

This notice is not required by statute but is published as a service to the international trading community.

Dated: August 4, 1998.

Maria Harris Tildon,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 98-21379 Filed 8-10-98; 8:45 am]

BILLING CODE 3510-DS-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-428-602]

Brass Sheet and Strip from Germany; 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.

SUMMARY: On April 7, 1998, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping duty order on brass sheet and strip (BSS) from Germany (63 FR 16963). The review covers exports of this merchandise to the United States by one manufacturer/exporter, Wieland-Werke AG (Wieland), during the period March 1, 1996 through February 28, 1997.

We gave interested parties an opportunity to comment on our preliminary results of review. We received no comments on the preliminary results. On May 11, 1998, Wieland withdrew from participation in this review. On May 21, 1998, petitioners submitted a letter commenting on Wieland's withdrawal from participation in the review. Because of Wieland's withdrawal from participation, we have based the margin in this determination on adverse facts available, in accordance with section 776(a)(2) of the Tariff Act of 1930, as amended (the Act). As adverse facts available, we have applied the highest margin from any prior review of this order.

EFFECTIVE DATE: August 11, 1998.

FOR FURTHER INFORMATION CONTACT:
Thomas Killiam or John Kugelman,
Office of AD/CVD Enforcement, Group
III, Import Administration, International
Trade Administration, U.S. Department
of Commerce, 14th Street and
Constitution Avenue, N.W.,
Washington, D.C. 20230; telephone:

(202) 482-2704 or 482-0649,
respectively.

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 to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all references to the Department's regulations refer to the regulations as codified at 19 CFR part 353 (April 1, 1997).

Background

On April 7, 1997, the Department (the Department) published in the **Federal Register** the preliminary results of its administrative review of the antidumping duty order on BSS from Germany (63 FR 16963). The antidumping duty order on BSS from Germany was published March 6, 1987 (52 FR 6997). The petitioners are Hussey Copper, Ltd., The Miller Company, Outokumpu American Brass, Revere Copper Products, Inc., International Association of Machinists and Aerospace Workers, International Union, Allied Industrial Workers of America (AFL-CIO), Mechanics Educational Society of America (Local 56), and the United Steelworkers of America (AFL-CIO/CLC).

Scope of the Review

Imports covered by this review are shipments of BSS, other than leaded and tinned BSS, from Germany. The chemical composition of the covered products is currently defined in the Copper Development Association (C.D.A.) 200 Series or the Unified Numbering System (U.N.S.) C2000. This review does not cover products the chemical compositions of which are defined by other C.D.A. or U.N.S. series. In physical dimensions, the products covered by this review have a solid rectangular cross section over 0.006 inches (0.15 millimeters) through 0.188 inches (4.8 millimeters) in finished thickness or gauge, regardless of width. Coiled, wound-on-reels (traverse wound), and cut-to-length products are included. The merchandise is currently classified under Harmonized Tariff Schedule (HTS) item numbers 7409.21.00 and 7409.29.00. Although the HTS item numbers are provided for convenience and Customs purposes, the written description of the scope of this order remains dispositive.

The period of review is March 1, 1996 through February 28, 1997. The review involves one manufacturer/exporter, Wieland.

Facts 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 requested, significantly impedes a proceeding under the antidumping statute, or provides information that cannot be verified, the Department shall use facts available in reaching the applicable determination.

In selecting from among the facts otherwise available, section 776(b) of the Act authorizes the Department to use an adverse inference if the Department finds that a party has failed to cooperate by not acting to the best of its ability to comply with requests for information. See the *Statement of Administrative Action* at 870 (SAA). To determine whether the respondent "cooperated" by "acting to the best of its ability" under section 776(b), the Department considers, among other facts, the accuracy and completeness of submitted information and whether the respondent has hindered the calculation of accurate dumping margins. See, e.g., *Certain Welded Carbon Steel Pipes and Tubes From Thailand: Final Results of Antidumping Duty Administrative Review*, 62 FR 53808, 53819-53820 (October 16, 1997).

In this case, Wieland submitted its questionnaire responses by the established deadlines and agreed to verification of its responses. Then, on May 11, 1998, Wieland informed the Department that it was withdrawing from participation in the review. As a result the Department was not able to collect necessary missing information and was unable to verify Wieland's responses. Because the Department was unable to verify the submitted information, as required by section 782(i) of the Act, the Department had no authority to rely upon that unverified information in making its determination; thus, section 776(a) of the Act mandates that the Department use facts available in making its determination.

Further, by withdrawing its participation, Wieland effectively impeded the instant review. Under section 776(a)(2)(C) and (D) of the Act, the Department has therefore used facts available. As noted above, in selecting facts otherwise available, pursuant to section 776(b) the Act, the Department may use an adverse inference if the Department finds that an interested party failed to cooperate by not acting to the best of its ability to comply with requests for information. When a respondent does not allow the

Department to verify submitted information, it is deemed uncooperative, which constitutes grounds for applying adverse facts available. See *Notice of Final Determination of Sales at Less Than Fair Value: Steel Wire Rod From Venezuela*, 63 FR 8946, 8947 (February 23, 1998); *Notice of Final Determination of Sales at Less Than Fair Value: Vector Supercomputers From Japan*, 62 FR 45623, 45624 (August 28, 1997); and *Notice of Final Determination of Sales at Less Than Fair Value: Circular Welded Non-Alloy Steel Pipe From Romania*, 61 FR 24274, 24275 (May 14, 1996).

Consistent with Department practice in cases where a respondent fails to cooperate to the best of its ability, and in keeping with section 776(b)(3) of the Act, as adverse facts available we have applied a margin based on the highest margin found either in prior reviews or in the fair value investigation. See for example *Viscose Rayon Staple Fiber From Finland: Final Results of Antidumping Duty Administrative Review*, 63 FR 32820, 32822, June 16, 1998). In this case the highest margin from either prior reviews or the fair value investigation is 16.18%.

Section 776(c) of the Act requires the Department to corroborate, to the extent practicable, secondary information used as facts available. Secondary information is described in the SAA (at 870) as "[i]nformation derived from the petition that gave rise to the investigation or review, the final determination concerning the subject merchandise, or any previous review under section 751 concerning the subject merchandise."

The SAA further provides that "corroborate" means simply that the Department will satisfy itself that the secondary information to be used has probative value (see SAA at 870). Thus, to corroborate secondary information, to the extent practicable, the Department will examine the reliability and relevance of the information used. However, unlike other types of information, such as input costs or selling expenses, there are no independent sources for calculated dumping margins. The only source for margins is an administrative determination. Thus, in an administrative review, if the Department chooses as total adverse facts available a calculated dumping margin from a prior segment of the proceeding, it is not necessary to question the reliability of the margin from that time period (*i.e.*, the Department can normally be satisfied that the information has probative value and that it has complied

with the corroboration requirements of section 776(c) of the Act). See, *e.g.*, *Elemental Sulphur From Canada: Preliminary Results of Antidumping Duty Administrative Review*, 62 FR 971 (January 7, 1997) and *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, et al.; Final Results of Antidumping Duty Administrative Review*, 62 FR 2081, 2088 (January 15, 1997).

Final Results of Review

We have determined that the following margin exists for Wieland:

Manufacturer/ exporter	Period	Percent margin
Wieland- Werke AG ..	3/1/96–2/28/97	16.18

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

Furthermore, the following deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, as provided for by section 751(a)(1) of the Act.

(1) The cash deposit rate for Wieland will be the rate stated 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) If neither the exporter nor the manufacturer is a firm covered in this or any previous review conducted by the Department, the cash deposit rate will be 7.30 percent, the "all others" rate established in the LTFV investigation.

This notice also 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 the 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 the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction. This administrative review and this notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: July 31, 1998.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 98–21380 Filed 8–10–98; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–806]

Carbon Steel Wire Rope From Mexico: Extension of Time Limits for Final Results of Antidumping Administrative Review

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

ACTION: Notice of extension of time limits for final results of antidumping duty administrative review.

EFFECTIVE DATE: August 11, 1998.

FOR FURTHER INFORMATION CONTACT: Joanna Gabryszewski or Maureen Flannery, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington DC 20230; telephone: (202) 482–0780 or (202) 482–3020, respectively.

The 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 current regulations, codified at 19 CFR part 351, 62 FR 27295 (May 19, 1997).