

subject merchandise to the United States during the POI. GSI Technology's new shipper request indicates that it did export subject merchandise during the POI. However, GSI Technology certified that such exports were samples used for customer qualification purposes and were never sold. Because GSI Technology's exports were never sold, we have determined that they were not "exports" within the meaning of 19 CFR 351.214(b)(2)(i). Thus, GSI Technology qualifies as a new shipper. However,

GSI Technology's claim that the merchandise it exported during the POI was never sold is subject to verification.

In accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214(b), and based on information on the record, we are initiating the new shipper review as requested.

#### Initiation of Review

In accordance with section 751(a)(2)(B)(ii) of the Act and 19 CFR 351.214(d)(1), we are initiating a new shipper review of the antidumping duty

order on SRAMS from Taiwan. Under section 751(a)(2)(B)(iv) of the Act and 19 CFR 351.214(i), the Secretary will issue preliminary results of this review within 180 days after the date on which the review is initiated and will issue the final results of the review within 90 days after issuance of the preliminary result. In accordance with our practice, all other provisions of 19 CFR 351.214 will apply to GSI Technology throughout the duration of this new shipper review.

Antidumping duty proceeding	Period to be reviewed
Taiwan: Static Random Access Memory Semiconductors, A-583-827 Giga Semiconductor Inc .....	10/01/97-09/30/98

We will instruct the Customs Service to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for each entry of the merchandise exported by the above-listed company. This action is in accordance with 19 CFR 351.214(e) and (j)(3).

Interested parties that need access to the proprietary information in this new shipper review should submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305.

This initiation and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.214(d).

Dated: November 30, 1998.

#### Holly Kuga,

*Acting Deputy Assistant Secretary, Import Administration.*

[FR Doc. 98-32437 Filed 12-4-98; 8:45 am]

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## DEPARTMENT OF COMMERCE

### INTERNATIONAL TRADE ADMINISTRATION

[C-533-816]

#### Preliminary Negative Countervailing Duty Determination: Elastic Rubber Tape From India

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

**EFFECTIVE DATE:** December 7, 1998.

**FOR FURTHER INFORMATION CONTACT:** Vincent Kane or Suresh Maniam, Office I, AD/CVD Enforcement, Import Administration, U.S. Department of Commerce, Room 3099, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone

(202) 482-2815 or 482-0176, respectively.

#### Preliminary Determination

The Department of Commerce preliminarily determines that no countervailable subsidies are being provided to producers and exporters of elastic rubber tape from India.

#### Petitioners

The petition in this investigation was filed on August 18, 1998. The petitioners are Fulflex, Inc., Middletown, Rhode Island; Elastomer Technologies Group, Inc., Stuart, Virginia; and RM Engineered Products, Inc., North Charleston, South Carolina ("the petitioners").

#### Case History

Since the publication of the notice of initiation in the **Federal Register** (see Notice of Initiation of Countervailing Duty Investigation: Elastic Rubber Tape from India, 63 FR 49549 (September 16, 1998)), the following events have occurred. On September 18, 1998, and October 15, 1998, we issued countervailing duty questionnaires to the Government of India ("GOI") and the only known producer and exporter of the subject merchandise, Garware Elastomers, Ltd. ("GEL"). On November 3 and November 13, 1998, we issued supplemental questionnaires to GEL and the GOI, respectively.

We received questionnaire responses from the GOI and GEL on November 9, 1998, and a supplemental questionnaire response from GEL on November 16, 1998.

On October 30, 1998, we postponed the preliminary determination of this investigation until November 30, 1998. (See Notice of Postponement of Time Limit for Countervailing Duty Investigation: Elastic Rubber Tape from India, 63 FR 601762.)

#### Period of Investigation

The period for which we are measuring subsidies ("the POI") is GEL's 1997 fiscal year from April 1, 1997 through March 31, 1998.

#### Scope of Investigation

For purposes of this investigation, the product covered is elastic rubber tape. Elastic rubber tape is defined as vulcanized, non-cellular rubber strips, of either natural or synthetic rubber, 0.006 inches to 0.100 inches (0.15 mm to 2.54 mm) in thickness, and 1/8 inches to 1 5/8 inches (3 mm to 42 mm) in width. Such product is generally used in swim wear and underwear.

The merchandise subject to this investigation is classified in the Harmonized Tariff Schedule of the United States ("HTSUS") at subheading 4008.21.00. Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

#### The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act ("URAA"), effective January 1, 1995 ("the Act"). The Department of Commerce ("the Department") is conducting this investigation in accordance with section 701 of the Act. All other references are to the Department's regulations codified at 19 CFR Part 351 (1997), unless otherwise indicated.

#### Injury Test

Because India is a "Subsidies Agreement Country" within the meaning of section 701(b) of the Act, the International Trade Commission ("ITC") is required to determine whether imports of the subject merchandise from

India materially injure, or threaten material injury to, a U.S. industry. On October 15, 1998, the ITC published its preliminary determination finding that there is a reasonable indication that an industry in the United States is being materially injured, or threatened with material injury, by reason of imports of the subject merchandise from India (see 63 FR 55407 (October 15, 1998)).

#### **Affiliated Company**

In accordance with section 771(33) of the Act, the Department considers the following persons to be affiliated or affiliated persons: (1) Members of a family; (2) any officer or director of an organization and such organization; (3) partners; (4) employer and employee; (5) any person directly or indirectly owning, controlling, or holding with power to vote, five percent or more of the outstanding voting stock or shares of any organization and such organization; (6) two or more persons directly or indirectly controlling, controlled by, or under common control with, any person; and (7) any person who controls any other person and such other person.

In cases when a company under investigation is affiliated with another company, the Department will require the affiliated company to respond to a countervailing duty questionnaire, if (1) that company produces the subject merchandise or (2) that company is related to the company under investigation, and financial transactions on terms inconsistent with commercial considerations have occurred between them. Normally, we consider companies to be related, if they prepare consolidated financial statements or if one of the companies has at least 20 percent ownership in the other. (See Final Affirmative Countervailing Duty Determination: Certain Pasta ("Pasta") from Italy, 61 FR 30288, 30290 (June 14, 1996).) If an affiliated company, which is related to the company under investigation and has had financial transaction on terms inconsistent with commercial considerations with that company, is found to have benefitted from subsidies during the POI, the Department will attribute a portion of these subsidies to the company under investigation.

In this case, based on proprietary information in GEL's November 9, 1998 questionnaire response and its November 16, 1998 supplementary questionnaire response, we have preliminarily determined that GEL is related to its affiliate through direct and indirect stock ownership and through shared board members. In addition, GEL reported that financial transactions have taken place between the two companies.

During GEL's start up in 1995, the affiliated company supplied technical advice to GEL. It has also provided loans and loan guarantees to GEL. In addition, the affiliated company provided certain machinery and equipment to GEL during its start up year and, on limited occasions, certain inputs to production. GEL claims that the machinery, inputs to production, loans and technical advice have been provided to it on market terms and, in support of its claim, has referred to an annexure to its 1997 audited financial statements. In this annexure, the auditors stated that the prices and terms for GEL purchases and sales of goods, materials, and services are reasonable based on the prices prevailing in the market. The auditors qualify this statement, however, indicating that it does not apply to those goods, materials, and services for which comparable quotations were not available because of the specialized nature of the goods, materials, and services. Regarding the loans and loan guarantees received by GEL, the auditors stated that the interest rate and other terms on loans from companies and other parties were not prejudicial to the interest of GEL.

Based on the auditors' statements and other information currently on the record, we are unable to preliminarily conclude that the financial transactions between GEL and its affiliate are on terms consistent with commercial considerations. In the case of goods, materials, and services, the auditors' statement applies only to those purchases for which comparable products could be found in the market place. In the case of the loans, the auditors' statement may be suggesting that the loans to GEL were provided on favorable terms to the company. Therefore, we are currently gathering additional information about these financial transactions. Once this information has been obtained and, subject to verification, we will determine whether they were on terms inconsistent with commercial considerations. If we find these transactions to be inconsistent with commercial considerations, we will request that the affiliated company respond to a countervailing duty questionnaire and, if appropriate, attribute a portion of any subsidies that it may have received to GEL in calculating a subsidy rate for the final determination.

#### **Critical Circumstances**

The petitioners have alleged that critical circumstances within the meaning of section 703(e) of the Act exist with respect to the subject

merchandise. For critical circumstances to exist, there must be massive imports of the subject merchandise over a relatively short period, and the company must have received a countervailable subsidy, which is inconsistent with the Subsidies Agreement. In this investigation, GEL has responded that it has not used nor benefitted from any of the programs under investigation. Therefore, we have preliminarily found no subsidies which are inconsistent with the Subsidies Agreement. On this basis, we preliminarily determine that critical circumstances do not exist in this investigation. However, because of the outstanding affiliation issue, we will continue to gather import statistics in the event that subsidies inconsistent with the Subsidies Agreement may be identified later in this investigation.

#### **Programs Preliminarily Determined To Be Not Used**

Based upon the information provided in the responses, we determine that GEL did not apply for or receive benefits under the following programs during the POI:

- A. *Passbook/Duty Entitlement Passbook Scheme*
- B. *Export Promotion Capital Goods Scheme*
- C. *Export Processing Zones/Export Oriented Units Programs*
- D. *Income Tax Exemption Scheme*
- E. *Pre-Shipment Export Financing*
- F. *Post-Shipment Export Financing*
- G. *Import Mechanism (Sale of Import Licenses)*
- H. *Exemption of the Interest Tax on Export Credits*
- I. *Rediscounting of Export Bills Abroad*
- J. *Programs Operated by the Small Industries Development Bank of India*
- K. *Special Imprest Licenses*
- L. *Market Development Assistance*
- M. *Special Benefits to Export and Trading Houses and Super Star Trading Houses*
- N. *Duty Drawback on Excise Taxes*
- O. *Pre-Shipment Export Financing in Foreign Currency*
- P. *Preferential Freight Rates*

#### **Verification**

In accordance with section 782(i) of the Act, we will verify the information submitted by respondent prior to making our final determination.

#### **ITC Notification**

In accordance with section 703(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and nonproprietary

information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Assistant Secretary, Import Administration.

If our final determination is affirmative, the ITC will make its final determination within 45 days after the Department makes its final determination.

#### Public Comment

In accordance with 19 CFR 351.310, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on this preliminary determination. The hearing will tentatively be held 57 days from the date of publication of the preliminary determination at the U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Individuals who wish to request a hearing must submit a written request within 30 days of the publication of this notice in the **Federal Register** to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, 14th Street and Constitution Avenue, N.W., Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Requests for a public hearing should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and, (3) to the extent practicable, an identification of the arguments to be raised at the hearing. In addition, six copies of the business proprietary version and three copies of the nonproprietary version of the case briefs must be submitted to the Assistant Secretary no later than 50 days from the date of publication of the preliminary determination. As part of the case brief, parties are encouraged to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited. Six copies of the business proprietary version and three copies of the nonproprietary version of the rebuttal briefs must be submitted to the Assistant Secretary no later than 55 days from the date of publication of the preliminary determination. An interested party may make an affirmative presentation only on arguments included in that party's case or rebuttal briefs. Written arguments should be submitted in accordance with 19 CFR 351.309 and will be considered

if received within the time limits specified above.

This determination is issued and published in accordance with pursuant to sections 703(f) and 777(i)(1) of the Act.

Dated: November 30, 1998.

**Robert S. LaRussa,**

*Assistant Secretary for Import Administration.*

[FR Doc. 98-32436 Filed 12-4-98; 8:45 am]

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#### DEPARTMENT OF COMMERCE

##### International Trade Administration

[C-351-829]

#### Hot-Rolled Flat-Rolled Carbon-Quality Steel Products From Brazil: Postponement of Time Limit for Countervailing Duty Investigation

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

**ACTION:** Notice of postponement of time limit for preliminary results of countervailing duty investigation

**SUMMARY:** The Department of Commerce is extending the time limit of the preliminary determination in the countervailing duty investigation of hot-rolled flat-rolled carbon-quality steel products from Brazil because we deem this investigation to be extraordinarily complicated, and determine that additional time is necessary to make the preliminary determination.

**EFFECTIVE DATE:** December 7, 1998.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Lockard or Javier Barrientos, Office of CVD/AD Enforcement VI, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482-2786.

#### 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.

##### Postponement

On October 15, 1998, the Department of Commerce ("the Department") initiated the countervailing duty investigation of hot-rolled flat-rolled carbon-quality steel products from Brazil. See Initiation of Countervailing Duty Investigation: Certain Hot-Rolled

Flat-Rolled Carbon-Quality Steel Products from Brazil, 63 FR 56623 (October 22, 1998). The preliminary determination currently must be issued by December 21, 1998. Respondents have indicated that they will be cooperating in the investigation. In addition, we are investigating several complex alleged countervailable subsidy practices. Accordingly, as detailed in the December 1, 1998, Memorandum to Robert S. LaRussa, Assistant Secretary for Import Administration (on file in the public file of the Central Records Unit, Room B-099 of the Department of Commerce), we deem this investigation to be extraordinarily complicated, and determine that additional time is necessary to make the preliminary determination. Therefore, pursuant to section 703(c)(1) of the Tariff Act of 1930, as amended ("the Act"), we are postponing the preliminary determination in this investigation to no later than January 25, 1999.

This notice is published pursuant to section 703(c)(2) of the Act.

Dated: December 1, 1998.

**Robert S. LaRussa,**

*Assistant Secretary for Import Administration.*

[FR Doc. 98-32435 Filed 12-4-98; 8:45 am]

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#### DEPARTMENT OF COMMERCE

##### International Trade Administration

[C-412-811]

#### Certain Hot-Rolled Lead and Bismuth Carbon Steel Products From the United Kingdom: Postponement of Preliminary Results of Countervailing Duty Administrative Review

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

**ACTION:** Notice of Extension of Time Limits for Preliminary Results of Countervailing Duty Administrative Review.

**SUMMARY:** The Department of Commerce is extending by no longer than 120 days the time limit of the preliminary results of the administrative review of the countervailing duty order on certain hot-rolled lead and bismuth carbon steel products from the United Kingdom (C-412-811), covering the period January 1, 1997, through December 31, 1997, since it is not practicable to complete this review within the time limits mandated by the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)(3)(A)).

**EFFECTIVE DATE:** December 7, 1998.