of sufficient industry support; therefore, polling was not necessary. See Initiation Checklists dated April 22, 1999 (public versions on file in the Central Records Unit of the Department of Commerce, Room B-099). To the best of the Department's knowledge, the producers who support the petition account for more than 50 percent of the production of the domestic like product. Additionally, no person who would qualify as an interested party pursuant to section 771(b)(A), (C), (D), (E) or (F) of the Act has expressed opposition on the record to the petition. Accordingly, the Department determines that this petition is filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.

Export Price and Normal Value

The following is a description of the allegations of sales at less than fair value upon which our decision to initiate these investigations is based. Should the need arise to use any of this information in our preliminary or final determinations for purposes of facts available under section 776 of the Act, we may re-examine the information and revise the margin calculations, if appropriate.

Korea

The petitioners identified Daehan Synthetic Fiber Co., Ltd. (also known as Tae Kweng); Kohap, Ltd.; Saehan Industries, Inc.; Sam Yang Co.; and SK Chemicals as producers and exporters of polyester fiber to the United States. The petitioners have based U.S. price on export price ("EP") because information obtained by the petitioners indicates that Korean producers sold polyester fiber to unaffiliated importers in the United States. As a basis for its EP calculation, the petitioners have used multiple offers for sale of the subject merchandise to unaffiliated purchasers in the United States between December 1998 and February 1999. The terms of some of these sales offers were FOB whereas other sales were offered on a

delivered basis. Where applicable, the petitioners calculated a net U.S. price by subtracting the estimated cost of foreign inland freight to the port of export, using information obtained through foreign market research. Where applicable, the petitioners then subtracted ocean freight expenses, which were calculated as the difference between the CIF and the U.S. customs values reported in the U.S. import statistics for January through December 1998, and estimated U.S. inland freight costs. U.S. import duties were estimated by the petitioners using the HTSUS schedule and then subtracted from the prices. Where applicable, the petitioners also subtracted amounts for U.S. merchandise processing fees and U.S. harbor maintenance fees in accordance with section 772(c)(2)(A) of the Act. (The Department corrected the petitioners' calculations of U.S. import duties, U.S. merchandise processing fees, and U.S. harbor maintenance fees.) Finally, the petitioners calculated imputed credit expenses based on average payment terms of 60 days and the average U.S. prime lending rate for December 1998, as published in the *International Financial Statistics*, and added this amount to normal value ("NV").

The petitioners obtained gross unit prices and multiple offers for sale in Korea during the period contemporaneous with the U.S. sales offers for products which were either identical or similar to those sold to the United States. The petitioners used the market research information which indicated that the volume of home market sales is sufficient to form a basis for normal value. Since the home market prices and offers for sale were based on delivered terms, the petitioners subtracted the estimated transportation costs to home market customers. Next, the petitioners deducted a discount offered to Korean customers who pay cash. The resulting home market net prices were then converted from kilograms to pounds and to U.S. dollar prices using the official exchange rate in effect for the month of the comparison U.S. sale. Lastly, the petitioners added the imputed credit expenses incurred in the U.S. market (see above). The petitioners did not adjust for packing because they assumed that packing costs were the same for the home market and for U.S. sales.

Taiwan

The petitioners identified Far Eastern Textile Ltd. ("Far Eastern"); Nan Ya Plastics Corporation; Shinkong Synthetic Fibers Corp.; and Tuntex Distinct Corp. as producers and

¹ See *Algoma Steel Corp. Ltd., v. United States*, 688 F. Supp. 639, 642-44 (CIT 1988); *High Information Content Flat Panel Displays and Display Glass from Japan: Final Determination; Rescission of Investigation and Partial Dismissal of Petition*, 56 FR 32376, 32380-81 (July 16, 1991).

exporters of polyester fiber to the United States. The petitioners have based U.S. price on export price ("EP") because information obtained by the petitioners indicates that Taiwanese producers sold polyester fiber to unaffiliated importers in the United States. As a basis for its EP calculation, the petitioners have used multiple offers for sale of the subject merchandise to unaffiliated purchasers in the United States between December 1998 and February 1999. The terms of some of these sales offers were FOB Taiwan whereas other sales were offered on a delivered basis. The petitioners calculated net U.S. prices by subtracting estimated costs incurred to transport polyester fiber from the port of export to the U.S. port, and from the U.S. port to the customer's location in the U.S., where applicable. No adjustment for transportation costs from the factory to the port of export were made because this information was not available to the petitioners. The petitioners deducted international freight and insurance costs which were calculated as the difference between the CIF and the U.S. customs values reported in the U.S. import statistics for January through December 1998. The petitioners also subtracted U.S. import duties, U.S. harbor maintenance fees, and U.S. merchandise processing fees, where applicable. (The Department corrected the petitioners' calculations of U.S. import duties, U.S. harbor maintenance fees, and U.S. merchandise processing fees.) The petitioners calculated imputed credit expenses based on average payment terms reported in the market research report and the average U.S. prime lending rate for the month of the U.S. sales as published in the *International Financial Statistics*. The petitioners adjusted for the difference in imputed credit expenses by subtracting home market credit expenses and by adding U.S. imputed credit expenses to the home market prices found through foreign market research.

With respect to NV, the petitioners provided information on sales prices in Taiwan and constructed value ("CV") for one type of polyester staple fiber. The petitioners received prices for actual recent sales or offers for sale to unaffiliated customers in Taiwan by the four Taiwanese companies which produce subject merchandise. The petitioners used market research information which indicated that the volume of home market sales is sufficient to form a basis for normal value. Since the home market prices were inclusive of delivery charges, the petitioners subtracted estimated

delivery costs. The petitioners used average inland freight costs incurred to deliver in the U.S. as a proxy for delivery costs. We accepted this proxy because this information was reasonably available to the petitioners and this is a conservative methodology since average delivery distances are greater in the U.S. and delivery costs are determined by weight and distance. The petitioners did not adjust for packing because they assumed that packing costs were the same for the home market and for U.S. sales. The petitioners converted home market prices and quantities to U.S. dollars and to pounds, respectively.

Fair Value Comparisons

Based on the data provided by the petitioners, there is reason to believe that imports of polyester fiber from Korea and Taiwan are being, or are likely to be, sold at less than fair value. Based on a comparison of EP to home market prices, the petitioners' calculated dumping margins range from 48.14 to 84.03 percent for Korea and from 8.03 to 23.62 percent for Taiwan. In addition, for Taiwan, the estimated dumping margin based on a comparison of EP to CV is 70.70 percent.

Allegation of Sales Below Cost in Taiwan

Pursuant to section 773(b) of the Act, the petitioners alleged that home market sales of the foreign like product in Taiwan were made at prices below the cost of production ("COP") and requested that the Department initiate a country-wide investigation of sales below cost. The petitioners calculated COP for six denier, non-conjugated and non-silicon coated polyester fiber by using the CV for one company, Far Eastern. According to the petitioners, six denier is one of the most common denier categories and is, therefore, representative of the foreign like product to be compared to subject merchandise sold in the United States. In addition, petitioners selected Far Eastern because it is the largest and, hence, probably the most efficient, producer of polyester fiber in Taiwan and accounted for the largest share of exports to the United States. Based on the foregoing, costs for Far Eastern, according to petitioners, are representative of the costs of other producers of polyester fiber.

Pursuant to section 773(b)(3) of the Act, COP consists of the cost of manufacturing ("COM"), selling, general and administrative expenses ("SG&A") and packing. The petitioners used the product-specific costs reported by a U.S. producer as a starting point to calculate the COM. The petitioners made

adjustments to the U.S. producer's manufacturing cost to account for known differences in costs between the United States and Taiwan. To calculate SG&A, the petitioners took the ratio of SG&A to the costs of sales from Far Eastern's 1997 audited financial statements and applied this ratio to the calculated COM. In accordance with section 773(e) of the Act, the petitioners added an amount for profit calculated from the 1997 audited financial statements of Far Eastern. The petitioners then compared this cost to Far Eastern's home market price for this product as reported in the market research report and found that the home market price was below the COP.

Allegations and Evidence of Material Injury and Causation

The petition alleges that the U.S. industry producing the domestic like product is being materially injured, and is threatened with material injury, by reason of the imports of the subject merchandise sold at less than NV. The petitioners explained that the industry's injured condition is evident in the declining trends in net operating profits and income, net sales volumes and values, profit to sales ratios, and capacity utilization. The allegations of injury and causation are supported by relevant evidence including U.S. Customs import data, lost sales, and pricing information. The Department assessed the allegations and supporting evidence regarding material injury and causation and determined that these allegations are supported by accurate and adequate evidence and meet the statutory requirements for initiation. See Initiation Checklists.

Initiation of Antidumping Investigations

Based upon our examination of the petition, we have found that the petition meets the requirements of section 732 of the Act. Therefore, we are initiating antidumping duty investigations to determine whether imports of polyester fiber from Korea and Taiwan are being, or are likely to be, sold in the United States at less than fair value. Unless this deadline is extended, we will make our preliminary determinations by September 9, 1999.

Initiation of Cost Investigations

Pursuant to section 773(b) of the Act, petitioners provided information demonstrating reasonable grounds to believe or suspect that sales in the home market of Taiwan were made at prices below the COP and, accordingly, requested the Department to conduct a country-wide sales-below-COP

investigation in connection with the requested antidumping investigation in Taiwan. The Statement of Administrative Action ("SAA"), accompanying the URAA, H.R. Doc. No. 103-316, vol. 1 at 833 (1994), states that an allegation of sales below COP need not be specific to individual exporters or producers. The SAA also states that "Commerce will consider allegations of below-cost sales in the aggregate for a foreign country, just as Commerce currently considers allegations of sales at less than fair value on a country-wide basis for purposes of initiating an antidumping investigation." *Id.*

Further, the SAA provides that "new section 773(b)(2)(A) retains the current requirement that Commerce have 'reasonable grounds to believe or suspect' that below-cost sales have occurred before initiating such an investigation." Reasonable grounds will "exist when an interested party provides specific factual information on costs and prices, observed or constructed, indicating that sales in the foreign market in question are at below-cost prices." *Id.* Based upon the comparison of the price from the petition for the representative foreign like product to its adjusted costs of production, in accordance with section 773(b)(2)(A)(i) of the Act, we find the existence of "reasonable grounds to believe or suspect" that sales of the foreign like product in Taiwan were made below COP. Accordingly, the Department is initiating the requested country-wide cost investigation.

Distribution of Copies of the Petition

In accordance with section 732(b)(3)(A) of the Act, a copy of the public version of the petition has been provided to the representatives of the Governments of Korea and Taiwan. We will attempt to provide a copy of the public version of the petition to the exporters named in the petition.

International Trade Commission Notification

We have notified the ITC of our initiation of these investigations, as required by section 732(d) of the Act.

Preliminary Determination by the ITC

The ITC will determine by May 17, 1999 whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury by reason of imports of polyester fiber from Korea and Taiwan. A negative ITC determination will result in the investigation being terminated; otherwise, these investigations will

proceed according to statutory and regulatory time limits.

This notice is published in accordance with section 777(i) of the Act.

Dated: April 22, 1999.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99-10770 Filed 4-28-99; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-357-804]

Silicon Metal From Argentina; Antidumping Duty Administrative Review; Extension of Time Limit

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

ACTION: Notice of extension of time limit.

SUMMARY: The Department of Commerce (the Department) is extending the time limit of the preliminary results of the antidumping duty administrative review of Silicon Metal from Argentina. This review covers the period September 1, 1997 through August 31, 1998.

EFFECTIVE DATE: April 29, 1999.

FOR FURTHER INFORMATION CONTACT: Helen Kramer or Linda Ludwig, Office of AD/CVD Enforcement, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-0405 or 482-3833, respectively.

SUPPLEMENTARY INFORMATION: Owing to the complexity of cost issues in this case, it is not practicable to complete this review within the original time limit. See Decision Memorandum from Joseph A. Spetrini, Deputy Assistant Secretary, Enforcement Group III, to Robert S. LaRussa, Assistant Secretary for Import Administration, dated April 20, 1999. Therefore, the Department is extending the time limit for completion of the preliminary results until September 30, 1999, in accordance with Section 751(a)(3)(A) of the Trade and Tariff Act of 1930, as amended by the Uruguay Round Agreements Act of 1994.

Dated: April 20, 1999.

Roland MacDonald,

Acting Deputy Assistant Secretary, Enforcement Group III.

[FR Doc. 99-10768 Filed 4-28-99; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Application for Duty-Free Entry of Scientific Instrument

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instrument shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. The application may be examined between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 99-004. Applicant: U.S. Department of Commerce, Pacific Marine Center, 7600 Sand Point Way N.E., Seattle, WA 98115-0700. Instrument: Multibeam Echosounder (Sonar). Manufacturer: ELAC NAUTIK, Germany. Intended Use: The instrument will be used for the survey and mapping of coastal ocean waters for the detection, location and identification of 2 wrecks and other obstructions on the sea floor. The objective in the surveys will be to determine depths of hazards to aid in the safety of navigation and general bathymetry. Application accepted by Commissioner of Customs: April 9, 1999.

Docket Number: 99-005. Applicant: University of Connecticut, Department of Psychology, 406 Babbidge Road, Storrs, CT 06269-1020. Instrument: Fiber Electrode Manipulator System. Manufacturer: Thomas Recording, Germany. Intended Use: The instrument will be used for studies of the electrical activity of brain cells (neurons) of the cerebral cortex. Two sets of experiments will be conducted in fully awake rabbits. The first set is aimed at understanding the transformations performed upon inputs to the cortex by the intracortical circuitry and how these transformations lead to parallel and distinct efferent outflows. The second set of experiments examines the nature of a large population of neurons throughout sensory cortex that have no demonstrable (supra-threshold) receptive fields. Application accepted