Torrington states that antidumping and countervailing duties are imposed in addition to regular duties. Torrington also notes that, pursuant to Section 1335 of the Omnibus Trade and Competitiveness Act of 1988, the Department may exclude certain sales of bearings that have no substantial non-military use and are made pursuant to an existing Memorandum of Understanding, citing 61 FR 66471, 66508 (December 17, 1996). Torrington argues that AAC makes no such claim.

Department's Position: We disagree with AAC. The elimination of duties discussed in article 2 of the Agreement on Trade in Civil Aircraft refers to the elimination of ordinary customs duties, not antidumping duties imposed to offset unfair foreign trade practices. Indeed, U.S. law makes even U.S. government agencies acting as importers subject to antidumping or countervailing duties applicable to the merchandise imported unless it is merchandise ''acquired by, or for the use of,'' the Department of Defense from a country with which Defense had a Memorandum of Understanding in effect on January 1, 1988, or merchandise imported by Defense which ''has no substantial nonmilitary use.'' *See* section 771(20) of the Tariff Act; *AFBs V*, 61 FR 66,472, 66,508 (Dec. 17, 1996). *See also Federal-Mogul Corp.* v. *United States*, 813 F. Supp. 856, 865 n.6 (CIT 1993) (stating that in case of a conflict between GATT and U.S. law, U.S. law applies). Therefore, the Agreement on Trade in Civil Aircraft does not exempt AAC from the requirement to pay antidumping duties on the merchandise at issue.

We also reject AAC's request that it be exempted from the order because it imported and sold only a small amount of subject merchandise from SNFA during the POR and because it imported and installed the bearings in response to a ''mandate'' from its parent company. Neither the statute nor our regulations provides exemptions from the dumping law for such reasons. Thus, importing subject merchandise subject to a ''mandate'' is not ''functionally equivalent'' to installing merchandise on the aircraft at manufacture. Moreover, the fact that AAC's bearings comprise under one percent of the total price of the finished product when sold to unrelated customers does not exempt it from paying antidumping duties.

Finally, we have not used the information provided by AAC regarding its imports of SNFA bearings to calculate an antidumping duty rate for SNFA or AAC. In market-economy cases, the Department's practice is to calculate a single rate for each respondent investigated or reviewed. As AAC notes, however, SNFA did not respond to the Department's questionnaire. While we recognize the difficulty that AAC may have encountered in trying to obtain information from SNFA, the information provided by AAC was based on its own imports of subject merchandise and, absent SNFA's data, was insufficient to allow for the calculation of an antidumping duty rate. As stated in the SAA at page 826, imported components which are further manufactured are not exempt from antidumping duties.

[FR Doc. 97–27473 Filed 10–16–97; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–820]

Ferrosilicon from Brazil: Amended Final Results of Antidumping Duty Administrative Review

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

ACTION: Amended final results of Antidumping Duty Administrative Review.

SUMMARY: On August 14, 1997, the Department of Commerce published the final results of the second administrative review of the antidumping duty order or ferrosilicon from Brazil. The review covered Companhia Ferroligas Minas Gerais-Minasligas and Companhia Brasileria Carbureto de Calcio manufacturers/exporters of the subject merchandise to the United States. The period of review is March 1, 1995 through February 29, 1996. Interested parties submitted ministerial error allegations with respect to the final results of administrative review for Minasligas on August 20, 1997. Based on the correction of certain ministerial errors made in the final results of review, we are amending our final results of review with respect to Minasligas and the All Others rate.

EFFECTIVE DATE: October 17, 1997.

FOR FURTHER INFORMATION CONTACT: Sal Tauhidi or Irene Darzenta, AD/CVD Enforcement Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230, telephone: (202) 482–4851 or (202) 482–6320, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

The Department of Commerce (the Department) has now amended the final results of this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). Unless otherwise indicated, all citations to 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. In addition, unless otherwise indicated, all references to the Department's regulations are to the regulations set forth at 19 CFR part 353 (April 1996).

Background

On August 14, 1997, the Department published the final results of the second administrative review of the antidumping duty order or ferrosilcon from Brazil (62 FR 43504), covering the period March 1, 1995 through February 29, 1996. The respondents are Companhia Ferroligas Minas Gerais-Minasligas (Minasligas) and Companhia Brasileria Carbureto de Calcio (CBCC). The petitioners are Aimcor and SKW Metals & Alloys, Inc.

On August 20, 1997, the petitioners and Minasligas filed allegations that the Department had made certain ministerial errors in this administrative review with respect to Minasligas. Specifically, the petitioners alleged three ministerial errors with respect to the following issues: (1) the use of Brazilian reais-denominated gross unit prices instead of U.S. dollar-denominated gross unit prices for U.S. sales; (2) the treatment of marine insurance expenses for certain U.S. sales; and (3) the date of sale for one U.S. sale. Minasligas alleged two ministerial errors with respect to the following issues: (1) the adjustment to U.S. price for insurance revenue applicable to one U.S. sale; and (2) the treatment of value-added taxes (VAT) on U.S. sales. On August 27, 1997, both parties submitted comments on these allegations. For a complete discussion of the allegations, *see* the Department's October 6, 1997, Decision Memorandum Re: Alleged Ministerial Errors in the Calculation of the Final Antidumping Duty Margin for Companhia Ferroligas Minas-Gerais-Minasligas.

As discussed below, in accordance with 19 CFR 353.28(d), we have determined that certain ministerial errors were made in our margin calculations for Minasligas. In addition, the Department also determined that a clerical error was made regarding the

''All Others'' rate as stated in the notice of the final results.

Scope of Review

The merchandise subject to this review is ferrosilicon, a ferro alloy generally containing, by weight, not less than four percent iron, more than eight percent but not more than 96 percent silicon, not more than 10 percent chromium, not more than 30 percent manganese, not more than three percent phosphorous, less than 2.75 percent magnesium, and not more than 10 percent calcium or any other element. Ferrosilicon is a ferro alloy produced by combining silicon and iron through smelting in a submerged-arc furnace. Ferrosilicon is used primarily as an alloying agent in the production of steel and cast iron. It is also used in the steel industry as a deoxidizer and a reducing agent, and by cast iron producers as an inoculant. Ferrosilicon is differentiated by size and by grade. The sizes express the maximum and minimum dimensions of the lumps of ferrosilicon found in a given shipment. Ferrosilicon grades are defined by the percentages by weight of contained silicon and other minor elements. Ferrosilicon is most commonly sold to the iron and steel industries in standard grades of 75 percent and 50 percent ferrosilicon. Calcium silicon, ferrocalcium silicon, and magnesium ferrosilcon are specifically excluded from the scope of this review. Calcium silicon is an alloy containing, by weight, not more than five percent iron, 60 to 65 percent silicon, and 28 to 32 percent calcium. Ferrocalcium silicon is a ferro alloy containing, by weight, not less than four percent iron, 60 to 65 percent silicon, and more than 10 percent calcium. Magnesium ferrosilicon is a ferro alloy containing, by weight, not less than four percent iron, not more than 55 percent silicon, and not less than 2.75 percent magnesium.

Ferrosilicon is currently classifiable under the following subheadings of the Harmonized Tariff Schedule of the United States (HTSUS): 7202.21.1000, 7202.21.5000, 7202.21.7500, 7202.21.9000, 7202.29.0010, and 7202.29.0050. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this review is dispositive. Ferrosilicon in the form of slag is included within the scope of this order if it meets, in general, the chemical content definition stated above and is capable of being used as ferrosilicon. Parties that believe their importations of ferrosilicon slag do not meet these definitions should contact the Department and request a scope determination.

Alleged Ministerial Errors

Issue 1: The Use of Brazilian Reais-denominated Gross Unit Prices Instead of U.S. Dollar-denominated Gross Unit Prices for U.S. Sales

The petitioners contend that because the Department believed that Minasligas' U.S. dollar prices were not on the record, it used Brazilian reais-denominated gross unit prices instead of U.S. dollar-denominated gross unit prices for U.S. sales in its margin analysis. The Department thus mistakenly converted the U.S. sales prices reported in Brazilian currency to U.S. dollars on the date of sale. However, the petitioners assert that in Exhibit 6 of Minasligas' October 11, 1996 supplemental response, Minasligas reported the gross unit prices for its U.S. sales in U.S. dollars. The petitioners argue that the Department should have used the U.S. dollar-denominated gross unit prices for Minasligas' U.S. sales, as reported in Exhibit 6 of Minasligas' October 11, 1996 supplemental response, instead of the Brazilian reais-denominated gross unit prices in its margin analysis.

Minasligas contends that because the Department was able to verify the accuracy of the Brazilian reais-denominated prices by examining relevant commercial invoices for selected U.S. sales at verification, it should reject petitioners' request to use the U.S. dollar-denominated gross unit prices reported in Exhibit 6. In this respect, Minasligas argues that the Department did not make a clerical error but applied an appropriate methodology.

DOC Position

We agree with the petitioners. In the final results of review, the Department mistakenly concluded that Minasligas' U.S. dollar-denominated gross unit prices for U.S. sales were not on the record and, therefore, used the Brazilian reais-denominated U.S. prices in its final margin analysis. Upon further review of the record, we find that Minasligas reported U.S. dollar-denominated prices in Exhibit 6 of its October 11, 1996 supplemental response and that these prices were consistent with sales documentation obtained at verification. Thus, we inadvertently omitted the U.S. dollar-denominated price data contained in Exhibit 6 from our original final margin analysis. For complete discussion and analysis *see* the Department's October 6, 1997, Decision Memorandum Re: Alleged Ministerial Errors in the Calculation of the Final Antidumping Duty Margin for Companhia Ferroligas Minas-Gerais-Minasligas. Therefore, for these amended final results, we have used the U.S. dollar-denominated gross unit prices for U.S. sales as reported in Exhibit 6 of Minasligas' October 11, 1996 supplemental response.

Issue 2: Clerical Error Allegations Regarding the Treatment of Marine Insurance Expenses for Certain U.S. Sales, the Date of Sale for One U.S. Sale, and the Adjustment to U.S. Price for Insurance Revenue Applicable to One U.S. Sale

The petitioners and Minasligas contend that the Department failed to correctly input certain data for certain U.S. sales in its final margin calculations. Specifically, the petitioners contend that the Department made input errors with respect to marine insurance expenses for certain U.S. sales and the date of sale for one U.S. sale. Minasligas contends that the Department made an input error with respect to the adjustment to U.S. price for insurance revenue applicable to one U.S. sale.

DOC Position

We agree with both the petitioners and Minasligas' allegations and have corrected these clerical errors. For complete discussion and analysis, *see* the Department's October 6, 1997, Decision Memorandum Re: Alleged Ministerial Errors in the Calculation of the Final Antidumping Duty Margin for Companhia Ferroligas Minas-Gerais-Minasligas.

Issue 3: Value-added Taxes Collected on U.S. Sales

Minasligas asserts that the Department stated in its final results that Minasligas was unable to substantiate its claim that VAT charges are passed along to U.S. customers and are included in the reported U.S. prices. Minasligas maintains that for purposes of making price-to-price comparisons, however, the Department treated VAT on U.S. export sales as if it had been passed along to U.S. customers and included it in the U.S. price. According to Minasligas, there is a contradiction between the Department's finding of fact (*i.e.*, that Minasligas was unable to substantiate its claim that VAT charges are passed along to U.S. customers and are included in the reported prices) and the Department's calculation methodology. Minasligas maintains that if the Department's finding of fact is correct, it was a mistake to deduct VAT from the U.S. price or to account for it

in price-to-price comparisons. However, if the Department's finding of fact is not correct, Minasligas maintains that it is the Department's practice to calculate U.S. imputed credit expenses based on a U.S. price exclusive of VAT.

The petitioners contend that the Department did not subtract VAT taxes on U.S. sales from the U.S. price. Instead, petitioners argue that the Department determined the difference between the weighted-average per unit VAT taxes collected on home market sales and the per-unit VAT taxes owed by Minasligas on each U.S. sale, and then subtracted this difference from normal value (NV) which included VAT taxes collected on home market sales, in accordance with its normal practice.

Department's Position

We agree with Minasligas that this adjustment was inappropriate. For complete discussion and analysis, *see* the Department's October 6, 1997, Decision Memorandum Re: Alleged Ministerial Errors in the Calculation of the Final Antidumping Duty Margin for Companhia Ferroligas Minas-Gerais-Minasligas. Therefore, for these amended final results, we have not made an adjustment to NV for VAT on U.S. sales.

Issue 4: All Others Rate

The Department erroneously reported an ''All Others Rate'' of 91.06 percent in the notice of final results. The correct ''All Others Rate'' is 35.95 percent. (*See Amended Final Determination of Sales at Less Than Fair Value (LTFV): Ferrosilicon from Brazil*, 59 FR 8599, February 23, 1995.) Thus, we are amending the final results to replace the incorrect rate of 91.06 percent with the correct rate of 35.95 percent.

Amended Final Results

As a result of our correction of the ministerial errors for Minasligas, we have determined the following amended margin exists for Minasligas for the period covering March 1, 1995 through February 29, 1996:

Manufacturer/Exporter	Amended Weighted-Average Margin (percent)
Minasligas	2.54

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

Furthermore, the following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these amended final results of administrative review, as provided for by section 751(a)(1) of the Act: (1) the cash deposit rate for the reviewed company named above will be the rate as stated above; (2) for previously investigated or reviewed companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, or the original LTFV 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) if neither the exporter nor the manufacturer is a firm covered in this review, the cash deposit rate for all other manufacturers or exporters will be 35.95 percent, the All Others rate established in the amended final LTFV investigation. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice services as the final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

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

These amended final results of administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1) and 19 CFR 353.28(c)).

Dated: October 10, 1997.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 97–27631 Filed 10–14–97; 3:02 pm]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–806]

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

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

ACTION: Amended final results of antidumping duty administrative review.

SUMMARY: The Department of Commerce (the Department) is amending its final results of review, published on January 14, 1997, of the antidumping duty order on silicon metal from Brazil, to reflect the correction of ministerial errors in those final results. The period covered by these amended final results is the period July 1, 1994 through June 30, 1995.

EFFECTIVE DATE: October 17, 1997.

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

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the 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).

Background

The Department published the final results of the fourth administrative review, covering the period July 1, 1994 through June 30, 1995, of the antidumping duty order on silicon metal from Brazil on January 14, 1997 (62 FR 1970) (*Fourth Review Final Results*). The respondents are Companhia Brasileira Carbureto de Cálcio (CBCC), Companhia Ferroligas Minas Gerais-Minasligas (Minasligas),