

should be limited to five pages total, including footnotes. Further, the Department respectfully requests that all parties submitting written comments also provide the Department with an additional copy of the public version of any such comments on diskette.

Section 774 of the Act provides that the Department will hold a hearing to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs, provided that such a hearing is requested by an interested party. If a request for a hearing is made in an investigation, the hearing normally will be held two days after the deadline for submission of the rebuttal briefs, at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request within 30 days of the publication of this notice. Requests should specify the number of participants and provide a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs.

As noted above, the Department will make its final determination within 135 days after the date of the publication of the preliminary determination.

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

Dated: June 25, 2002.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 02-16900 Filed 7-5-02; 8:45 am]

BILLING CODE 3510-DS-S

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-007]

#### **Barium Chloride From the People's Republic of China: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review**

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

**EFFECTIVE DATE:** July 8, 2002.

**FOR FURTHER INFORMATION CONTACT:** John Conniff or Howard Smith, AD/CVD Enforcement, Office 4, Group II, Import Administration, International Trade Administration, U.S. Department of

Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-1009 or (202) 482-5193, respectively.

#### **SUPPLEMENTARY INFORMATION:**

#### **TIME LIMITS:**

##### **Statutory Time Limits**

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department of Commerce (the Department) to make a preliminary determination within 245 days after the last day of the anniversary month of an order or finding for which a review is requested and a final determination within 120 days after the date on which the preliminary determination is published. However, if it is not practicable to complete the review within these time periods, section 751(a)(3)(A) of the Act allows the Department to extend the 245-day time limit for the preliminary determination to a maximum of 365 days and the time limit for the final determination to 180 days (or 300 days if the Department does not extend the time limit for the preliminary determination) from the date of publication of the preliminary determination.

##### **Background**

On November 21, 2001, the Department published a notice of initiation of administrative review of the antidumping duty order on barium chloride from the People's Republic of China, covering the period October 1, 2000, through September 30, 2001. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 66 FR 58432. The preliminary results are currently due no later than July 3, 2002.

##### **Extension of Time Limit for Preliminary Results of Review**

We determine that it is not practicable to complete the preliminary results of this review within the original time limit. Therefore, the Department is extending the time limit for completion of the preliminary results until no later than August 3, 2002. *See* Decision Memorandum from Holly A. Kuga to Bernard T. Carreau, dated concurrently with this notice, which is on file in the Central Records Unit, Room B-099 of the Department's main building. We intend to issue the final results no later than 120 days after the publication of the preliminary results notice.

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

Dated: June 27, 2002.

**Holly A. Kuga,**

*Acting Deputy Assistant Secretary for Import Administration, Group II.*

[FR Doc. 02-16899 Filed 7-5-02; 8:45 am]

BILLING CODE 3510-DS-S

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-873]

#### **Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Ferrovanadium from the People's Republic of China**

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

**EFFECTIVE DATE:** July 8, 2002.

#### **FOR FURTHER INFORMATION CONTACT:**

Karine Gziryan, or Howard Smith, AD/CVD Enforcement, Office 4, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-4081, and (202) 482-5193, 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 (the Department) regulations are to the regulations codified at 19 CFR Part 351 (April 2002).

##### **Preliminary Determination**

We preliminarily determine that ferrovanadium from the People's Republic of China (PRC) is being sold, or is likely to be sold, in the United States at less than fair value (LTFV), as provided in section 733 of the Act. The estimated margins of sales at LTFV are shown in the "Suspension of Liquidation" section of this notice.

##### **Case History**

This investigation was initiated on December 17, 2001. *See Notice of Initiation of Antidumping Duty Investigations: Ferrovanadium from the People's Republic of China and the Republic of South Africa*, 66 FR 66398

(December 26, 2001) (*Initiation Notice*).<sup>1</sup> Since the initiation of the investigation, the following events have occurred.

On January 10, 2002, the United States International Trade Commission (ITC) preliminarily determined that there is a reasonable indication that an industry in the United States is materially injured by reason of ferrovanadium imports from the PRC and the Republic of South Africa. See *Ferrovanadium From China and South Africa*, 67 FR 2236 (January 16, 2002). During January 2002, the Department provided participating parties with an opportunity to comment on scope and product characteristics. Only the petitioners submitted comments.

After reviewing the comments on product coverage and characteristics, on January 18, 2002, the Department issued its antidumping questionnaire<sup>2</sup> to the PRC's Ministry of Foreign Trade & Economic Cooperation (MOFTEC), the Embassy of the PRC in Washington D.C., and the companies identified in the petition, Jinzhou Ferroalloy (Group) Co, Ltd., Chengde Xinghua Vanadium Chemical Co., Ltd., and Pangang Group International Economic and Trading Corporation (Pangang). The Department requested that MOFTEC send the questionnaire to all companies that manufacture and export ferrovanadium to the United States, as well as all manufacturers that produce ferrovanadium for companies engaged in exporting subject merchandise to the United States, and the companies that export ferrovanadium to the United States, during the period of investigation (POI). Only Pangang responded to the Department's questionnaire. The Department issued supplemental questionnaires to Pangang, where appropriate.

On April 24, 2002, pursuant to section 733(c)(1)(B) of the Act, the Department postponed the preliminary determination of this investigation 50

days, from May 6, 2002, until June 25, 2002. See *Ferrovanadium from the People's Republic of China and the Republic of South Africa: Notice of Postponement of Preliminary Antidumping Duty Determinations*; 67 FR 20089 (April 24, 2002).

#### *Postponement of the Final Determination*

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioners. The Department's regulations, at 19 CFR 351.210(e)(2), require that requests by respondents for postponement of a final determination be accompanied by a request for an extension of the provisional measures from a four-month period to not more than six months.

On June 21, 2002, Pangang requested that, in the event of an affirmative preliminary determination in this investigation, the Department postpone its final determination until 135 days after the publication of the preliminary determination. Pangang also included a request to extend the provisional measures to not more than six months after the publication of the preliminary determination. Accordingly, since we have made an affirmative preliminary determination, and the requesting party accounts for a significant proportion of exports of the subject merchandise, we have postponed the final determination until not later than 135 days after the date of the publication of the preliminary determination and are extending the provisional measures accordingly. See Pangang's letter to the Secretary, dated June 21, 2002.

#### *Period of Investigation*

The POI is April 1, 2001 through September 30, 2001. This period corresponds to the two most recent fiscal quarters prior to the month of the filing of the petition (*i.e.*, November, 2001). See 19 CFR 351.204(b)(1).

#### *Scope of Investigation*

The scope of this investigation covers all ferrovanadium produced in the PRC, regardless of grade, chemistry, form, shape or size. Ferrovanadium is an alloy of iron and vanadium that is used

chiefly as an additive in the manufacture of steel. The merchandise is commercially and scientifically identified as ferrovanadium. The scope of this investigation specifically excludes vanadium additives other than ferrovanadium, such as nitrided vanadium, vanadium-aluminum master alloys, vanadium chemicals, vanadium oxides, vanadium waste and scrap, and vanadium-bearing raw materials such as slag, boiler residues and fly ash. Merchandise under the Harmonized Tariff Schedule of the United States (HTSUS) item numbers 2850.00.2000, 8112.40.3000 and 8112.40.6000 is specifically excluded. Ferrovanadium is classified under HTSUS item number 7202.92.00. Although the HTSUS item number is provided for convenience and Customs purposes, the Department's written description of the scope of this investigation remains dispositive.

#### *Nonmarket Economy Country Status*

The Department has treated the PRC as a nonmarket economy (NME) country in previous antidumping investigations (*e.g.*, see *Notice of Final Determination of Sales at Less Than Fair Value: Bulk Aspirin From the People's Republic of China*, 65 FR 33805 (May 25, 2000); *Notice of Final Determination of Sales at Less Than Fair Value: Certain Non-Frozen Apple Juice Concentrate from the People's Republic of China*, 65 FR 19873 (April 13, 2000); and the *Notice of Final Determination of Sales at Less Than Fair Value Certain: Hot-Rolled Carbon Steel Flat Products from the People's Republic of China*, 66 FR 49632 (September 28, 2001)). In accordance with section 771(18)(C) of the Act, any determination that a foreign country is a NME country shall remain in effect until revoked. No party to this investigation has sought revocation of the NME status of the PRC. Therefore, pursuant to section 771(18)(C) of the Act, the Department will continue to treat the PRC as a NME country.

When the Department is investigating imports from a NME country, section 773(c)(1) of the Act directs the Department to base normal value (NV) on the NME producer's factors of production, valued in a comparable market economy that is a significant producer of comparable merchandise. The sources of individual factor prices are discussed under the "Normal Value" section, below.

#### *Separate Rates*

In a NME proceeding, the Department presumes that all companies within the country are subject to governmental control and should be assigned a single antidumping duty rate unless the

<sup>1</sup> The petitioners in this case are the Ferroalloys Association Vanadium Committee (TFA Vanadium Committee) and its members: Bear Metallurgical Company, Shieldalloy Metallurgical Corporation, Gulf Chemical & Metallurgical Corporation, U.S. Vanadium Corporation, and CS Metals of Louisiana LLC.

<sup>2</sup> Section A of the questionnaire requests general information concerning a company's corporate structure and business practices, the merchandise under investigation that it sells, and the manner in which it sells that merchandise in all of its markets. Section B requests a complete listing of all home market sales, or, if the home market is not viable, of sales in the most appropriate third-country market (this section is not applicable to respondents in non-market economy (NME) cases). Section C requests a complete listing of U.S. sales. Section D requests information on the COP of the foreign like product and the constructed value of the merchandise under investigation. Section E requests information on further manufacturing.

respondent demonstrates the absence of both *de jure* and *de facto* governmental control over its export activities. See *Notice of Final Determination of Sales at Less Than Fair Value: Bicycles From the People's Republic of China*, 61 FR 19026, 19027 (April 30, 1996). Pangang has provided the requested company-specific separate rates information and has indicated that there is no element of government ownership or control over its operations. We have considered whether Pangang is eligible for a separate rate as discussed below.

The Department's separate-rates test is not concerned, in general, with macroeconomic/border-type controls (e.g., export licenses, quotas, and minimum export prices), particularly if these controls are imposed to prevent dumping. Rather, the test focuses on controls over the export-related investment, pricing, and output decision-making process at the individual firm level. See *Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate From Ukraine*, 62 FR 61754, 61757 (November 19, 1997); *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China: Final Results of Antidumping Duty Administrative Review*, 62 FR 61276, 61279 (November 17, 1997); and *Notice of Preliminary Determination of Sales at Less Than Fair Value: Honey From the People's Republic of China*, 60 FR 14725, 14726 (March 20, 1995).

To establish whether a firm is sufficiently independent from government control to be entitled to a separate rate, the Department analyzes each exporting entity under a test arising out of the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China*, 56 FR 20588 (May 6, 1991), as modified in the *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China*, 59 FR 22585 (May 2, 1994) (*Silicon Carbide*). Under this test, the Department assigns separate rates in NME cases only if an exporter can demonstrate the absence of both *de jure* and *de facto* governmental control over its export activities. See *Silicon Carbide* and the *Notice of Final Determination of Sales at Less Than Fair Value: Furfuryl Alcohol From the People's Republic of China*, 60 FR 22545 (May 8, 1995).

#### 1. Absence of *De Jure* Control

The Department considers the following *de jure* criteria in determining whether an individual company may be granted a separate rate: (1) an absence of restrictive stipulations associated with

an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; and (3) any other formal measures by the government decentralizing control of companies.

Pangang has placed on the record a number of documents to demonstrate the absence of *de jure* control, including its business license, and the "Company Law of the People's Republic of China." Other than limiting Pangang's operations to the activities referenced in the license, we noted no restrictive stipulations associated with the license. In addition, in previous cases, the Department has analyzed the "Company Law of the People's Republic of China" and found that it establishes an absence of *de jure* control. See, e.g., *Notice of Final Determination of Sales at Less Than Fair Value: Certain Partial-Extension Steel Drawer Slides with Rollers from the People's Republic of China*, 60 FR 54472, 54474 (October 24, 1995). We have no information in this proceeding which would cause us to reconsider this determination. Therefore, based on the foregoing, we have preliminarily found an absence of *de jure* control.

#### 2. Absence of *De Facto* Control

The Department typically considers four factors in evaluating whether each respondent is subject to *de facto* governmental control of its export functions: (1) whether the export prices are set by, or subject to, the approval of a governmental authority; (2) whether the respondent has authority to negotiate and sign contracts and other agreements; (3) whether the respondent has autonomy from the government in making decisions regarding the selection of its management; and (4) whether the respondent retains the proceeds of its export sales and makes independent decisions regarding disposition of profits or financing of losses.

With regard to the issue of *de facto* control, Pangang has reported the following: (1) there is no government participation in setting export prices; (2) its managers have authority to bind sales contracts; (3) it does not have to notify any government authorities of its management selection, and (4) there are no restrictions on the use of its export revenue and it is responsible for financing its own losses. Additionally, Pangang's questionnaire response does not suggest that pricing is coordinated among exporters. Furthermore, our analysis of Pangang's questionnaire response reveals no other information indicating governmental control of export activities. Therefore, based on

the information provided, we preliminarily determine that there is an absence of *de facto* government control over Pangang's export functions. Consequently, we preliminarily determine that the respondent has met the criteria for the application of a separate rate.

#### The PRC-Wide Rate

In all NME cases, the Department makes a rebuttable presumption that all exporters located in the NME country comprise a single exporter under common government control, the "NME entity." The Department assigns a single NME rate to the NME entity unless an exporter can demonstrate eligibility for a separate rate. Although the Department provided all PRC exporters of ferrovanadium with the opportunity to respond to its questionnaire, only Pangang submitted a response thereto. However, our review of U.S. import statistics reveals that there are other PRC companies, in addition to Pangang, that exported ferrovanadium to the United States during the POI. Because these exporters did not submit a response to the Department's questionnaire, and thus did not demonstrate their entitlement to a separate rate, we have implemented the Department's rebuttable presumption that these exporters constitute a single enterprise under common control by the PRC government, and we are applying adverse facts available to determine the single antidumping duty rate, the PRC-wide rate, applicable to all other PRC exporters comprising this single enterprise. See, e.g., *Final Determination of Sales at Less Than Fair Value: Synthetic Indigo from the People's Republic of China*, 65 FR 25706, 25707 (May 3, 2000).

#### Use of Facts Otherwise Available

Section 776(a)(2) of the Act provides that, if an interested party withholds information that has been requested by the Department, fails to provide such information in a timely manner or in the form or manner requested, significantly impedes a proceeding under the antidumping statute, or provides information which cannot be verified, the Department shall use, subject to sections 782(d) and (e) of the Act, facts otherwise available in reaching the applicable determination. As explained above, some exporters of the subject merchandise failed to respond to the Department's request for information. The failure of these exporters to respond also significantly impedes this proceeding. Thus, pursuant to section 776(a) of the Act, in reaching our preliminary determination, we have

based the PRC-wide rate on total facts available.

In applying facts otherwise available, 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 information that is adverse to the interests of that party as facts otherwise available. Adverse inferences are appropriate "to ensure that the party does not obtain a more favorable result by failing to cooperate than if it had cooperated fully." See *Statement of Administrative Action (SAA) accompanying the URAA*, H.R. Doc. No. 316, 103d Cong., 2d Session at 870 (1994). Furthermore, "affirmative evidence of bad faith on the part of the respondent is not required before the Department may make an adverse inference." See *Antidumping Duties; Countervailing Duties; Final Rule*, 62 FR 27296, 27340 (May 19, 1997). The complete failure of these exporters to respond to the Department's requests for information constitutes a failure to cooperate to the best of their ability.

An adverse inference may include reliance on information derived from the petition, the final determination in the investigation, any previous review, or any other information placed on the record. See section 776(b) of the Act. However, section 776(c) of the Act provides that, when the Department relies on secondary information rather than on information obtained in the course of an investigation or review, the Department shall, to the extent practicable, corroborate that information from independent sources that are reasonably at its disposal. The SAA states that the independent sources may include published price lists, official import statistics and customs data, and information obtained from interested parties during the particular investigation or review. See SAA at 870. The SAA clarifies that "corroborate" means that the Department will satisfy itself that the secondary information to be used has probative value. *Id.* 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.

For our preliminary determination, as adverse facts available, we have used as the PRC-wide rate the recalculated dumping margin from the petition (see below). In the petition, the petitioners based export price (EP) on import values declared to the U.S. Customs Service. For the NV calculation, the petitioners based the factors of production, as defined by section 773(c)(3) of the Act (raw materials, labor, energy, and representative capital costs) on the quantities of inputs used by the petitioners.

With regard to the EP calculation in the petition, the information relied upon was based on publicly available sources, that is, official U.S. government statistics; therefore, we find that the U.S. price from the petition margin is sufficiently corroborated. To corroborate the petitioners' NV calculations, we compared the petitioners' factor consumption data to that data on the record of this investigation. As discussed in a separate memorandum to the file, we found that the factors consumption data in the petition were reasonable and of probative value. See the memorandum to the file regarding corroboration of the petition data for the PRC-wide entity, dated June 25, 2002. The values for the factors of production in the petition were based on publicly available information for comparable inputs; therefore, we find that these surrogate values are sufficiently corroborated.

During the course of this investigation, several of the surrogate values used in the petition are new or have been revised. In order to take into account the more recent information, we recalculated the petition margin using, where possible, the new or revised surrogate values to value the petitioners' consumption rates. As a result of this recalculation, the PRC-wide rate is, for the preliminary determination, 78.52 percent. For the final determination, the Department will consider all margins on the record at the time of the final determination for the purpose of determining the most appropriate final PRC-wide margin.

#### Fair Value Comparison

To determine whether Pangang's sales of ferrovanadium to customers in the United States were made at LTFV, we compared EP to NV, calculated using our NME methodology, as described in the "Export Price" and "Normal Value" sections of this notice below. In accordance with section 777A(d)(1)(A)(i) of the Act, we calculated weighted-average EPs.

#### Export Price

We used EP methodology in accordance with section 772(a) of the Act because Pangang sold subject merchandise to unaffiliated U.S. customers prior to importation and because constructed export price (CEP) methodology was not otherwise warranted. At the time of sale, Pangang knew that its reported sales of the subject merchandise were destined for the United States.

We calculated EP based on the packed, delivered prices charged to the first unaffiliated customer for exportation to the United States. Where appropriate, we made deductions from the starting price (gross unit price) for foreign inland freight, brokerage and handling, international freight, and marine insurance. Where foreign inland freight, marine insurance, and brokerage and handling were provided by NME companies, we used surrogate values from South Africa to value these expenses (see the Factors of Production Valuation Memorandum dated June 25, 2002, on file in the Central Records Unit (CRU) located in B-099 of the main Department of Commerce building). For sales with international freight provided by NME shipping companies we used as the surrogate value a freight cost obtained from U.S. customs import statistics (see the Factors of Production Valuation Memorandum).

#### Normal Value

##### 1. Surrogate Country

Section 773(c)(4) of the Act requires that the Department value the NME producer's factors of production, to the extent possible, on the prices or costs of factors of production in one or more market economy countries that are 1) at a level of economic development comparable to that of the NME country; and 2) significant producers of comparable merchandise. The Department's Office of Policy initially identified five countries that are at a level of economic development comparable to the PRC in terms of per capita GNP and the national distribution of labor. Those countries are India, Pakistan, Indonesia, Sri Lanka and the Philippines (see the memorandum from Jeffrey May to Holly Kuga dated February 28, 2002). However, we could find no evidence that any of these countries are significant producers of "comparable merchandise." Where the countries normally considered at a level of economic development similar to that of the country in question do not produce comparable merchandise, the Department's practice is to find the most comparable surrogate country that is a

significant producer of comparable merchandise. *See Initiation Notice*, 66 FR 66398, 66400. Therefore, we requested and received from the Office of Policy a list of additional potential surrogate countries. We examined export and import statistics for each country on this list to determine if any of them are significant producers of “comparable merchandise.”<sup>3</sup> We found evidence of significant production of “comparable merchandise” by only one of these countries, South Africa (*see* the memorandum from Karine Gziryan to the file regarding identification of significant producers of comparable merchandise dated June 25, 2002). Therefore, we have preliminarily calculated NV by applying South African values to Pangang’s factors of production. Pangang’s factors of production.

2. Factors of Production

In its questionnaire responses, Pangang reported factors of production for two companies which it identified as producers of the subject merchandise. After examining the record regarding the production process for ferrovanadium, we have preliminarily determined that one of the companies which Pangang identified as a producer of the subject merchandise in fact produces an input used in the production of subject merchandise, rather than the subject merchandise. Therefore, we have not relied upon the factors of production reported for this company. Rather, we have valued the input obtained from this company using South African surrogate values, and in accordance with section 773(c) of the Act, we calculated NV based on the factors of production utilized by the producer of the ferrovanadium during the POI.

Factors of production include: (1) hours of labor required; (2) quantities of raw materials employed; (3) amounts of energy and other utilities consumed; and (4) representative capital costs. *See* section 773(c) of the Act. To calculate NV, we multiplied the reported per-unit quantities by publicly available surrogate values from South Africa.

In selecting the surrogate values, we considered the quality, specificity, and contemporaneity of the surrogate values. For those values not contemporaneous

with the POI, we adjusted the values to account for inflation using wholesale price indices published in the International Monetary Fund’s International Financial Statistics. As appropriate, we included freight costs in input prices to make them delivered prices. Specifically, we added to the surrogate values a surrogate freight cost using the shorter of the reported distance from the domestic supplier to the factory or the distance from the nearest seaport to the factory. This adjustment is in accordance with the Court of Appeals for the Federal Circuit’s decision in *Sigma Corp. v. United States*, 117 F. 3d 1401 (Fed. Cir. 1997).

We valued material inputs and packing materials (including vanadium slag, limestone, sulfuric acid, ammonium sulfuric acid, calcium chloride, soda, aluminum, inferior iron, paper bags, wooden pallets, wooden boxes, iron drums and plastic woven bags) using values from the appropriate Harmonized Tariff Schedule (HTS) number, from 2000 and 2001 South African imports and exports statistics reported in the United Nations Commodity Trade Statistics and the World Trade Atlas Import and Export Statistics. In accordance with the Department’s practice, we used export values to calculate NV when import values for like products were not available. *See Sebacic Acid from the People’s Republic of China: Final Results of Antidumping Duty Administrative Review*, 64 FR 69503, (December 13, 1999).

We valued coke oven gas based on the value of natural gas published in the Energy Prices and Taxes quarterly statistics, III Quarter, 2001. Specifically, we calculated the value for coke oven gas by multiplying the value for natural gas by the ratio of the BTU equivalent of coke oven gas to the BTU equivalent of natural gas. We valued blast furnace gas based on the value of natural gas published in the Energy Prices and Taxes quarterly statistics, III Quarter, 2001. Specifically, we calculated the value for blast furnace gas by multiplying the value for natural gas by the ratio of the BTU equivalent of blast furnace gas to the BTU equivalent of natural gas.

We valued labor using the method described in 19 CFR 351.408(c)(3).

We valued electricity using the published prices for industrial electricity obtained from the South African Statistics.

To value truck freight rates, we used price quotes received from Freight Tainer, a South African transportation company. We valued rail rates using the surrogate value from South Africa employed in pure magnesium from the Russian Federation. *See Notice of Preliminary Determination of Sales at Not Less Than Fair Value: Pure Magnesium From the Russian Federation*, 66 FR 21319 (April 30, 2001). *See* also the Factors of Production Valuation Memorandum.

We based our calculation of selling, general and administrative (SG&A) expenses, overhead, and profit on the 2001 financial statement of Highveld Steel and Vanadium Corporation Limited, a South African producer of the subject merchandise.

For a complete analysis of surrogate values used in the preliminary determination, *see* the Factors of Production Valuation Memorandum.

Verification

In accordance with section 782(i) of the Act, we intend to verify all information relied upon in making our final determination.

Suspension of Liquidation

We are directing the U.S. Customs Service (Customs Service) to suspend liquidation of all entries of ferrovanadium from the PRC entered, or withdrawn from warehouse, for consumption on or after the date on which this notice is published in the **Federal Register**. In addition, we are instructing the Customs Service to require a cash deposit or the posting of a bond equal to the weighted-average amount by which the NV exceeds the EP, as indicated in the chart below. These instructions suspending liquidation will remain in effect until further notice.

We determine that the following percentage weighted-average margins exist for the POI:  
Weighted-Average Margin (percent)

Manufacturer/exporter	
Pangang Group International Economic & Trading Corporation .....	73.29
PRC-Wide Rate .....	78.52

<sup>3</sup> Although Pangang claimed that India is a significant producer of comparable merchandise, it

provided no evidence supporting its claim, nor did

the Department find any indication that India was such a producer.

The PRC-wide rate applies to all entries of the subject merchandise except for entries from Pangang.

#### Disclosure

In accordance with 19 CFR 351.224(b), the Department will disclose the calculations performed in the preliminary determination to interested parties within five days of the date of publication of this notice.

#### ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of the Department's preliminary affirmative determination. If the final determination in this proceeding is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of ferrovanadium from the PRC are materially injuring, or threaten material injury to, the U.S. industry.

#### Public Comment

In accordance with 19 CFR 351.301(c)(3)(i), interested parties may submit publicly available information to value the factors of production for purposes of the final determination within 40 days after the date of publication of this preliminary determination. Case briefs or other written comments must be submitted to the Assistant Secretary for Import Administration no later than one week after issuance of the verification report. Rebuttal briefs, whose content is limited to the issues raised in the case briefs, must be filed within five days after the deadline for the submission of case briefs. A list of authorities used, a table of contents, and an executive summary of issues should accompany any briefs submitted to the Department. Executive summaries should be limited to five pages total, including footnotes. Further, we request that parties submitting briefs and rebuttal briefs provide the Department with a copy of the public version of such briefs on diskette.

In accordance with section 774 of the Act, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. If a request for a hearing is made, we will tentatively hold the hearing two days after the deadline for submission of rebuttal briefs at the U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230, at a time and in a room to be determined. Parties should confirm by telephone the date, time, and location of the hearing 48 hours before the scheduled date.

Interested parties who wish to request a hearing, or to participate in a hearing if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, within 30 days of the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. At the hearing, oral presentations will be limited to issues raised in the briefs. See 19 CFR 351.310(c). The Department will make its final determination no later than 135 days after this preliminary determination.

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act.

Dated: June 25, 2002.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

[Docket No. 011204291-2159-02]

**RIN 0693-ZA47**

#### Fire Research Grants Program; Availability of Additional Funds

**AGENCY:** National Institute of Standards and Technology, Commerce.

**ACTION:** Notice.

**SUMMARY:** On December 27, 2001, the National Institute of Standards and Technology (NIST) announced in the **Federal Register** the availability of fiscal year 2002 funding for its small grants programs, including the Fire Research Grants Program. NIST has recently received from the Department of Defense (DoD) \$100,000 for the award of a grant or cooperative agreement as part of work conducted by NIST and DoD's Next Generation Fire Suppression Technology Program. NIST will award these funds under the Fire Research Grants Program. However, some of the requirements for the additional funds differ slightly from those announced for the Fire Research Grants Program. Therefore, all requirements and procedures applicable to proposals for this \$100,000 appear in this notice.

**DATES:** Proposals must be received no later than 3:00 PM Eastern Daylight Time on August 7, 2002.

**SUPPLEMENTARY INFORMATION:**

**ADDRESSES:** Submit one signed original and two copies of the proposal to: Building and Fire Research Laboratory (BFRL), Attn.: Ms. Wanda Duffin, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8660, Gaithersburg, Maryland 20899-8660, Tel: (301) 975-6863, e-mail: [wanda.duffin@nist.gov](mailto:wanda.duffin@nist.gov), Web site: <http://www.bfrl.nist.gov>.

One of the copies submitted may be in electronic format on a 3½" diskette or CD-ROM (DOS-formatted, with text in Word 97 or 2000).

**Authority:** As authorized by 15 U.S.C. 278f, the NIST Building and Fire Research Laboratory conducts directly and through grants and cooperative agreements, a basic and applied fire research program.

#### Program Description and Objectives

On December 27, 2001, the National Institute of Standards and Technology (NIST) announced in the **Federal Register** the availability of fiscal year 2002 funding for its small grants programs, including the Fire Research Grants Program (66 FR 66874). NIST has recently received from the Department of Defense (DoD) \$100,000 for the award of a grant as part of work conducted by NIST and DoD's Next Generation Fire Suppression Technology Program. NIST will award these funds under the Fire Research Grants Program. A full description of the program is found in the December 27, 2001 **Federal Register** notice (66 FR 66874).

*Environmentally Acceptable Fire Suppressants:* The objective is to identify candidate fire suppressant chemicals that are effective, environmentally acceptable, and user-safe and that meet the operational requirements currently satisfied by halon 1301 in aircraft. In particular, NIST is seeking proposals to examine families of chemical compounds and determine by examination of the published literature, calculation and/or experiment (a) whether there are any potentially effective suppressants in the examined family(ies) and (b) the optimal such chemicals.

The proposal should, at a minimum, identify the family(ies) of compounds to be considered, the rationale for their selection, why there is reason to believe they will be effective, and how the attributes of the chemicals will be screened. The proposer should then describe how the optimal candidates will be identified, how many of these chemicals will be procured in sufficient quantity to verify the fire suppression efficiency, and how this verification will be performed. No testing on humans or animals is to be included. All partner and subcontractor