

Case	Briefs due	Rebuttals due
Germany	March 11, 1998.	March 18, 1998.
Italy .....	March 12, 1998.	March 19, 1998.
Singapore	March 12, 1998.	March 19, 1998.
United Kingdom.	March 13, 1998.	March 20, 1998.
France .....	March 13, 1998.	March 20, 1998.
Japan .....	March 16, 1998.	March 23, 1998.

The Department will publish the final results of these administrative reviews, including the results of its analysis of issues raised in any such written briefs or hearings. The Department will issue final results of these reviews within 120 days of publication of these preliminary results.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Because sampling and the inability to link sales with specific entries prevents calculation of duties on an entry-by-entry basis, we have calculated importer-specific ad valorem duty assessment rates for each class or kind of merchandise based on the ratio of the total amount of antidumping duties calculated for the examined sales made during the POR to the total customs value of the sales used to calculate those duties. This rate will be assessed uniformly on all entries of that particular importer made during the POR. (This is equivalent to dividing the total amount of antidumping duties, which are calculated by taking the difference between statutory NV and statutory EP or CEP, by the total statutory EP or CEP value of the sales compared and adjusting the result by the average difference between EP or CEP and customs value for all merchandise examined during the POR).

In some cases, such as EP situations, the respondent does not know the entered value of the merchandise. For these situations, we have either calculated an approximate entered value or an average unit dollar amount of antidumping duty based on all sales examined during the POR. (See Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from the Federal Republic of Germany; Final Results of Antidumping Duty Administrative Review, 56 FR 31694 (July 11, 1991).) The Department will issue appropriate appraisal instructions directly to the Customs Service upon completion of these reviews.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of these administrative reviews, as provided by section 751(a)(1) of the Act: (1) the cash deposit rates for the reviewed companies will be those rates established in the final results of these reviews (except that no deposit will be required for firms with zero or *de minimis* margins, i.e., margins less than 0.5 percent); (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) the cash deposit rate for all other manufacturers or exporters will continue to be the "all others" rate made effective by the final results of the 1991-92 administrative reviews of these orders (See Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, et al.: Final Results of Antidumping Duty Administrative Reviews and Revocation in Part of an Antidumping Duty Order, 58 FR 39729 (July 26, 1993), and Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, et al.: Final Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews, 61 FR 66472 (December 17, 1996)). As noted in those previous final results, these rates are the "all others" rates from the relevant LTFV investigations. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative reviews.

This notice also serves as a preliminary 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.

These administrative reviews and notice are in accordance with section

751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22(c)(5).

Dated: February 2, 1998.

**Robert S. LaRussa,**

*Assistant Secretary for Import Administration.*

[FR Doc. 98-3212 Filed 2-6-98; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-122-601]

#### **Brass Sheet and Strip from Canada: Preliminary Results of Antidumping Duty Administrative Review and Notice of Intent To Revoke Order in Part**

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

**ACTION:** Notice of preliminary results of Antidumping Duty Administrative Review and Notice of Intent to Revoke Order in Part.

**SUMMARY:** In response to a request by the respondent, the Department of Commerce is conducting an administrative review of the antidumping duty order on brass sheet and strip from Canada. The review covers one manufacturer/exporter of this merchandise to the United States, Wolverine Tube (Canada), Inc. The period covered is January 1, 1996 through December 31, 1996. As a result of the review, the Department has preliminarily determined that no dumping margins exist for this respondent. We intend to revoke the order with respect to brass sheet and strip from Canada manufactured by Wolverine, based on our preliminary determination that Wolverine has sold the merchandise at not less than fair value for a period of three consecutive years and that it is not likely that Wolverine will sell this product to the United States at less than normal value in the future.

We invite interested parties to comment on these preliminary results. Parties who submit argument in this proceeding are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument.

**EFFECTIVE DATE:** February 9, 1998.

**FOR FURTHER INFORMATION CONTACT:** Paul Stolz or Tom Futtner, Office of Antidumping/Countervailing Duty Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th

Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-4474 or 482-3814, respectively.

### Applicable Statute and Regulations

Unless otherwise stated, 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 references to the Department's regulation are to 19 CFR part 353 (April 1, 1997).

### SUPPLEMENTARY INFORMATION:

#### Background

The Department of Commerce (the Department) published an antidumping duty order on brass sheet and strip from Canada on January 12, 1987 (52 FR 1217). On January 14, 1997, the Department published a notice of "Opportunity to Request an Administrative Review" of the antidumping duty order on brass sheet and strip from Canada (62 FR 1874). On January 31, 1997, a manufacturer/exporter, Wolverine Tube (Canada), Inc. (Wolverine) requested an administrative review of its exports of the subject merchandise to the United States for the period of review January 1, 1996, through December 31, 1996. In accordance with 19 CFR 353.22(c), we initiated the review on March 3, 1997 (62 FR 9413). The Department is now conducting this administrative review in accordance with section 751 of the Act.

#### Scope of Review

Imports covered by this review are shipments of brass sheet and strip (BSS), other than leaded and tinned BSS. 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. Pursuant to the final affirmative determination of circumvention of the antidumping duty order, covering the period September 1, 1990, through September 30, 1991, we determined that brass plate used in the production of BSS falls within the scope of the antidumping duty order on BSS from Canada. See Brass Sheet and Strip from Canada: Final Affirmative Determination of Circumvention of Antidumping Duty Order, 58 FR 33610 (June 18, 1993).

The review period (POR) is January 1, 1996 through December 31, 1996. The review involves one manufacturer/exporter, Wolverine.

#### Verification

As provided in section 782(i) of the Act, we verified information provided by the respondent, Wolverine, by using our standard verification procedures, including the examination of relevant sales and financial records and selection or original documentation containing relevant information. Our verification results are outlined in the public version of the verification report—"Sales and Cost Verification Report, Wolverine Tube (Canada), Inc."

#### United States Price (USP)

In calculating USP for Wolverine, we used export price (EP), as defined in section 772 of the Act, because the merchandise was sold to unaffiliated U.S. purchasers prior to the date of importation and because no other circumstances indicated that constructed export price was appropriate. We calculated EP based on prices that were delivered to the customers' premises. In accordance with section 772(c)(1) of the Act, we adjusted USP for brokerage and handling, foreign and U.S. inland freight, and customs duty. No other adjustments to EP were claimed or allowed.

#### Normal Value

##### A. Viability

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating NV, we compared Wolverine's volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise, in accordance with section 773(a)(1)(B) of the Act. Because Wolverine's aggregate volume of home market sales of the foreign like product was greater than five percent of its aggregate volume of U.S. sales of the subject merchandise, we determined that the home market provides a viable basis for calculating NV for Wolverine.

##### B. Below Cost of Production Test

Because we disregarded sales below the cost of production in the 1995 POR, the most-recently completed segment of these proceedings, we have reasonable grounds to believe or suspect that sales of the foreign like product under consideration for determining NV in this review may have been at prices below the cost of production (COP), as provided in section 773(b)(2)(A)(ii) of the Tariff Act. Therefore, pursuant to section 773(b)(1) of the Tariff Act, we initiated a COP investigation of sales by Wolverine (see Memorandum to the File, dated March 20, 1997, available in Room B-099 of the Main Commerce Building). In accordance with section 773(b)(3) of the Tariff Act, we calculated COP based on the sum of materials and fabrication employed in producing the foreign like product, plus selling, general, and administrative expenses (SG&A) and the cost of all expenses incidental to placing the foreign like product in condition packed ready for shipment. We relied on the home market sales and COP information Wolverine provided in its questionnaire responses. After calculating COP, we tested whether home market sales of subject BSS were made at prices below COP within an extended period of time in substantial quantities, and whether such prices permitted the recovery of all costs within a reasonable period of time. We compared model-specific COPs to the reported home market prices less any applicable movement charges.

For purposes of the below cost of production test conducted for home market comparison sales we allocated a portion of selling, general and administrative (SG&A) expenses for the corporate headquarters in Huntsville/Decatur, Alabama to Wolverine's cost of production (COP). This additional allocation was based on SG&A and cost of sales information taken from Wolverine's financial statements. In its questionnaire response, Wolverine did not allocate SG&A for its Huntsville/Decatur corporate headquarters although it did allocate SG&A for its London, Ontario corporate offices. At verification, however, discussions with company officials and a review of company correspondence revealed that the Fergus, Ontario facility was subject to significant guidance and control by corporate headquarters in Huntsville/Decatur during the POR. (See the analysis memorandum dated January 20, 1998 for details.)

Pursuant to section 773(b)(2)(C) of the Tariff Act, where less than twenty percent of Wolverine's home market sales for a model were at prices less

than the COP, we did not disregard any below-cost sales of that model because we determined that the below-cost sales were not made within an extended period of time in "substantial quantities." Where twenty percent or more of Wolverine's home market sales were at prices less than the COP, we determined that such sales were made within an extended period of time in substantial quantities in accordance with section 773(b)(2) (B) and (C) of the Tariff Act. To determine whether such sales were at prices which would not permit the full recovery of all costs within a reasonable period of time, in accordance with section 773(b)(2)(D) of the Tariff Act, we compared home market prices to the weighted-average COPs for the POR. The results of our cost test for Wolverine indicated that for certain home market models less than twenty percent of the sales of the model were at prices below COP. We therefore retained all sales of these models in our analysis and used them as the basis for determining NV. Our cost test for Wolverine also indicated that for certain other home market models more than twenty percent of the home market sales within an extended period of time were at prices below COP and would not permit the full recovery of all costs within a reasonable period of time. In accordance with section 773(b)(1) of the Tariff Act, we therefore excluded the below-cost sales of these models from our analysis and used the remaining above-cost sales as the basis for determining NV.

### C. Model-Matching

We calculated NV using prices of BSS products having the same characteristics as to form, temper, gauge, width, and alloy. We used the same gauge and width groupings and the same model-match methodology in this review as in the last completed administrative review (1995). As in the 1995 review, we disregarded "source" designations in the product codes for model matching purposes since the "sources", *i.e.*, whether reroll or nonreroll brass is used to make the product, does not appear to describe physical characteristics of the resulting subject merchandise itself. Wolverine claimed in its response that the grain density of the reroll material obtained from outside suppliers was higher than that of its own cast material. Although this may be the case, respondent's claim has not been substantiated on the record of this review. Moreover, we requested in our supplemental questionnaire that respondent submit product codes accounting for physical characteristics only, including grain density, but

excluding source. In its response, respondent did not then report grain density in place of source. Furthermore, we determined at verification that reporting grain density would not have caused any hardship for the respondent. The factory lab was outfitted with equipment capable of accurately determining grain size/density and other product characteristics such as purity levels. In addition, we determined that grain density was routinely monitored throughout the product process. Therefore, since "source" does not describe a physical product characteristic, and since the respondent did not report grain density as we requested, we are not including "source" as a product matching characteristic. Moreover, the absence of grain density information does not favor Wolverine. Purchased re-roll material, presumably of higher quality and higher cost materials, was sold during the period of review only in the home market. Thus, those sales were matched with Wolverine's own cast materials, sold in the U.S. market, thereby increasing the likelihood and magnitude of dumping margins.

### D. Level of Trade

In our supplemental questionnaire we specifically asked the respondent to describe its reasons for claiming there were different terms of sale or selling prices to different classes of customer. Respondent described three distinct customer categories in the home market and one in the U.S. market, but did not explain how Wolverine's selling functions varied for each customer category.

As documentation to support its level of trade (LOT) claim, the respondent supplied price lists, but these lists do not show any differences in selling functions or illustrate the source of price differences for different customer categories. The respondent did not provide any other information to document, justify, or quantify its reported differences in selling functions in order to establish the claimed three different LOTs in the home market. Further, at verification we discussed the process by which customers were placed in a particular category. We noted no indication of different selling functions corresponding to various customers on the basis of customer category or otherwise.

Upon review of the case record, we have determined that although distinct customer categories existed, there is no evidence on the record, in terms of selling functions performed by Wolverine, correlating them to levels of trade. Thus, although customer

categories may exist, they are distinct from any level of trade designations which we may consider in calculating dumping margins for Wolverine. Because the record does not show that Wolverine performed different selling functions with respect to different channels of distribution, we determined that there is only one LOT in the home market. See Ferrosilicon from Brazil: Notice of Partial Termination and Preliminary Results of Antidumping Duty Administrative Review, 63 FR 2661 (January 16, 1998). Furthermore, since we noted no different selling functions in the U.S. market, no LOT adjustment is necessary.

### E. Price-to-Price Comparisons

We calculated NV using monthly weighted-average prices of BBS having the same characteristics as to form, temper, gauge, width, and alloy. We based NV on the price at which the foreign like product is first sold for consumption in the exporting country, in the usual commercial quantities and in the ordinary course of trade, and at the same level of trade as the export price, as defined by section 773(a)(1)(B)(i) of the Act.

We reduced NV for home market credit and warranty expenses, and increased NV for U.S. credit expenses in accordance with section 773(a)(6)(C)(iii), due to differences in circumstances of sale. We reduced NV for home market movement expenses, in accordance with section 773(a)(6)(B)(ii); and for packing costs incurred in the home market, in accordance with section 773(a)(6)(B)(i); and increased NV to account for U.S. packing expenses. No other adjustments to NV were claimed or allowed.

### Revocation

On January 31, 1997, Wolverine submitted its request for an administrative review covering the 1996 POR and, pursuant to 19 CFR 353.25(b), requested revocation of the antidumping duty order with respect to Wolverine. In its request, Wolverine stated that it expected to receive a *de minimis* margin in the 1996 POR. Wolverine noted that this would be the third consecutive *de minimis* margin received, and thus Wolverine would be eligible for revocation. In accordance with 19 CFR 353.25(a)(2)(iii), this request was accompanied by certifications from the firm that it had not the relevant class or kind of merchandise at less than normal value (NV) for a three-year period including this review period, and would not do so in the future. Wolverine also agreed to its immediate reinstatement in the

relevant antidumping duty order, as long as any firm is subject to this order, if the Department concludes under 19 CFR 353.22(f) that, subsequent to revocation, it sold the subject merchandise at less than NV. On August 1, 1997, the petitioner submitted a request that the deadline for the preliminary results in this review be fully extended by 120 days in order to develop the administrative record with respect to revocation. In addition, the petitioner claimed that the burden for demonstrating "no likelihood" of future dumping as stipulated under 19 CFR 353.25(a)(2) was on the respondent, and that the respondent should be required to place on the record historical data covering its operations over the preceding five years. In addition, the petitioner requested that the Department require the respondent to submit specific planning data regarding future production of subject and non-subject merchandise.

On September 15, 1997, the Department extended the deadline for the preliminary determination. However, the Department did not find compelling cause to request respondent to produce the extensive historical and planning data which the petitioner proposed was necessary to determine whether future dumping was "not likely." On October 16, 1997, the Department informed interested parties that the administrative record would be re-opened for submission of comments and rebuttal comments pertaining to the issue of likelihood of future dumping. Both respondent and petitioner submitted comments and rebuttal comments in a timely manner.

#### **Interested Party Comments on Whether Future Dumping is Likely**

On November 10, 1997, Wolverine and petitioner submitted comments on the issue of whether or not it is likely that Wolverine would resume dumping if the Department granted revocation as to that firm. First, the respondent noted that it received two consecutive zero or *de minimis* margins and is committed to refrain from dumping in the future and has made certifications to this effect as stipulated under the Department's regulations. The petitioner has not challenged these facts or the adequacy of the certifications.

Second, Wolverine states that dumping is unlikely to resume given the similar nature of price, supply, and demand patterns common to both the Canadian and U.S. markets. Wolverine asserts that this limits the potential for price differences in each market. Petitioner states that Wolverine's claim that North America is a unified market

for BSS is unsubstantiated by specific company information.

Third, Wolverine cites favorable market conditions which it claims render future dumping unlikely. In its November 10, 1997, submission of comments regarding the likelihood of future dumping, Wolverine included as exhibits market reports and articles from *American Metal Market* and *Purchasing* which characterize the market for copper, copper alloys and brass as strong and steady. The articles and reports cite increasing lead times, low inventories, rising prices and strong demand as factors contributing to an environment in which dumping is not likely. In addition, respondent cites expanded applications of brass mill products, such as used in construction of ship hulls and electric vehicles, which may result in increased demand.

Fourth, Wolverine notes that it lacks both the means and the incentive to abuse revocation. Respondent notes that it competes largely by servicing established home market customers with a diversified product range. Since its customers require a diversified product range, its brass production capacity is limited and although its brass business is profitable, if it received an order for its other more profitable products it would choose the latter. Therefore, according to Wolverine, the potential impact of its brass sales on the U.S. market would be miniscule in any case. Petitioner claims that respondent did not substantiate its claims that it had no economic incentive to devote its entire capacity to production for the U.S. market. In addition, petitioner notes that Wolverine's statements regarding its minimal potential impact on the U.S. market are irrelevant and do not support a finding that it is not likely that Wolverine will dump in the future.

Petitioner's comments cited its August 1, 1997, letter in which it requested five-year historical data and background/planning information and reiterated its request that the Department require that Wolverine (or the Department) place this information on the record of this proceeding. Petitioner has stated that much of this information was placed on the records of prior proceedings. Petitioner reiterated its view that the burden of showing that Wolverine is not likely to resume dumping following revocation rests on the respondent. In this respect, petitioner argues that five-year historical data on many aspects of Wolverine's trade with the United States is necessary to establish sales trends in order to determine the likelihood of future dumping, and claims that much of the requested information is already on the

record of prior proceedings and would not be difficult to collect. Petitioner claims that respondent's sales of subject merchandise in the United States have declined since imposition of the antidumping duty order. Petitioner also claims that the loss of certain business by respondent in the home market would dispose respondent to future dumping. Finally, respondent asserted that the petitioner's comments contained no factual evidence on the subject of revocation and that petitioner's actual purpose in requesting additional time to develop the record with respect to revocation was part of a strategy to delay the conclusion of this review and to deny respondent revocation.

#### **Department Analysis**

Petitioner has not shown that the additional data it requested the Department gather is necessary to resolve whether it is not likely that Wolverine would dump subject merchandise were the order revoked as to that company. Furthermore, we note that much of the data requested by petitioner is not on the record of prior reviews and collecting it would impose a considerable administrative burden on the Department. In view of the fact that each administrative review is conducted as a separate segment of the proceeding pursuant to the Department's regulations, the burden of gathering additional information, and the failure of petitioner to demonstrate any compelling need for the Department to consider the requested information in determining whether it should revoke the order as to Wolverine, the Department has declined to gather (and include) further information in the administrative record of this review. On this issue, the Department has a considerable factual record before it. At the request of the parties, the Department established a process for the submission of factual information on the issue of whether it is not likely that dumping would resume in the future. As discussed above, both the petitioner and the respondent made submissions of information relevant to this issue. Accordingly, the Department has an adequate record before it on which to make a determination on the revocation issue.

Under the Department's regulations, the Department may revoke an order in part if the Secretary concludes that: (1) "one or more producers or resellers covered by the order have sold the merchandise at not less than fair value for a period of at least three consecutive years"; (2) "[i]t is not likely that those persons will in the future sell the

merchandise at less than fair value \* \* \*"; and (3) "the producers or resellers agree in writing to the immediate reinstatement of the order as long as any producer or reseller is subject to the order, if the Secretary concludes that the producer or reseller, subsequent to the revocation, sold the merchandise at less than fair value." See 19 CFR 353.25(a)(2).

Upon review of the three criteria described above, and of the comments and rebuttal comments, and on the basis of all of the evidence on the record, we have preliminarily determined that the Department's requirements for revocation have been met. The Department found that Wolverine's sales reviewed during the eighth (1994) and ninth (1995) reviews under this order were made at not less than NV. Also, in this tenth review, we have preliminarily determined that Wolverine's sales were made at not less than NV. Further, Wolverine has certified its consent to immediate reinstatement of the order should the situation described in the third criterion noted above occur.

With respect to the second criterion, the Department stated, in Brass Sheet and Strip from Germany, Final Results of Antidumping Duty Administrative Review and Determination Not to Revoke in Part, 61 FR 49728 (9/23/96): "[i]n prior cases where revocation was under consideration and the likelihood of resumption of dumped sales was at issue, the Department has considered, in addition to the respondent's prices and margins in the preceding periods, such other factors as conditions and trends in the domestic and home market industries, currency movements, and the ability of the foreign entity to compete in the U.S. marketplace without LTFV sales." 61 FR at 49731. In this proceeding, the information submitted by the parties, and the comments received, centered upon three main conditions: (1) Supply and demand for BSS, (2) the quantitative trend of respondent's sales in the U.S. market since respondent received its first zero margin (as a measure of its ability to sell commercial quantities at fair market value), and (3) the effects of currency movements with respect to price comparisons between the home market and the U.S. market.

First, as noted by respondents, demand for subject merchandise in the U.S. and Canadian markets remains strong and conditions are favorable to a positive market environment for subject merchandise. Strong, profitable markets tend not to precipitate dumping. The reports and articles supplied by respondent in its November 10, 1997,

submission contain factual information and forecasts by industry analysts which characterize market condition for BSS products as positive with evidence indicating the likelihood of continued growth and positive performance. No evidence was placed on the record characterizing the market otherwise.

We note, however, that Wolverine's argument that dumping would be precluded because market conditions for BSS products are similar in the Canadian and U.S. markets is not substantiated by evidence on the record.

With respect to the question of whether Wolverine would have an economic incentive to devote its entire capacity to production for the U.S. market, it is evident, based on information reviewed at verification and a review of sales of subject and non-subject merchandise, that Wolverine does provide a mix of products to a variety of U.S. and home market customers. We also noted at verification that there are indications that there may be some strategic and physical limitations in capacity with respect to production of BSS at the Fergus plant. This does not preclude future expansion of capacity, however, under proper market conditions. In addition, we note that, as petitioner points out, the potential impact of a foreign exporter's sales on the U.S. market is not relevant in determining whether dumping is currently taking place or whether it is likely to resume in the future.

With respect to petitioner's claim that, despite the generally strong market for BSS, loss of certain business would dispose Wolverine to future dumping, we noted at verification that this respondent had taken significant steps and devoted significant resources to restoring/replacing the business in question, and to developing alternative non-subject products to make up for lost business. Furthermore, it is not clear that diminished capacity utilization, even should it occur, would necessarily contribute to the likelihood of future dumping.

Second, unlike the facts underlying our determination in Brass Sheet and Strip from Germany, in which we determined not to revoke the order as to a requesting respondent, this review covers multiple shipments of subject merchandise to the U.S. market. In Brass Sheet and Strip from Germany, the respondent in question had made only a single shipment during the review at issue.

Third, exchange rate data taken from the Import Administration's currency database indicate that from January of 1996 through September of 1997, the Canadian dollar-U.S. dollar exchange

rate remained stable. There is no indication that the Canadian dollar might drastically appreciate, precipitating the potential for disparities in Canadian and U.S. selling prices of subject merchandise which would make dumping margins more likely. In fact, the Canadian dollar has actually depreciated slightly against the U.S. dollar.

Thus, the Department preliminarily determines that this criterion for revocation has been met.

#### Preliminary Results of the Review

As a result of our comparison of EP to NV, we preliminarily determine that a *de minimis* dumping margin (0.42 percent) exists for Wolverine for the period January 1, 1996 through December 31, 1996, and we determine, preliminarily, to revoke partially the antidumping duty order with respect to imports of subject merchandise from Wolverine.

Parties to the proceeding may request disclosure within five days of the date of publication of this notice. Any interested party may request a hearing within 10 days of publication of this notice. Any hearing will be held 44 days after the date of publication or the first workday thereafter. Interested parties may submit case briefs within 30 days of the publication date of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. The Department will publish a notice of the final results of this administrative review, which will include the results of its analysis of issues raised in any such case briefs or at a hearing, within 120 days from publication of these preliminary results. The following deposit requirements will be effective for all shipments of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for Wolverine will be the rate established in the final results of this review; (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; (4) if neither the manufacturer nor the exporter is a firm

covered in this or any previous review, the cash deposit rate will be 8.10 percent, the "all others" rate established in the LTFV investigation. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review. Furthermore, The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. This notice serves as a preliminary 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 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: February 2, 1998.

**Robert S. LaRussa,**

*Assistant Secretary, Import Administration.*

[FR Doc. 98-3200 Filed 2-6-98; 8:45 am]

BILLING CODE 3510-DS-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-427-812]

#### **Calcium Aluminate Flux From France; Initiation and Preliminary Results of Changed Circumstances Antidumping Duty Administrative Review, and Intent To Revoke Order**

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

**ACTION:** Notice of initiation and preliminary results of changed circumstances antidumping duty administrative review, and intent to revoke order.

**EFFECTIVE DATE:** February 9, 1998.

**SUMMARY:** In response to a December 12, 1997 request from Lafarge Aluminate and Lafarge Calcium Aluminates (Lafarge), the sole respondent in this case, the Department of Commerce (the Department) is initiating a changed circumstances antidumping duty administrative review and issuing an intent to revoke the order on calcium aluminate flux from France. Based on the fact that Lehigh Portland Cement, the petitioner, has expressed no interest

in the importation and sales of calcium aluminate flux, we have preliminarily determined to revoke the antidumping duty order on calcium aluminate flux from France.

Interested parties are invited to comment on these preliminary results.

**FOR FURTHER INFORMATION CONTACT:** Maureen McPhillips or Linda Ludwig, AD/CVD Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14<sup>th</sup> Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482-0193 or (202) 482-3833.

#### **SUPPLEMENTARY INFORMATION:**

##### **Applicable Statute and Regulations**

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR Part 351 (62 FR 27296, May 19, 1997).

##### **Background**

On March 25, 1994, the Department published the final determination in the less-than-fair-value (LTFV) investigation on calcium aluminate flux from France, and subsequently published an antidumping duty order on June 13, 1994 (59 FR 30337). On December 12, 1997, Lafarge, the respondent, requested that the Department conduct a changed circumstances administrative review to determine whether a Lehigh Portland Cement (Lehigh), the petitioner in the original investigation, continues to have an interest in the antidumping duty order on calcium aluminate flux. Based on information provided by Lafarge's customers and contacts in the industry, Lafarge asserts that Lehigh is not currently producing calcium aluminate flux and that it does not intend to continue to supply calcium aluminate flux to U.S. customers in the future. If we find that Lehigh is no longer a producer of calcium aluminate flux and therefore has no further interest in the underlying order, Lafarge requests that the Department revoke the antidumping duty order based on these changed circumstances.

Subsequent to Lafarge's request for a changed circumstances administrative review, Lehigh, the petitioner and the sole U.S. producer of the subject merchandise during the original investigation, informed the Department that it had no interest in continuing the

antidumping duty order on calcium aluminate flux from France (see Memorandum to the File, January 28, 1998).

##### **Scope of the Review**

Imports covered by this review are shipments of CA flux, other than white, high purity CA flux. This product contains by weight more than 32 percent but less than 65 percent alumina and more than one percent each of iron and silica.

CA flux is currently classifiable under the *Harmonized Tariff Schedule of the United States* (HTSUS) subheading 2523.10.0000. The HTSUS subheading is provided for convenience and U.S. Customs' purposes only. The written description of the scope of this order remains dispositive.

##### **Initiation and Preliminary Results of Changed Circumstances Antidumping Duty Administrative Review, and Intent to Revoke**

In accordance with Section 751(b) of the Act and section 351.216 of the Department's regulations, the Department is initiating a changed circumstances review on calcium aluminate flux from France to determine whether revocation of the order is warranted. Section 782(h)(2) of the Act and section 351.222(g)(1)(i) of the Department's regulations further provide that the Department may revoke an order if it determines that producers accounting for substantially all of the production of the domestic like product have no further interest in the order. In addition, in the event the Department determines that expedited action is warranted, section 351.221(c)(3)(ii) of the regulations permits the Department to combine the notices of initiation and preliminary results. We believe that expedited action is warranted in this case due to Lafarge's assertion that Lehigh has ceased production of the subject merchandise altogether in the United States.

Based on an affirmative statement of no interest in the order by the Petitioner, as memorialized in our January 28, 1998 Memorandum to the File, we have preliminarily determined that the order on calcium aluminate flux is no longer of interest to domestic interested parties. Because we have concluded that expedited action is warranted, we are combining these notices of initiation and preliminary results. Therefore, we are hereby notifying the public of our intent to revoke the antidumping duty order on calcium aluminate flux from France.

Interested parties may submit case briefs and/or written comments no later