Background

On October 31, 1997, Nornir Group A/S (Nornir) requested a new shipper review of its U.S. sales of subject merchandise. On December 15, 1997, in accordance with 19 CFR Sec. 351.214(b), we initiated the new shipper review of this order for the period April 1, 1996, through September 30, 1997. On January 16, 1998, the respondent, Nornir, withdrew its request for review.

Rescission of Review

The respondent withdrew its request within the time limit provided by the Department's regulations at 19 CFR 351.214(f)(1). Therefore the Department is terminating this review. We note, however, that this is the second consecutive request for termination made by Nornir. Pursuant to the agency's inherent authority to prevent the abuse of its administrative procedures, we will carefully evaluate any future requests for a new shipper review by this party to ensure that it is not attempting to manipulate the requirements of the new shipper review process.

This notice serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning disposition of proprietary information disclosed under APO in accordance with section 354.34(d) of the Department's regulations. Timely written notification of the return or destruction of APO materials, or conversation to judicial protective order is hereby requested. Failure to comply with regulations and terms of an APO is a sanctionable violation.

This determination is published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.214(f)(3).

Dated: April 10, 1998.

Maria Harris Tildon,

Acting Deputy Assistant Secretary, Import Administration.

[FR Doc. 98–10169 Filed 4–15–98; 8:45 am]

BILLING CODE 3510–05–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–412–810]

Certain Hot-Rolled Lead and Bismuth Carbon Steel Products From the United Kingdom; Final Results of Antidumping Duty Administrative Review

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

ACTION: Notice of final results of antidumping duty administrative review; certain hot-rolled lead and bismuth carbon steel products from the United Kingdom.

SUMMARY: On December 9, 1997, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping duty order on certain hot-rolled lead and bismuth steel products from the United Kingdom. The review covers two manufacturers/exporters, British Steel Engineering Steels Limited (BSES) and Glynwed Metal Processing Limited (Glynwed), and the period March 1, 1996 through February 28, 1997.

We gave interested parties an opportunity to comment on our preliminary results. Based on our analysis of the comments received, we have changed the results from those presented in the preliminary results of review.

EFFECTIVE DATE: April 16, 1998.

FOR FURTHER INFORMATION CONTACT: Gideon Katz or Maureen Flannery, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–4733.

SUPPLEMENTARY INFORMATION:

Applicable Statute

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 (the Act) by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations as codified at 19 CFR part 353 (April 1, 1996).

Background

On December 9, 1997, the Department published in the **Federal Register** (62 FR 64803) the preliminary results of its administrative review of the antidumping duty order on certain hot-rolled lead and bismuth steel products from the United Kingdom (58 FR 15324, March 22, 1993). On January 13, 1998, petitioner, Inland Steel Bar Company, submitted comments on the Department's preliminary results. On January 20, 1998, BSES submitted rebuttal comments. We held a hearing on January 22, 1998. The Department has now completed the review in accordance with section 751 of the Act.

Scope of the Review

The products covered by this review are hot-rolled bars and rods of nonalloy or other alloy steel, whether or not descaled, containing by weight 0.03 percent or more of lead or 0.05 percent or more of bismuth, in coils or cut lengths, and in numerous shapes and sizes. Excluded from the scope of this review are other alloy steels (as defined by the Harmonized Tariff Schedule of the United States (HTSUS) Chapter 72, note 1(f)), except steels classified as other alloy steels by reason of containing by weight 0.4 percent or more of lead, or 0.1 percent of more of bismuth, tellurium, or selenium. Also excluded are semi-finished steels and flat-rolled products. Most of the products covered in this review are provided for under subheadings 7213.20.00.00 and 7214.30.00.00 of the HTSUS. Small quantities of these products may also enter the United States under the following HTSUS subheadings: 7213.31.30.00, 60.00; 7213.39.00.30, 00.60, 00.90; 7214.40.00.10, 00.30, 00.50; 7214.50.00.10, 00.30, 00.50; 7214.60.10, 00.30, 00.50; and 7228.30.80.00. HTSUS subheadings are provided for convenience and Customs purposes. The written description of the scope of this order remains dispositive.

This review covers two manufacturers/exporters of certain hot-rolled lead and bismuth steel products, BSES and Glynwed, and the period March 1, 1996 through February 28, 1997.

Analysis of the Comments

We gave interested parties an opportunity to comment on the preliminary results of review. We received comments from the petitioner, Inland Steel Bar Company, and rebuttal comments from BSES.

Comment 1: Petitioner alleges that the Department erred in applying the arm's-length test after incorporating BSES's model matching concordance into the margin calculation program. Citing the September 26, 1997 ''Antidumping Duty Investigation on Steel Wire Rod from

Canada Analysis Memorandum for Preliminary Results of Sidbec-Dosco (Ispat) Inc. (SDI) and Walker Wire,'' petitioner asserts that the Department should follow standard practice and apply the arm's-length test prior to incorporating the model matching concordance for BSES.

Petitioner further asserts that applying the arm's-length test prior to incorporating the model matching concordance is consistent with the intent of the Statement of Administrative Action (SAA). Petitioner concludes that non-arms's-length sales cannot be used in the concordance because the SAA, in reference to the starting point for calculating normal value, states that the Department will ''ignore sales to affiliated parties which cannot be demonstrated to be at arm's length prices for purposes of calculating normal value.'' *See* Uruguay Round Agreements Act, Statement of Administrative Action, H.R. Doc. No. 316, Vol. 1, 103d Cong., 2d Sess. 827 (1994).

Petitioner also asserts that for Glynwed, the other respondent in this review, the Department generated a product concordance after completing the arm's-length test. Petitioner states that the Department may use different methodologies for different respondents only if it (1) offers a reasonable and rational explanation for doing so, and (2) demonstrates that the practice is in accordance with the applicable statute. Petitioner asserts that the Department offered no reasonable and rational explanation for using a different methodology for BSES.

Petitioner also claims that BSES's allegedly improper model matching concordance has a substantial impact on the Department's analysis. Petitioner claims that it generated a model matching concordance according to the Department's standard methodology, and claims that it produced a vastly different model match concordance. Petitioner claims that the Department's standard concordance methodology is consistent with the statutory preference for computing dumping margins on price-to-price comparisons rather than constructed value. Petitioner also claims that the Department has the authority to revise the concordance, as it did with Glynwed for the preliminary results.

BSES argues that the Department should continue to perform the arm's-length test after incorporating the model matching concordance supplied by BSES. BSES argues that the Department has the discretion to decide the timing of the concordance and that, while the Department's practice has been mixed with respect to whether to perform the arm's-length test before or after applying the model matching concordance, in this proceeding the Department's practice has been consistent; the Department has always performed the arm's-length test after incorporating the model matching concordance provided by BSES. BSES maintains that the Department made a determination that this methodology works and should maintain that determination unless there are good reasons to change.

BSES suggests that petitioner is objecting to the Department's established model matching concordance methodology for the first time in this review because, in the circumstances of this fourth review, constructed value actually yields a lower margin for BSES than price-to-price matching. BSES agrees that the methodology has an impact, but asserts that the correct methodology should not be chosen based on which alternative results in the higher dumping margin. BSES further asserts that it is not appropriate for the Department to change methodology now because BSES has not had an opportunity to develop a factual record, discuss at verification, or defend the point because the concordance methodology was not an issue raised or challenged by the Department. BSES also claims that the products petitioner proposes to match are so dissimilar that normal value (NV) would be based on constructed value anyway or on very strange matches. If, however, the arm's length test is run after the creation of the concordance, there are better matches made.

Department's Position: We agree with petitioner. Although in prior segments of this proceeding we have run the arm's-length test after the creation of the concordance, the United States Court of Appeals for the Federal Circuit has since ruled that [T]he initial consideration for Commerce is whether, under section 1677b(a)(1), the sales are ''in the usual commercial quantities and in the ordinary course of trade.'' 19 U.S.C. 1677b(a)(1). If the sales are not in the ordinary course of trade, then Commerce should exclude that specific class of merchandise * * * because a determination of the antidumping duty cannot be made.'' *CEMEX, S.A.* v. *United States*, slip op. 97–1151 at 15 (Fed. Cir. 1998). It is clear from this ruling that sales made outside the ordinary course of trade, which include those sales failing the arm's-length and cost tests, must not be considered in the antidumping margin calculation. We have therefore treated the arm's-length and cost tests the same way and have run both tests prior to creating the product concordance.

We are making this change to the preliminary results regardless of whether the dumping margins would be affected positively or negatively. The methodology has not been chosen based on which alternative results in a higher margin, but rather on the court's decision.

BSES's claim that it did not have an opportunity to defend its concordance methodology is erroneous, because it had just such an opportunity in its rebuttal to petitioner's comments. Furthermore, except for the elimination of sales that failed the arm's-length and costs tests, as described above, our concordance methodology is identical to that used by respondent.

Comment 2: Petitioner asserts that the Department should redefine BSES's CONNUMs (control numbers assigned by respondent to identify each unique product by its physical characteristics), aggregating the CONNUMs to correspond to residual codes in BSES's cost accounting system. Petitioner points out that, for the preliminary results, the Department used CONNUMs which BSES segregated to the residual level, stating that ''residuals are an essential part of the product.'' *See Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom; Preliminary Results of Antidumping Administrative Review*, 62 FR 64803 (December 9, 1997) (*Preliminary Results*). Petitioner contends that not all residual or other chemical differences are sufficiently different to constitute separate products for the Department's purposes, citing to *Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Steel Wire Rod from Canada*, 62 FR 51572, 51572 (October 1, 1997) (*Steel Wire Rod*). Petitioner claims that BSES's reported CONNUMs, defined to the residual level, over-segregate the merchandise and that this produces fewer valid price-to-price comparisons and distorts the margin due to overtechnical product differences.

Petitioner contends that BSES's residual levels can only be relevant to the extent that BSES actually tracks these residual costs in its own cost accounting system, and, to the extent it does not, it has improperly subdivided products that should be considered identical. Petitioner states that at verification, the Department found that BSES failed to report product-specific costs, as requested by the Department in the questionnaire. Petitioner claims that the Department has rejected the proposition that identical products must be identical for all purposes. Petitioner concludes that any merchandise with

the same production cost is sufficiently identical to be considered identical for model matching comparison purposes, even though customers request different residual levels and even if all products in a CONNUM are not fully interchangeable commercially. Petitioner states that in a separate case the Department has created residual baskets despite the fact that customers order by residual levels. *See* the Department's April 21, 1997 questionnaire for the *Sales at Less Than Fair Value Investigation of Steel Wire Rod from Trinidad and Tobago*, page B–9. Furthermore, petitioner claims that BSES obscured its cost reporting methodology to hide the fact that it was using aggregate costs for reporting its CONNUMs. Petitioner concludes that the Department should aggregate BSES's CONNUMs to correspond to BSES's cost accounting system because 1) these cost codes define the limits at which products can be considered different, and 2) they must serve as facts available, due to what petitioner says is BSES's misreporting of its costs.

Petitioner also points out that in respondent's concordance, GRADE (a code used to identify chemical composition and tolerance in the desired chemical composition) and PRODCOD (the chemical composition code used internally by the company to define the chemical makeup of its products) are out of sequence in one instance, and that there is one instance of an unexplained gap in GRADE.

BSES argues that its product codes, defined to the residual level, designate the relevant physical characteristics and should thus be used for model matching. BSES states that its product codes specify the exact levels of various required chemical elements in the steel and also the highest permissible levels of the undesirable residual elements. BSES contends that these codes are used in the ordinary course of trade and that the product code is an essential part of the product's identity, from order to invoicing, as confirmed by the Department at verification. *See* the January 7, 1998 Memorandum to the File from Rebecca Trainor and Gideon Katz through Maureen Flannery and Edward Yang: ''Report on the Sales and Cost Verification of British Steel Engineering Steels (BSES) in the Fourth Administrative Review of the Antidumping Duty Order on Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom'' (Verification Report), page 5.

BSES states that, in other segments of this proceeding, the Department rejected petitioner's arguments to ignore any differences in the chemical compositions of the two products, and match using a CONNUM that ignores residuals, or trace elements. In support of its argument, BSES cites *Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom; Final Determination of Sales at Less than Fair Value* (*LTFV Investigation Final Determination*), 58 FR 6207, 6209 (January 27, 1993) and *Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom; Final Results of Antidumping Administrative Review* (*First Review Final Results*), 60 FR 44009, 44011 (August 24, 1995). BSES states that the Department determined, in both instances, that it is appropriate to perform the model match concordance using CONNUMs defined to the residual level because ''the product differences claimed by [BSES] due to residuals are commercially significant and not incidental—they are designed into the product.''

BSES also argues that redefining the model matching concordance to correspond to BSES's cost accounting system is not appropriate because the cost accounting system groups product codes only for administrative convenience since BSES does not individually track the costs of certain similar products. BSES claims that the cost accounting groupings of product codes do not suggest lack of product individuality within the group, product substitutability, or equal product costs. BSES maintains that it is the product code, not the cost grouping, that describes the characteristics of steel needed to meet customer specifications. BSES further contends that the Department bases its model matching methodology on similarity of physical characteristics, not similarity of costs.

BSES argues that petitioner's references to the Department's treatment of residuals in the questionnaire and preliminary notice in other cases cannot be considered relevant here because these cases involve plain carbon wire rod, an entirely different product, and producers that have absolutely nothing in common with BSES. BSES further argues that BSES' products are highly sophisticated engineering steels used in high-performance applications, in which slight variations in chemical composition can result in greatly differing performance. BSES claims that fine-tuned residuals levels may not be vital in plain carbon wire rod, but they are absolutely vital in BSES' engineering steels.

BSES further asserts that redefining the model matching concordance would have no practical effect on the margin analysis. BSES claims that if the Department implements petitioner's methodology, only three pairs of product codes (out of many hundreds) would be affected, and that any effect on the margin may be minuscule. Finally, BSES claims that it has reported product costs just as instructed, and that this is not a facts available situation. BSES contends that the Department should reject petitioner's request because it is both unjustified and inconsequential.

Department's Position: The Department disagrees with petitioner. The creation of a product concordance inherently relies upon the matching of significant physical characteristics, not on cost groupings in a company's cost accounting system. As noted by respondent, the Department stated in the *LTFV Investigation Final Determination* that ''in order for merchandise to be considered identical, all physical characteristics * * * must be the same.'' 58 FR at 6207, 6209 (January 27, 1993).

Throughout each segment of this proceeding the Department has determined that residual content is an essential physical characteristic in the creation of the model match product concordance. For example, we determined that ''[p]roduct differences due to residuals are commercially significant and not incidental, as they are designed into the product. Therefore, CONNUM is the appropriate variable to be used for model matching.'' *See First Review Final Results*, 60 FR at 44009, 44011 (August 24, 1995). Petitioner has not placed on the record evidence that residual or other chemical differences are not significant enough to create separate products for model matching purposes. In this review, the Department once again verified the importance of residuals. We found that residual levels are critical to BSES and to its customers. *See Sales Verification Report* at 5. Thus, we are making no change in the use of residuals in model matching.

We have corrected one instance in which the GRADEs assigned to certain PRODCODs were not consistent with the overall sequence of such assignments in the key to matching criteria. There is no evidence that there were incorrect matches because of any gap in GRADE.

Comment 3: Petitioner asserts that the Department should increase BSES's general and administrative expenses (G&A) to include the costs of a mill closure incurred during the period of review (POR). Petitioner states that BSES accrued these costs in the year it announced the closure, later setting the 1997 costs off against this earlier accrual. Petitioner contends that BSES

did not include these actual costs of closure in the reported amounts for the POR G&A.

Petitioner claims that BSES's accounting technique artificially and improperly eliminated the actual costs incurred by BSES during the POR. Petitioner claims that BSES concedes as much in its supplemental response by merely stating that the mill closure ''had no effect on the FY 1997 profit and loss account.'' *See* BSES's October 17, 1997 Supplemental Response, pages 22–23. Petitioner maintains that the Department should include these costs in BSES's G&A expenses because BSES incurred actual costs associated with the mill closure during the POR.

BSES argues that the Department should not increase G&A expenses to include the mill closure costs because BSES reported these expenses in its financial accounts for FY 1995 in accordance with British Generally Accepted Accounting Principles and, therefore, they do not appear in BSES's financial accounts for 1997, the year used as the basis of the cost analysis in this review. BSES maintains that the Department's practice is to include costs as they appear on a company's audited financial statement, and cites to *Final Determination of Sales at Less Than Fair Value: Sweaters Wholly or in Chief Weight of Man-Made Fiber from Taiwan*, 55 FR 34585 (August 23, 1990). BSES claims that, because the entire closure costs were accrued and reported in BSES's FY 1995 financial statements, these costs should have no impact on the 1997 costs used for analysis in this review. BSES further notes that the Department verified the reported G&A expenses.

Department's Position: The Department agrees with petitioner. We are including the actual closure costs for this mill in BSES's G&A for this POR. It is the Department's general practice to include accruals which are recognized in the respondent's audited financial statements in the COP/constructed value calculations. *See Certain Cut-To-Length Carbon Steel Plate from Germany: Final Results of Antidumping Duty Administrative Review*, 61 FR 13836 (March 28, 1996). However, the Department has not in any prior review included the closure costs for this mill. *See* the March 31, 1998 Memorandum to the file from Gideon Katz: ''Phone conversation with BSES regarding mill closure costs.'' Since it is necessary to account for these costs, and since the actual costs were incurred in the 1996–1997 period of review, we are including these actual costs in BSES's G&A for this POR.

Comment 4: Petitioner asserts that the Department should reject BSES's reported U.S. packing expenses because the Department found these expenses to be inaccurate at verification. Petitioner further asserts that the Department should set all U.S. packing costs to the highest packing cost calculated for any U.S. sale, and then increase all home market prices by this highest reported packing cost.

BSES argues that the Department should not make the changes to packing costs that petitioner requested because the Department already made a slight adjustment to packing costs in the preliminary results to reflect small discrepancies found at verification. BSES claims that the Department would have to make any packing adjustment to both the U.S. and home market products because BSES packs all its products in the exact same manner. BSES claims that there could thus be no impact on the margin. BSES asserts that additional changes would be unnecessary and improper.

Department's Position: The Department disagrees with petitioner. The discrepancy in packing costs discovered at verification was minor and the verifiers were easily able to derive the correct figures for actual packing costs. Thus, it is appropriate to use corrected packing costs for both markets, which we did in the preliminary results and are continuing to do for these final results.

Final Results of Review

We determine that the following weighted-average dumping margins exist:

Manufacturer/exporter	Time period	Margin (percent)
British Steel Engineering Steels Limited (BSES)(formerly United Engineering Steels Limited)	03/01/96–02/28/97	18.18
Glynwed Metal Processing Limited (Glynwed)	03/01/96–02/28/97	7.69

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between export price and NV may vary from the percentages stated above. Because there is a concurrent review of the countervailing duty order on the subject merchandise, final assessments for BSES and Glynwed will reflect the final results of the countervailing duty administrative review in accordance with 19 CFR 353.41(d)(iv). The Department will issue appraisement instructions directly to the Customs Service. For assessment purposes, we intend to calculate importer-specific assessment rates.

Furthermore, the following deposit requirements will be effective upon publication of this notice of final results of review for all shipments of certain hot-rolled lead and bismuth carbon steel products from the United Kingdom entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the reviewed companies will be the rate listed above; (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 (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) for all other producers and/or exporters of this merchandise, the cash deposit rate shall be 25.82 percent, the ''all others'' rate established in the LTFV investigation (58 FR 6207, January 27, 1993). These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

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

Notification of Interested Parties

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the

disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act (19 U.S.C. 1675 (a)(1) and 19 U.S.C. 1677f(i)(1)) and 19 CFR 353.22.

Dated: April 7, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98–10038 Filed 4–15–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–806]

Certain Small Business Telephone Systems and Subassemblies Thereof From Taiwan; Notice of Court Decision

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

SUMMARY: On February 25, 1998, the Court of International Trade affirmed the Department of Commerce's remand determination in *Taiwan International Standard Electronics, Ltd.* v. *United States*, Court No. 92–08–00532, and *Tecom Co., Ltd. v.* United States, Court No. 92–08–00538. These cases involve litigation challenging the Department of Commerce's final results of the August 3, 1989, through November 30, 1990, antidumping duty administrative review of certain small business telephone systems and subassemblies from Taiwan. This Court decision was not in harmony with the Department's original determination in this review.

EFFECTIVE DATE: April 16, 1998.

FOR FURTHER INFORMATION CONTACT: Charles Riggle, Office 2, Group 1, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., N.W., Washington, D.C. 20230, telephone: (202) 482–0650.

SUPPLEMENTARY INFORMATION:

Background

On July 1, 1992, the Department published notice of its final results of antidumping duty administrative review of certain small business telephone systems and subassemblies from Taiwan, covering the period August 3, 1989, through November 30, 1990. *Certain Small Business Telephone Systems and Subassemblies Thereof From Taiwan; Final Results of Antidumping Duty Administrative Review*, 57 FR 29283 (July 1, 1992). In these final results, the Department determined dumping margins of 129.73 percent ad valorem for Taiwan International Standard Electronics, Ltd. (TAISEL) and 18.10 percent ad valorem for Tecom Co., Ltd. (Tecom) for the period of review (POR). Following publication of the Department's final results, TAISEL and Tecom filed lawsuits with the Court of International Trade (CIT) challenging the Department's final results.

In *TAISEL* v. *United States*, Slip-Op. 97–40 (April 4, 1997), the CIT directed the Department to: (1) Reconsider TAISEL's response to determine whether the Department can exclude returned entries of SBTs covered by canceled sales from assessment of antidumping duties; and (2) assign to TAISEL a best information available (BIA) rate consistent with the Federal Circuit's decision in *Allied-Signal Aerospace Co.* v. *United States*, 996 F.2d 1185 (Fed. Cir. 1993). On July 3, 1997, in its remand determination, the Department: (1) Excluded from assessment of duties certain entries for which TAISEL provided documentation showing that such entries were returned as a result of canceled sales; and (2) assigned TAISEL a BIA margin based on the margin recalculated for Tecom in the same remand. As a result of this redetermination, the Department assigned a BIA margin of 8.24 percent to TAISEL for the POR.

In *Tecom Co.* v. *United States*, Slip-Op. 97–42 (April 4, 1997), the CIT directed the Department to: (1) Use Tecom's data contained on a computer tape submitted on July 29, 1991; (2) reconsider Tecom's claims for circumstance-of-sales adjustments, as well as its claim for an adjustment to foreign market value (FMV) for the provision of free gifts; and (3) reconsider Tecom's claim for a level-of-trade adjustment. In its July 3, 1997, remand determination, the Department: (1) Used the data contained on the July 29, 1991, computer tape; (2) disallowed Tecom's claimed circumstance-of-sale adjustments as well as its claimed adjustment to FMV for free gifts; and (3) granted a level-of-trade adjustment. As a result of this redetermination, the Department calculated a dumping margin of 8.24 percent for Tecom for the POR.

On February 25, 1998, the CIT affirmed these redeterminations.

In its decision in *Timken Co.* v. *United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), the Court of Appeals for the Federal Circuit (CAFC) held that the Department must publish notice of a decision of the CIT or the CAFC which is not in harmony with the Department's determination. Publication of this notice fulfills that obligation. The CAFC also held that the Department must suspend liquidation of the subject merchandise until there is a ''conclusive'' decision in the case. Therefore, pursuant to *Timken*, Commerce must suspend liquidation pending the expiration of the period to appeal the CIT's February 25, 1998 ruling or, if that ruling is appealed, pending a final decision by the CAFC.

Dated: April 7, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98–10167 Filed 4–15–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–827]

Notice of Amended Final Determination and Antidumping Duty Order of Sales at Less Than Fair Value: Static Random Access Memory Semiconductors From Taiwan

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

EFFECTIVE DATE: April 16, 1998.

FOR FURTHER INFORMATION CONTACT: Shawn Thompson or David Genovese, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC. 20230; telephone: (202) 482–1776 or (202) 482–0498, respectively.

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations are to the regulations codified at 19 CFR part 353 (April 1, 1996).

Amended Final Determination

In accordance with section 735(a) of the Act, on February 23, 1998, the Department made its final